

AGENDA
Lawton Economic Development Authority
Regular Meeting
June 20, 2024—2:00 PM
3rd Floor Conference Room
City Hall - 212 SW 9th Street
Lawton, Oklahoma 73501

Chairman Fitch called the meeting to order at 2:00 PM. in the 3rd floor conference room of City Hall.

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

Meeting notice and agenda were posted by the City Clerk's Office as required by State Law.

ROLL CALL:

PRESENT: Fred Fitch, Randy Warren, Jason Hensley, Ron Nance, Larry Neal, David Madigan, David Means*

ABSENT: George Gill, Ernest Sheppard

OTHERS PRESENT: Richard Rogalski, LEDA Executive Director; John Andrew, City Attorney; Tammy Branstetter, City Clerk's Office; Rusty Whisenhunt, Public Utilities Director; Susan Schlecht, Finance Department; Charlotte Brown, Community Services Director; Larry Parks, Parks & Recreation Director; Christine James, Planning Director; Matthew Modeste, Hatch, Croke & Associates, PC

*Arrived at 2:08 P.M.

BUSINESS ITEMS

1. Consider approving the minutes of the April 25, 2024 meeting.

Motion by Madigan, Second by Warren, to approve the minutes of the April 25, 2024 meeting.

AYE: Warren, Madigan, Nance, Neal, Hensley, Fitch. **NAY:** None. **MOTION PASSED.**

2. Receive the April 2024 Financial Report from Hatch Croke & Associates, P.C., and take action as deemed necessary.

Matthew Modeste, Hatch, Croke & Associates, PC, presented the April 2024 Financial Report. A copy of this Report may be obtained from the City Clerk's Office upon request.

Madigan noted that the report was helpful and well put together.

Rogalski said the next TIF distribution will be done within the next month. He noted that the last two distributions included interest that was earned on the account. He said the Authority is not necessarily required to pay interest, but because interest was paid on the first two distributions, it will likely be paid again on the next distribution. However, in the future the Authority will not

need to make these interest payments because distributions to the various eligible taxing entities will be made monthly (or as often as check(s) are received from Comanche County).

Chairman Fitch noted that Dan Batchelor, Center for Economic Development Law, has also recommended that distributions to the various eligible taxing entities be made on a monthly basis.

Motion by Hensley, Second by Means, to approve the April 2024 Financial Report as presented.

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

3. Discuss a request from Lawton Lodging, LLC, to renew the Amended Function Space License Agreement, which expired in March 21, 2024, which provided for the payment of a License Fee equal to the Hotel Occupancy taxes collected at the Hotel-Conference Center located at 135 NW 2nd Street, and consider approving a Basic Term Sheet for the same, and directing the Executive Director to prepare an agreement in accordance therewith for LEDA consideration.

Rogalski provided background information on this item. A copy of the request from Lawton Lodging, LLC, to renew the Amended Function Space License Agreement and the proposed Basic Term Sheet may be obtained from the City Clerk's Office upon request.

Rogalski said according to the financials provided by Lawton Lodging, the Hilton Convention Center has been operating at a loss of about \$2,000,000.00 over the past 10 years. Lawton Lodging has also struggled with room rates. However, Rogalski said both their room rates and occupancy rates have since gone up.

Rogalski said convention centers are typically subsidized by someone within the community. In some larger communities, they are actually owned by the City or the Chamber because the convention center brings people to your town that pay sales tax dollars.

Rogalski said when compiling the Basic Term Sheet, he tried to come up with terms that would best benefit the community. Rogalski said he worked with the Chamber of Commerce to determine what these terms would be. If the Authority chooses to move forward with the Basic Term Sheet, a more formal agreement would then be drafted.

According to the Basic Term Sheet, Rogalski said the Hilton has offered use of their banquet hall for the Chamber of Commerce, to include free room rentals and 50% off food and beverage prices. For each event or conference brought to the convention center by the Chamber of Commerce, the Chamber will receive a complimentary suite for the VIP for the duration of the event. During the RFP process for Chamber events, the Hilton has offered to cover up to six event parties for meetings with event planners. These will include a happy hour with a cash bar. The Hilton has also offered to host quarterly event meetings for existing Chamber events, and a complimentary meeting space will be provided to the Chamber for their monthly luncheons (up to 12 a year).

According to the Basic Term Sheet, Rogalski said the Authority would reimburse Lawton Lodging with 2/3 of their occupancy tax, whereas the previous Amended Function Space License Agreement allowed for 100% reimbursement of their occupancy tax. Rogalski noted that the Authority will continue to receive state matching funds.

Madigan asked why the duration of the Agreement is for 10 years.

Rogalski said there is no compelling reason why the duration of the agreement is 10 years, other than that the previous agreement was also for 10 years. He said the duration of the agreement could be cut down, but renegotiations with Lawton Lodging would need to occur.

Madigan asked what would happen with this agreement if Lawton Lodging were to sell the convention center.

Rogalski said he does not believe the agreement would carry over to the new owner. The Authority would have to decide what they want to do going forward if the Hilton were to sell the convention center.

Motion by Warren, Second by Means, to approve the Basic Term Sheet with Lawton Lodging as presented, and direct staff to prepare the final Agreement. **AYE:** Warren, Madigan, Nance, Neal, Hensley, Fitch, Means. **NAY:** None. **MOTION PASSED.**

4. Consider approving an agreement with the Center for Economic Development Law (CEDL) for legal services, professional assistance, and advice concerning economic development objectives and strategies, to include legal support associated with implementation, modification, and development of Project Plans and tax increment financing programs and other related activities.

Rogalski provided background information on this item. A copy of the Agreement with the Center for Economic Development Law may be obtained from the City Clerk's Office upon request.

Rogalski noted that in the past, there have been two agreements with the CEDL – one with the Authority and one with the City of Lawton. Rogalski said he's uncertain if the City will renew their agreement.

John Andrew, City Attorney, said Tim Wilson is working on the agreement with the City.

Motion by Madigan, Second by Neal, to approve an agreement with the Center for Economic Development Law for legal services, professional assistance, and advice concerning economic development objectives and strategies, to include legal support associated with implementation, modification, and development of Project Plans and tax increment financing programs and other related activities. **AYE:** Warren, Madigan, Nance, Neal, Hensley, Fitch, Means. **NAY:** None. **MOTION PASSED.**

5. Consider approving a contract with Lawn Wizards for mowing and debris removal for LEDA owned properties and take action as deemed necessary.

Christine James, Planning Director, provided background information on this item. A copy of the contract with Lawn Wizards for mowing and debris removal for LEDA owned properties may be obtained from the City Clerk's Office upon request.

James said the previous agreement with Lawn Wizards expired on June 14, 2024. On May 2nd, 2024 staff mailed bid packets out to 13 contractors, with a return date of May 10, 2024. No bids were received. James said staff has also reached out to contractors via email and phone calls, still with no success.

James said Lawn Wizards expressed interest in continuing their services. While the owner, Rene, recently passed away, his wife will be taking over the business.

John Andrew, City Attorney, said he has been working with James to ensure all needed legal documentation is obtained from Rene's wife.

Motion by Means, Second by Hensley, to approve a contract with Lawn Wizards for mowing and debris removal for LEDA owned properties. **AYE:** Warren, Madigan, Nance, Neal, Hensley, Fitch, Means. **NAY:** None. ***MOTION PASSED.***

6. Receive a report from Rusty Whisenhunt, Director of Public Utilities for the City of Lawton, and consider approving Draw Request #3 from Westwin Elements for certain hard construction costs related to the Pilot Facility in accordance with the Loan Agreement between LEDA and Westwin Elements, Inc, approved on December 9, 2023.

Rusty Whisenhunt, Public Utilities Director, provided background information on this item. A copy of Draw Request #3 from Westwin Elements may be obtained from the City Clerk's Office upon request.

Whisenhunt said the request was submitted to staff on June 3, 2024. At the time, a few lien releases were missing from the supporting documents. He said the lien releases have since been received, and they are included in the draw request package.

Whisenhunt said with the addition of Draw Request #3, the total completed and stored to date for the entire project is \$2,232,330.89. He noted that the total obligation for draw requests is \$3,000,000. However there is a 10% retainage, which leaves a maximum draw amount of \$2,700,000.00. Whisenhunt said there will likely be only one more draw request after Draw Request #3 because Westwin has nearly met their maximum draw amount of \$2,700,000.00.

Whisenhunt said he inspected the site on June 7th and found that everything that was requested in Draw Request #3 was in place and installed.

Rogalski noted that the thermal oxidizer has been installed. This was installed after the on-site inspection on June 7th.

Charlotte Brown, Community Services Supervisor, noted that Westwin will be installing a mist fire suppression system throughout the entire pilot plant.

Motion by Madigan, Second by Means, to approve Draw Request #3 from Westwin Elements. **AYE:** Warren, Madigan, Nance, Neal, Hensley, Fitch, Means. **NAY:** None. ***MOTION PASSED.***

7. Discuss the delay in the State Matching funds from the OTC and take action as necessary, to include possibly directing the Executive Director, with the assistance of legal counsel, to draft a letter to the OTC requesting prompt payment.

Rogalski said documentation has been sent to the State verifying eligibility of the State matching funds. However, payment has yet to be received. Rogalski said the Authority will need to make their note payment in September, and the Authority would be in a better position to make this payment if these State matching funds were flowing in appropriately.

Rogalski said staff has been working with Dan Batchelor, CEDL, about the possibility of drafting a letter demanding that the overdue payments be made.

Madigan said he thinks this is a good idea.

REPORTS

1. Receive a report from the LEDA Executive Director

Rogalski said staff is very close to finalizing the TIF distribution process. As mentioned during the financial report, this will be done monthly going forward.

Rogalski said there is an entity who might be interested in purchasing and developing the north end of 2nd Street. He said there will likely be an executive session item at the next meeting to discuss further details.

ADJOURNMENT

Motion by Warren, **Second** by Means, to adjourn the June 20, 2024 meeting. **AYE:** Warren, Madigan, Nance, Neal, Hensley, Fitch, Means. **NAY:** None. ***MOTION PASSED.***

There being no further business, the meeting adjourned at 3:20 PM.