

AGENDA
Lawton Economic Development Authority
Regular Meeting
January 18, 2024—2:00 PM
City Hall
3rd Floor Conference Room
212 SW 9th Street
Lawton, Oklahoma 73501

MEETING CALLED TO ORDER

**STATEMENT OF COMPLIANCE WITH OKLAHOMA OPEN MEETING ACT,
25 O.S. § 301-314**

ROLL CALL

INTRODUCTION OF GUESTS

REPORTS

1. Receive a report from the LEDA Executive Director:
 - ❖ Provide a Westwin project update
 - Rezoning of 160 tract
 - Project status meeting
 - Project funding and draw procedures
 - ❖ Discuss a major amendment to the STEDI Project Plan
 - ❖ Discuss an amendment to the Downtown Lawton Project Plan – to include the FISTA and a possible project to develop Affordable Workforce Housing in the TIF 1 area north of Gore Blvd
 - ❖ Discuss the disposition of TIF 3 funds
 - ❖ Discuss the continuing management of LEDA financials

BUSINESS ITEMS

1. Consider approving the minutes of the September 21, 2023 meeting.
2. Consider approving invoices, requisitions, and all other submitted materials for payment and take action as deemed necessary.
3. Receive Financial Report(s) and take action as deemed necessary.
4. Consider approving a Basic Term Sheet for Project Fisher59 located on a 15.71-acre parcel located southerly of the extension of SW Gilbert Gibson Road in the Airport Industrial Park.

ADJOURNMENT

Minutes
Lawton Economic Development Authority
Regular Meeting
September 21, 2023—2:00 PM
City Hall
3rd Floor Conference Room
212 SW 9th Street
Lawton, Oklahoma 73501

Fred Fitch, Chair, called the meeting to order at 2:00 PM. in the 3rd floor conference room of City Hall. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL:

PRESENT: Fred Fitch, David Means, Larry Neal, Ernest Sheppard, George Gill, Randy Warren, Jason Hensley, David Madigan

ABSENT: Ron Nance (excused)

OTHERS PRESENT: Susan Schlecht, Financial Services; Megan Loftis, City Attorney's Office; Tammy Branstetter, City Clerk's Office; Kim McConnell, Lawton Constitution; Eric Swanson, Southwest Ledger

STATEMENT OF COMPLIANCE WITH OKLAHOMA OPEN MEETING ACT, 25 O.S. 301-314

INTRODUCTION OF GUESTS

None.

BUSINESS ITEMS

1. Consider approving the minutes of the June 15, 2023 meeting.

Motion by Means, **Second** by Warren, to approve the minutes of the June 15, 2023 meeting.

AYE: Means, Fitch, Neal, Sheppard, Gill, Warren, Hensley, Madigan. **NAY:** None. **MOTION PASSED.**

2. Consider approving invoices, requisitions, and all other submitted materials for payment and take action as deemed necessary.

Schlecht presented the following invoices for the period of June 16, 2023 through September 21, 2023:

- May 2023 TIF2 Legal Expense (Invoice dated 6/13/2023)- \$4,945.00 to Center for Economic Development Law
- Legal Expense (Invoice dated 6/30/2023) - \$380.00 to Center for Economic Development Law
- Purchase of check endorsement stamp (invoice dated 8/14/2023) - \$14.95 to Amazon
- Mowing of Block 1, Lots 3 & 8 (invoice dated 7/31/2023) - \$1,800.00 to Lawn Wizards

Madigan asked what the scope of work was for the two invoices paid to the Center for Economic Development Law.

Schlecht said these were expenses related to work they've done regarding TIF District 2.

Motion by Gill, Second by Neal, to approve the expenses from June 16, 2023 to September 21, 2023 as presented. **AYE:** Means, Fitch, Neal, Sheppard, Gill, Warren, Hensley, Madigan. **NAY:** None. **MOTION PASSED.**

3. Receive Financial Report(s) and take action as deemed necessary.

Schlecht presented the Balance Sheet for June 2023, the Income and Expense Activity Report for June 2023 and the LEDA Loan Statement for the time period of September 2, 2022 through August 31, 2023. These documents are available in the City Clerk's Office upon request.

Schlecht said the Finance Department has been working to finalize the annual TIF reports. She said these will be published within the next few days.

Chairman Fitch asked how often the TIF District tax apportionment payments will be made to the eligible entities.

Schlecht said when she spoke to Richard Rogalski about this, it was determined these payments would be made annually once the TIF revenue began trickling in. However, Schlecht said Dan Bachelor suggested these payments be made monthly as to keep a good rapport with the taxing entities. Schlecht said she proposed the payments be made semi-annually, but Batchelor stressed that he feels these payments should be made on at least a quarterly basis.

Schlecht noted that the total amount available in matching funds, \$1,020,519.94, is for fiscal year 2022-2023. She said this is down by about 4% from fiscal year 2021-2022.

Chairman Fitch inquired about \$160,000 that is listed as due to the LEDC.

Schlecht said this is for infrastructure improvements made to the Pepsi-Cola plant located in TIF District 4.

Gill asked what the tax rate is for hotel motel tax.

Schlecht said it's set at 7%.

Chairman Fitch asked what the total annual revenue is for hotel motel tax.

Schlecht said it's at least \$1.6 million, but it could be higher. She noted she doesn't have the exact figure at this time.

Gill noted that the City has been working to change the process of collecting hotel motel tax. This is largely an attempt to ensure all Airbnbs located in Lawton are paying these taxes.

Motion by Hensley, Second by Gill, to approve the Financial Report as presented. **AYE:** Means, Fitch, Neal, Sheppard, Gill, Warren, Hensley, Madigan. **NAY:** None. **MOTION PASSED.**

4. Receive an update regarding Westin Elements and take action as deemed necessary.

Chairman Fitch said a groundbreaking ceremony took place a couple weeks ago at the site where the pilot plant will be built. He said there will be a Westwin Townhall meeting at McMahon Auditorium from 6:00 – 8:00 PM on Wednesday, October 11th. He encouraged Authority members to attend this event.

Chairman Fitch noted that Westwin plans on obtaining their raw material/elements from mining facilities located within the United States when possible. It would be possible for them to obtain materials from the Congo, but this would be pricey.

Hensley asked if any of the involved entities have required Westwin to conduct an environmental impact study.

Chairman Fitch said Westwin must obtain clearance from the Environmental Protection Agency (EPA) before they can begin conducting the refining process.

Sheppard asked if Westwin has considered hiring security for the upcoming townhall meeting in October.

Chairman Fitch asked that staff ensure security is present during this event.

No action was taken on this item.

5. Discuss possible businesses to be placed on 2nd Street and take action as deemed necessary.

Chairman Fitch said there are three entities that are interested in adding a business on 2nd Street. He said one would take over the building that was formerly occupied by Charming Charlie's. Another business would take over the building that formerly housed the UPS shipping/packing store. The third business would occupy a vacant space next to Viridian. Chairman Fitch said he will have more information regarding these new operations in the coming weeks.

No action was taken on this item.

EXECUTIVE SESSION

6. Pursuant to Section 307B.1, Title 25, Oklahoma Statute, consider convening in executive session for the purpose of discussing negotiations concerning potential candidates for Executive Director and take action as deemed necessary in open session.

Motion by Means, **Second** by Warren, to enter executive session. **AYE:** Means, Fitch, Neal, Sheppard, Gill, Warren, Hensley, Madigan. **NAY:** None. ***Motion Passed.***

The Authority convened in executive session at 2:46 PM and reconvened in regular, open session at 3:29 PM. Roll call reflected all members present.

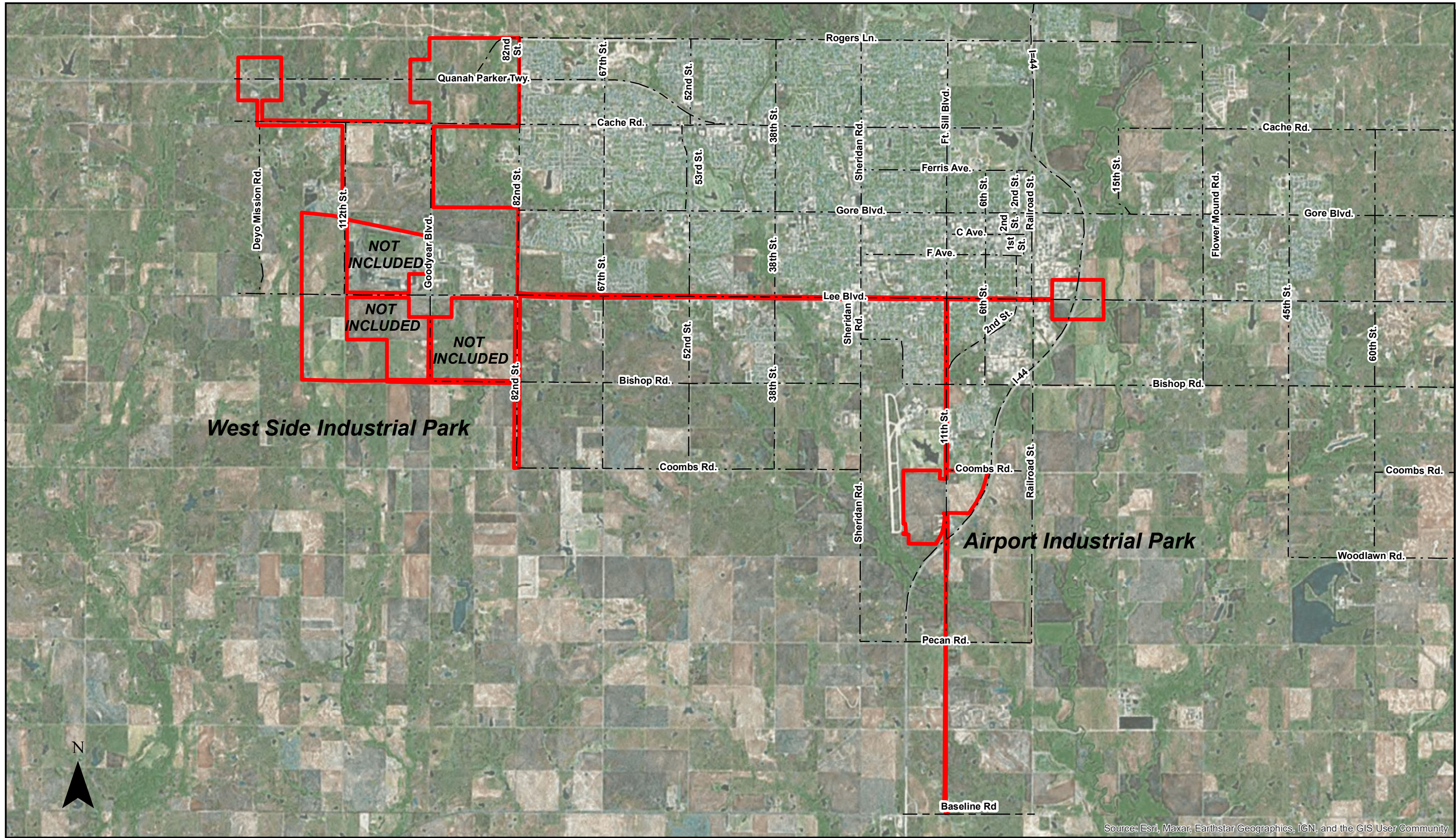
No action was taken on this item.

ADJOURNMENT

Motion by Gill, **Second** by Warren, to adjourn the September 21, 2023 meeting. **AYE:** Means, Fitch, Neal, Sheppard, Gill, Warren, Hensley, Madigan. **NAY:** None. ***MOTION PASSED.***

There being no further business, the meeting adjourned at 3:31 PM.

EXHIBIT A PROJECT AREA MAP



Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

EXHIBIT C INCREMENT DISTRICTS

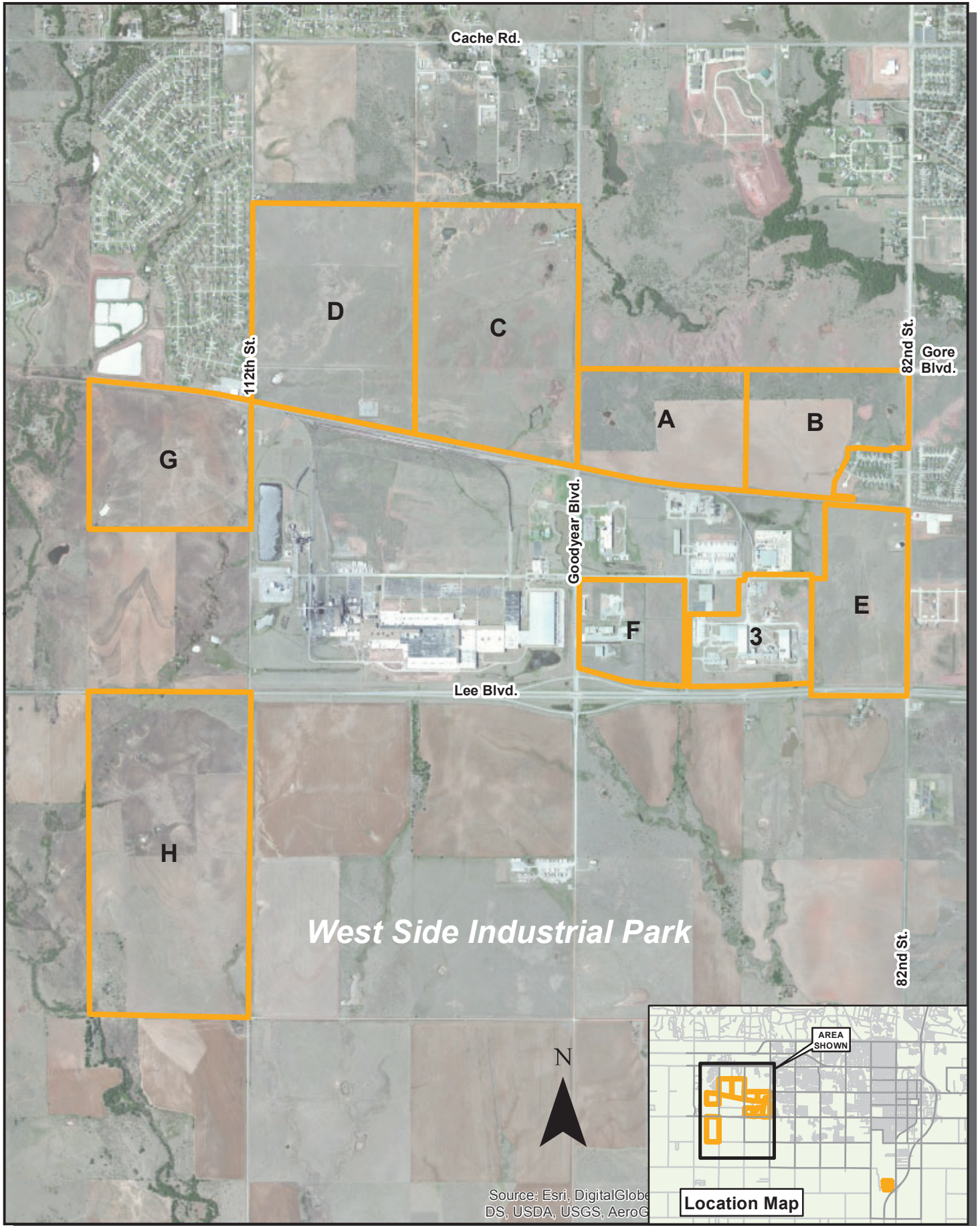
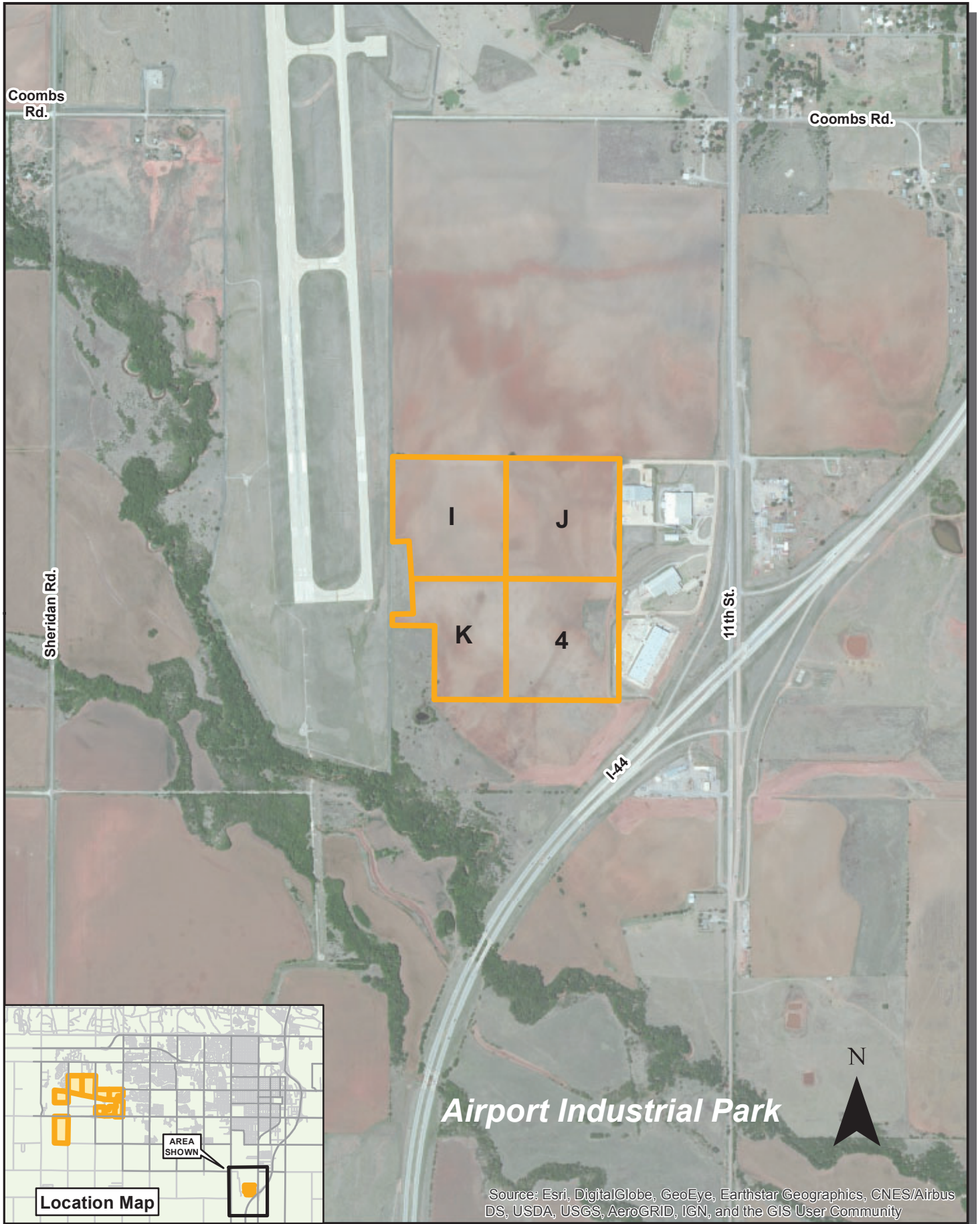


EXHIBIT C (cont'd) INCREMENT DISTRICTS



Project Fisher59 Basic Terms of Proposed Agreement between Fisher59 Properties, LLC (Fisher59), the Lawton Fort Sill Economic Development Corporation (LEDC), the City of Lawton, and the Lawton Economic Development Authority (LEDA)

Project Site:

A 15.71-acre parcel, more or less, being located southerly of the extension of SW Gilbert Gibson Road, in Section 13, T-1-N, R-12-W, I.M., more specifically described as follows:

Situated in the City of Lawton, County of Comanche and State of Oklahoma being a part of the NE 1/4 and the SE1/4 of the SE 1/4 of Section 13, Township 1 North, Range 12 West and known as a part of parcel of land conveyed to Lawton - Fort Sill Economic Development by deed recorded in Deed Book 1924, Page 296 in the Comanche County Clerk's office and is further bounded and described as follows; Commencing at a broken 3" steel survey marker lying at the Northeast corner of the NE 1/4 of the SE 1/4 of said Section 13; thence along the northerly line of said NE 1/4 of the SE 1/4 North 89°32'23" West a distance of 866.70 feet to 5/8" iron rebar found, I.D. Seiger RLS 1281; thence South 00°28'33" west a distance of 60.00 feet to a 5/8" iron rebar found at a Northwestern corner of land conveyed to Fisher59 Properties, LLC series Comanche by deed recorded in Deed Book 8044, page 57 in the Comanche County Clerk's office and being the Place of Beginning of the premises herein intended to be described; Thence along a Westerly line of land so conveyed to Fisher59 Properties, LLC series Comanche, South 00°10'20" West a distance of 611.43 feet to a 5/8" iron rebar found, I.D. Seiger RLS 1281, at a Southwesterly corner of land so conveyed to Fishers59 also being a Northwestern corner of land conveyed to Anheuser-Busch, LLC by deed recorded in Deed Book 6582, page 296 in the Comanche County Clerk's office; thence North 89°30'18" West a distance of 1120.00 feet to a 5/8" iron rebar set, I.D. Thomas Catlett RPLS No. 1692; thence North 00°10'19" East a distance of 610.75 feet to a 5/8" iron rebar set, I.D. Thomas Catlett RPLS No. 1692 said iron rebar being 60' South of the North line of said SE 1/4 Section 13; thence running 60' South and parallel of 1/4 Section line South 89°32'23" East a distance of 1120.00 feet to the Place of Beginning, containing 684,409 sq. Ft. or 15.71 acres (more or less) of land.

Fisher59 Obligations:

1. Purchase the 15.71-acre Project Site from the LEDC for an amount of \$260,000.
2. Make a minimum investment of \$16 million for the construction of a new Distribution Center on the 15.71-acre Project Site, to include an approximately 100,000 SF warehouse facility with an 8,000 SF office facility with accompanying paved parking and loading areas.

3. Retain 60 existing employees, along with adding 30 new employees over a 10-year expansion period, with an average present-day salary of \$60,000.
4. Provide the design and construction of the offsite public sewer, water and roadway improvements, to City of Lawton Standards for Public Improvements, and as approved by the Lawton City Council, with the same being submitted to the Lawton City Council for acceptance, following passage of the final inspection of the completed improvements.
5. Following acceptance of the same by the Lawton City Council, submit an invoice to the City of Lawton for the for the actual cost of construction of the offsite public sewer, water and roadway improvements (current rough estimate is \$1.6 million).

LEDC Obligations:

1. Completes the sale of the 15.71-acre Project Site for an amount of \$260,000.
2. Provide the net proceeds of the sale of the 15.71-acre Project Site, to the City of Lawton to be held in an account and used exclusively for the reimbursement of Fisher59 for the actual cost of construction of the offsite public sewer, water, and roadway improvements.

City of Lawton Obligations:

1. Review and approve the construction plans for the Project Development along with the plans and estimate for the offsite public sewer, water, and roadway improvements.
2. Activate the Tax Incentive Finance District including Project Site.
3. Following acceptance of the same by the Lawton City Council, reimburse Fisher59 for the actual cost of construction of the offsite public sewer, water and roadway improvements (current rough estimate is \$1.6 million).

LEDA Obligations:

1. Manages TIF revenue generated by the project to include reimbursement of the City of Lawton and the LEDC for the investment in the extension/relocated of the offsite public utilities.