



City of Lawton

Lawton Enhancement Trust Authority

Agenda

Lawton City Hall
212 SW 9th Street
Lawton, Oklahoma
73501-3944

Wednesday, February 8, 2023

3:00 PM

City Hall- 3rd Floor Conference Room

MEETING CALLED TO ORDER

ROLL CALL

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

INTRODUCTION OF GUESTS

REPORTS:

1. Receive a report from Dennis Totte with Bedrock Nursery regarding current landscaping and irrigation projects and provide direction to Mr. Totte on current projects [22-711](#)
2. Receive a report from Neighborhood Services regarding monthly updates on departmental activities. [22-712](#)
3. Consider approving submitted materials for payment. [22-713](#)
4. Consider approving the monthly Treasurer Report [22-714](#)
5. Receive a report from Children United regarding the accessibility playground in Elmer Thomas Park. [22-716](#)
6. Receive a report from Parks and Recreation regarding departmental projects and monthly updates. [22-717](#)
7. Receive a report from the Communications and Marketing Department regarding LETA's social media accounts and publicity projects and provide direction to staff on said projects. [22-718](#)
8. Receive a report from the Cultural Preservation Committee regarding monthly updates. [22-715](#)
9. Receive an update on the planning of the Eye Candy Gala and take appropriate action as necessary. [23-137](#)
10. Receive monthly ward update from Trustees. [22-720](#)

11. Receive a report from the Planning Department regarding ongoing LETA projects. [22-721](#)

BUSINESS ITEMS:

12. Consider approving the minutes of the January 11, 2023 meeting. [23-131](#)

Attachments: [01.11.23](#)

13. Discuss the City Hall Exterior Lighting Project and take action as deemed necessary. [23-106](#)

14. Consider approving a modified Limited Services Agreement with the City of Lawton for FY 2022-2023. [23-108](#)

Attachments: [LETA Limited Service Agmt 2022-23 - cb 1.23.23](#)

DISCUSSION ITEMS

ADJOURNMENT



City of Lawton

Lawton City Hall
212 SW 9th Street
Lawton, Oklahoma
73501-3944

Commentary

File #: 22-711

Agenda Date:

Agenda No: 1.

ITEM TITLE:

Receive a report from Dennis Totte with Bedrock Nursery regarding current landscaping and irrigation projects and provide direction to Mr. Totte on current projects

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Bedrock Nursery

BACKGROUND: Bedrock Nursery is contracted to install and maintain landscaping and irrigation systems as requested by LETA. Dennis Totte, owner of Bedrock Nursery, provides a monthly update on current projects and completed maintenance.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Provide direction to Dennis Totte on how to proceed with current projects.



City of Lawton

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Commentary

File #: 22-712

Agenda Date:

Agenda No: 2.

ITEM TITLE:

Receive a report from Neighborhood Services regarding monthly updates on departmental activities.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Neighborhood Services

BACKGROUND: Neighborhood Services is the City department charged with responding to reported violations, educating the public on nuisance ordinances, and abating nuisances. Because LETA's fundamental goal is the beautification of Lawton, the Chairman has requested a monthly update for the Neighborhood Services Supervisor to brief the trustees on the City's effort to improve the quality of life throughout the community.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action to be taken.



City of Lawton

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Commentary

File #: 22-713

Agenda Date:

Agenda No: 3.

ITEM TITLE:

Consider approving submitted materials for payment.

INITIATOR: Susan Schlecht, Component Unit Accountant

STAFF INFORMATION SOURCE: Financial Services

BACKGROUND: Schlecht will present a list of paid invoices from the previous month for the board's approval.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: Various

STAFF RECOMMENDED COUNCIL ACTION: Approve the submitted materials for payment as present.



City of Lawton

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Commentary

File #: 22-714

Agenda Date:

Agenda No: 4.

ITEM TITLE:

Consider approving the monthly Treasurer Report

INITIATOR: Susan Schlecht, Component Unit Accountant

STAFF INFORMATION SOURCE: Financial Services

BACKGROUND: Schlecht will present the Balance Sheet, Profit and Loss Statement, Income and Expense Tracker, and LETA Projects Pending for the previous month.

EXHIBIT: Treasurer Report

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Approve the Treasurer Report as presented.



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Commentary

File #: 22-716

Agenda Date:

Agenda No: 5.

ITEM TITLE:

Receive a report from Children United regarding the accessibility playground in Elmer Thomas Park.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Children United

BACKGROUND: A representative from Children United will give a monthly update regarding progress on the playground, current fundraising efforts, and financial information.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is to be taken on this item.



City of Lawton

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Commentary

File #: 22-717

Agenda Date:

Agenda No: 6.

ITEM TITLE:

Receive a report from Parks and Recreation regarding departmental projects and monthly updates.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Parks and Recreation Department

BACKGROUND: The Parks and Recreation Director will provide a monthly update on current departmental projects.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is to be taken on this item.



City of Lawton

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Commentary

File #: 22-718

Agenda Date:

Agenda No: 7.

ITEM TITLE:

Receive a report from the Communications and Marketing Department regarding LETA's social media accounts and publicity projects and provide direction to staff on said projects.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Communications and Marketing Department

BACKGROUND: The Communications and Marketing Department Director will provide a monthly update on current Facebook stats and other current publicity projects the department is working on for LETA.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: Provide direction to staff on how to move forward with current projects.



City of Lawton

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Commentary

File #: 22-715

Agenda Date:

Agenda No: 8.

ITEM TITLE:

Receive a report from the Cultural Preservation Committee regarding monthly updates.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Cultural Preservation Committee

BACKGROUND: The Cultural Preservation Committee will give a monthly update regarding ongoing projects.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is to be taken on this item.



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Commentary

File #: 23-137

Agenda Date: 2/8/2023

Agenda No: 9.

ITEM TITLE:

Receive an update on the planning of the Eye Candy Gala and take appropriate action as necessary.

INITIATOR: Kerry Sweeney

STAFF INFORMATION SOURCE: Eye Candy Gala Committee

BACKGROUND: The Eye Candy Gala Committee has met and wishes to update the board on the status of planning.

EXHIBIT: None

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Take any appropriate action the trustees deem necessary.



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Commentary

File #: 22-720

Agenda Date:

Agenda No: 10.

ITEM TITLE:

Receive monthly ward update from Trustees.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Trustees of LETA

BACKGROUND: The trustees will be given an opportunity to discuss any questions, comments, or concerns in their respective wards.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is to be taken.



City of Lawton

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Commentary

File #: 22-721

Agenda Date:

Agenda No: 11.

ITEM TITLE:

Receive a report from the Planning Department regarding ongoing LETA projects.

INITIATOR: Jay Burk, Chairman

STAFF INFORMATION SOURCE: Planning Department

BACKGROUND: Charlotte Brown will provide an update on ongoing Planning Department Projects.

EXHIBIT: N/A

KEY ISSUES: N/A

FUNDING SOURCE: N/A

STAFF RECOMMENDED COUNCIL ACTION: No action is to be taken.



City of Lawton

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Commentary

File #: 23-131

Agenda Date: 2/8/2023

Agenda No: 12.

ITEM TITLE:

Consider approving the minutes of the January 11, 2023 meeting.

INITIATOR: Donalynn Blazek-Scherler

STAFF INFORMATION SOURCE: City Clerk's Office

BACKGROUND: The minutes of the January 11, 2023 meeting have been drafted and are awaiting approval.

EXHIBIT: January 11, 2023 Draft Minutes

KEY ISSUES: None

FUNDING SOURCE: None

RECOMMENDED ACTION: Approve the minutes of the January 11, 2023 meeting.

**MEETING OF THE
LAWTON ENHANCEMENT TRUST AUTHORITY
CITY HALL- 3rd FLOOR CONFERENCE ROOM
WEDNESDAY JANUARY 11, 2023– 3:00 P.M.**

Chairman Burk called the meeting to order at 3:01 p.m. in the Banquet Hall of City Hall. Notice of meeting and agenda were posted on the City Hall Notice Board as required by law.

ROLL CALL

PRESENT: Jay Burk, Lou McConnell, Katy Jackson-Seeley, Addie Smith (Left at 3:35PM; Returned at 3:51PM); Kerry Sweeney, Ted Symuleski, Dwight Tanner

ABSENT: Barry Ezerski, Mary Ann Hankins

OTHERS PRESENT: Dennis Totte, Bedrock Nursery; Charlotte Brown, Planning Director and LETA Executive Director; Megan Loftis, Legal; Susan Schlecht, Finance; Jason Poudrier, Arts and Humanities; Mitchell Dooley, Parks & Rec; Jon Jernigan, Neighborhood Services; DaLynna Wood, Communications & Marketing; Jeannette Klein, Children United; Donalynn Blazek-Scherler, City Clerk's Office.

INTRODUCTION OF GUESTS

No guests present.

REPORTS

1. Receive a report from Dennis Totte with Bedrock Nursery regarding current landscaping and irrigation projects and provide direction to Mr. Totte on current projects.

Totte stated he is working on regular Winter maintenance at this time.

Burk asked if the renderings for the 3 rec centers were complete.

Totte stated he is working on them and should have them complete by next month.

2. Receive a report from Neighborhood Services regarding monthly updates on departmental activities.

Jernigan stated Neighborhood Services has sent out 414 administrative letters, 11 D&D letters, 11 D&D resolutions, 69 work orders, awarded 15 demo contracts, and completed 4 demolitions and 1 voluntary owner demolition. Jernigan also updated on staffing numbers in his department.

Jernigan announced Trash Off will take place on April 29th.

Brown stated a group of City staff will meet next Friday at 2:00 to discuss planning for Trash Off and invited LETA members to attend this meeting as well.

Chairman Burk asked Blazek-Scherler to see if Hankins would be willing to work on this committee.

Jernigan stated his staff is working to go through the t-shirts to determine what sizes he needs to order for this year. He will bring that information back to the board when it is ready.

3. Consider approving submitted materials for payment.

Schlecht presented the following invoices for payment:

Bedrock Nursery- 2nd Street Valve/Fittings Repair: \$108.00

2nd Street Work: \$10,750.00

2nd Street Work: \$4,916.00

2nd Street Work: \$214.50

2nd Street Sprinkler Repair/ Drip Fittings: \$238.00

2nd Street Valves, Lines, and Fittings: \$268.00

Keep Oklahoma Beautiful- Tickets for Brown to attend awards event: \$50.00

Holiday in the Park- Grant for Ferris Wheel and Carousel: \$13,000.00

Bedrock Nursery- City Hall Poinsettias: \$399.90

Bryan Wilson- USS Oklahoma City Monument work: \$12,050.00

Canva Pty Limited- Yard of the Month Signs: \$90.00

Kimley-Horn and Associates: Shepler Park Renovation Project Final Payment: \$1,160.00

Motion by Symuleski, **Second** by Sweeney, to approve the submitted materials for payment as presented. **AYE:** McConnell, Jackson-Seeley, Smith, Sweeney, Symuleski, Tanner, Burk **NAY:** None. ***Motion Passed.***

4. Consider approving the monthly Treasurer Report

Schlecht presented the Balance Sheet, Profit and Loss Statement, Income and Expense Tracker, and LETA Projects Pending as of December 31, 2022. Report is available in the City Clerk's Office.

Schlecht explained that the Hotel/Motel money will be received by LETA once the Limited Services Agreement is approved by LETA and the City. She stated the current receivable for hotel/motel is \$46,151.00.

Motion by Symuleski, **Second** by Jackson-Seeley, to approve the Treasurer Report as of December 31, 2022 as presented. **AYE:** McConnell, Jackson-Seeley, Sweeney, Symuleski, Tanner, Burk. **NAY:** None. ***Motion Passed.***

5. Receive a report from Children United regarding the accessibility playground in Elmer Thomas Park.

Klein stated she just received a photo from Max Sasseen showing the construction fence around the site, so they will be ready to start moving dirt soon. They'll start by moving the sewer line and then building the retaining wall.

Klein stated for fundraising, they will have a sign put up with the QR code to take people to the GoFundMe page, she has the newspaper and TV station on standby for publicity, and there will be a poker run in April. Klein reported there are a few new committee members who have been very proactive in raising funds.

Klein explained that the dance is usually done in April, but the ladies that assist with the choreography are very busy during that time with recitals. Because of this, the dance will be moved to October.

Klein stated the original plan was to start building the playground with the equipment they already had the funding for and piece meal in the other pieces at a later date. She recently found out that the surface is liquid, so all equipment must be in place before the surface is poured. The committee has been evaluating what pieces have been sponsored and how to appropriate funds to get the most out of what they have.

Chairman Burk asked if a groundbreaking has been done yet.

Klein stated no, not yet.

Chairman Burk stated he thinks that should be done ASAP. It could really help with fundraising and showing people that this is really happening. He would rather see them raise the money for all of the equipment than to give up any equipment. He suggested going back to McMahon. He also suggested contacting Shade Trees Over Playgrounds to get trees around the playground. Chairman Burk and Dooley both offered to help with the groundbreaking ceremony.

6. Receive a report from Parks and Recreation regarding departmental projects and monthly updates.

Dooley stated Parks and Rec has renegotiated the maintenance contract with Bedrock Nursery. The renegotiation will move some of the bed maintenance from City staff to Bedrock and some of the park maintenance from Bedrock back to the City.

Dooley stated Holiday in the Park is wrapping up and Parks and Rec will now transition back to Winter maintenance. The planter repair and stump removal at the Veteran's Resource Center has also been completed.

Chairman Burk stated he would like to have Krista Ratliff come give a report on Holiday in the Park.

7. Receive a report from the Communications and Marketing Department regarding LETA's social media accounts and publicity projects and provide direction to staff on said projects.

Wood stated the Facebook reach was down about 50% through December and into January. It was surprisingly hard to get nominations for the Holiday Yards of the Month. Halloween had a reach between 8,000 and 9,000 people, so that was pretty good.

Chairman Burk stated we need to step up and do some nominations from each of our wards until we can get the online voting system up and running.

8. Receive monthly ward update from Trustees.

Chairman Burk stated he has noticed a lot of trash that has been left out. He asked the trustees to report this when they see it.

Brown stated the code enforcement officers are out and about.

Tanner explained that the Solid Waste Committee setup the landfill gate fee so the money can be used by Councilmembers to have trash picked up in their ward.

Brown stated for the houses that have an active water account, we can pick it up and charge a premium bulky waste pickup on the water account.

Chairman Burk stated he would like to see an app created to report these issues. LETA would be willing to help the Marketing Department get that done.

9. Receive a report from the Planning Department regarding ongoing LETA projects.

Brown stated she spoke with the Engineering Department about the City Hall Lighting Project, and engineering was not aware of the \$40,000.00 grant LETA has. Brown stated that Joe Painter has advised that \$40,000.00 was not nearly enough funds to complete that project.

Chairman Burk asked that Brown follow up on the status of that project.

BUSINESS ITEMS:

10. Consider approving the minutes of the November 9, 2022, November 17, 2022, December 7, 2022, and December 14, 2022 meetings.

Motion by Symuleski, **Second** by Sweeney, to approve the minutes of November 9, 2022, November 17, 2022, December 7, 2022, and December 14, 2022 meetings. **AYE:** Smith, Sweeney, Symuleski, Tanner, Burk, McConnell, Jackson-Seeley. **NAY:** None. ***Motion Passed.***

11. Consider approving an estimate from Bedrock Nursery for renovations to 2 beds located at 2nd and Gore and authorize Bedrock to begin work.
12. Consider approving an estimate from Bedrock Nursery for an irrigation system in the median located between 1st Street and 2nd Street on Gore Blvd. and authorize Bedrock to begin work.
13. Consider approving an estimate from Bedrock Nursery for an irrigation system in the median located between 2nd Street and 3rd Street on Gore Blvd. and authorize Bedrock to begin work.

Chairman Burk stated items 11, 12, and 13 were brought to him by City Council. He explained that this area needs to be kept up better than it has been and suggested partnering with some of the businesses in this area to help fund this project. He stated there is \$29,000.00 in the 2nd Street fund that this project would qualify for, but the problem is there would be no funds left for repairs on 2nd Street.

Schlecht stated the \$29,000.00 in the 2nd Street fund is as of December 31st, and there are additional invoices that will need to be paid out of that.

Chairman Burk stated he really just wanted to see how much it would take to get this done. He is aware that there is money in the CIP for beautification and this may need to be pushed back up to Council.

Tanner stated he would volunteer to speak with the business owners in that area to help pay for the needed repairs and maintenance.

Totte stated if you just want to do part of this project now, his opinion is that the beds are the biggest eye sore out there, and they should be done first. The beds have already been added to the maintenance contract, but the beds are beyond maintenance. He also turned on the existing sprinklers and there were 6 or 7 bad leaks.

Chairman Burk suggested tabling items 11, 12, and 13 for 30 days so he could have some time to find funding.

Motion by Sweeney, **Second** by Tanner, to table Items 11, 12, and 13 for thirty days. **AYE:** McConnell, Jackson-Seeley, Smith, Sweeney, Symuleski, Tanner, Burk. **NAY:** None. ***Motion Passed.***

14. Consider approving an expense of up to \$400.00 to Clayton Fulton to assist and train on how to use the online voting system for LETA's social media account.

Chairman Burk stated Mr. Fulton has helped in the past with setting up online voting systems. The fee is not a set \$400.00, but instead it is up to \$400.00. Chairman Burk stated it's pretty easy and suggested multiple people receive the training.

Motion by Tanner, **Second** by Jackson-Seeley, to approve an expense of up to \$400.00 to Clayton Fulton to assist and train on how to use the online voting system for LETA's social media accounts. **AYE:** Jackson-Seeley, Smith, Sweeney, Symuleski, Tanner, Burk, McConnell **NAY:** None. ***Motion Passed.***

15. Consider approving a Site Terms and Conditions of Use Agreement with Polar Engraving for the creation of a fundraising website.

Chairman Burk stated the board selected Polar Engraving as the vendor for the Veteran Center Sidewalk Project.

Blazek-Scherler explained this contract is for Polar Engraving to build a fundraising website. The prices listed on the contract are the same prices LETA had selected when

this project was originally started. The only additional service provided by Polar Engraving is a 4x4 replica brick with a production cost of \$10.00.

The trustees agreed to price the replica brick at \$30.00.

Motion by Smith, **Second** by Symuleski, to approve the Site Terms and Conditions of Use Agreement with Polar Engraving for the creation of a fundraising website. **AYE:** Sweeney, Symuleski, Tanner, Burk, McConnell, Jackson-Seeley, Smith. **NAY:** None. ***Motion Passed.***

16. Consider approving a modified Limited Services Agreement with the City of Lawton for FY 2022-2023.

Schlecht stated this is coming back before the board because it went through the attorney's office before going to Council, and the wording was off on a few items. Those items are highlighted in red in the agenda packet.

Motion by Smith, **Second** by Symuleski, to approve the modified Limited Services Agreement with the City of Lawton for FY 2022-2023. **AYE:** Symuleski, Tanner, Burk, McConnell, Jackson-Seeley, Smith, Sweeney. **NAY:** None. ***Motion Passed.***

Schlecht stated she also wanted to comment on the Polar Engraving item. She stated if we are selling something at higher price, we are entering into retail and must pay sales tax on it.

Blazek-Scherler asked if that is applicable if the additional funds are used as part of the fundraiser to purchase bricks for residents in the Veteran Center.

Chairman Burk stated all the money goes back into the project. We sell the bricks at a higher price, but the money is used to purchase bricks for the people inside the building that don't have family or funds available to purchase a brick for themselves. We also have to have money to pay the labor for putting the bricks in.

Tanner stated it needs to be framed as receiving a donation.

Chairman Burk stated we will call it a donation.

17. Consider approving expenses for floral arrangements from Gilbert Creek Gardens and catering from Designs by Lex for the 2023 Eye Candy Gala.

Poudrier stated Lexy does all kinds of events and is very turnkey; she has the tables and chairs, tablecloths, and centerpieces that we will purchase and auction off at the end of the night. She will also do all the clean up after the event. Caitlin is going to work on getting everyone together again and will start doing PR for the awards. The gala is scheduled for April 14th.

Sweeney stated Blazek-Scherler has provided a sheet for Designs by Lex that shows the costs for everything. Today we will vote on using her so we can confirm and get on her calendar.

Sweeney stated that Jackson-Seeley has coordinated with some of her LPS students to help serve and provide music. We would want to provide a donation to the school to thank them for that. Sweeney also stated that the flowers will be done through Gilbert Creek Gardens.

Moving on to nominees for awards, Sweeney stated the committee would like to see Joe Chesko honored in memoriam as Visionary Leader, Natalie Fitch as Champion Volunteer, and Ron Jarvis as the Lifetime Achievement/ Rosemary Bellino award recipient. These are the individuals that were to be honored prior to COVID. That would cover everything except Yard of the Year and Commercial Yard.

Chairman Burk stated we can find four or five commercial properties and use the online voting for citizens to vote.

Blazek-Scherler stated we can only take action on the expenses for the caterer and florist at this time. Gibson confirmed.

Chairman Burk stated the winners were approved previously, and we don't need to vote on them again.

Motion by Tanner, **Second** by McConnell, to approve expenses for floral arrangements from Gilbert Creek Gardens and catering from Designs by Lex for the 2023 Eye Candy Gala. **AYE:** Tanner, Burk, McConnell, Jackson-Seeley, Smith, Sweeney, Symuleski. **NAY:** None. ***Motion Passed.***

18. Review nominations and select two winners for Christmas Yard of the Month.

The trustees discussed the nominations and selected 102 SW Berkshire Way and 6804 SW Drakestone Boulevard as the two winners.

DISCUSSION ITEMS:

Chairman Burk asked the trustees to contact their Council representative or the Mayor about getting the additional 2% of hotel/motel money they were promised. That funding would allow for projects like the one that had to be tabled today.

Brown discussed having new name tags made for LETA through the Cameron Printing Department. Tanner stated he would like to donate \$100.00 towards new name tags.

Chairman Burk addressed LETA's issue with meeting a quorum and lengthy agendas. He stated he will be putting a new rule in place to limit the number of business items to 10.

The trustees discussed filling vacancies in wards 1 and 2 and unexcused versus excused absences. Brown suggested doing a bylaw review at the next meeting to go over the rules and make any necessary changes.

Chairman Burk stated it might be a good idea to post the vacancies on social media and have volunteers contact their council member.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:47 PM.

Motion by Sweeney, **Second** by Symuleski, to adjourn. **AYE:** McConnell, Jackson-Seeley, Smith, Sweeney, Symuleski, Tanner, Burk. **NAY:** None. ***Motion Passed.***



City of Lawton

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Commentary

File #: 23-106

Agenda Date: 2/8/2023

Agenda No: 13.

ITEM TITLE:

Discuss the City Hall Exterior Lighting Project and take action as deemed necessary.

INITIATOR: Mike Jones

STAFF INFORMATION SOURCE: Engineering Department

BACKGROUND: In late 2020, LETA accepted a \$40,000.00 grant from the McMahon Foundation to fund the installation of exterior perimeter lighting and dome lighting at City Hall. The Engineering Department has updates regarding this project.

EXHIBIT: None

KEY ISSUES: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Any action the trustees deem necessary to further this project.



City of Lawton

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Commentary

File #: 23-108

Agenda Date: 2/8/2023

Agenda No: 14.

ITEM TITLE:

Consider approving a modified Limited Services Agreement with the City of Lawton for FY 2022-2023.

INITIATOR: Charlotte Brown

STAFF INFORMATION SOURCE: Executive Director

BACKGROUND: After review by management and legal, corrections to the Limited Services agreement approved by LETA on January 11, 2023 are needed.

EXHIBIT: Modified Limited Services Agreement with the City of Lawton for FY 2022-2023

KEY ISSUES: Hotel/Motel money cannot be received, and Holiday in the Park and Freedom Fest expenses cannot be paid until this agreement is fully executed.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve a modified Limited Services Agreement with the City of Lawton for FY 2022-2023.

AGREEMENT FOR LIMITED SERVICES

This Agreement for Limited Services is entered into by and between the City of Lawton, Oklahoma, a municipal corporation (hereinafter referred to as “City”), and the Lawton Enhancement Trust Authority, a public trust (hereinafter referred to as “Authority”)

Whereas, the City, through its governing body, has determined that the City should provide limited support to the Authority for the beautification of the City thereby enhancing the appearance of the City and thus encouraging tourism and economic development in and for the City; and

Whereas, the City desires to provide limited service support to the Authority in addition to financial assistance;

Now, therefore, in consideration of the mutual obligations of the parties, the City and Authority agree as follows:

A. City agrees as follows:

1. To provide the Authority annual financial support for the services to be performed under this agreement pursuant to the fund sources identified below:
 - a. Hotel/Motel Tax – General Fund. Pursuant to City Council Resolution No. 22-97, the City shall allocate to the Authority an amount equal to five and six hundredths percent (5.06%) or \$112,460.00, whichever is less, of the total proceeds from the Hotel/Motel Tax – General Fund collected during the 2022-2023 fiscal year. Said Funds are estimated as specified in the Authority’s approved Budget (attached hereto as “Exhibit A”), to be disbursed pursuant to the claims process outlined herein. Funds not expended during the fiscal year will remain in the Authority’s account.
 - b. LETA Beautification Fund. Pursuant to City Council Resolution No. 19-98 the City shall allocate funds from the LETA Beautification Fund to the Authority the total proceeds from the fund collected during the 2022-2023 fiscal year. Said Funds are estimated as specified in the Authority’s approved Budget (attached hereto as “Exhibit A”), to be disbursed in monthly increments.
 - c. Holiday in the Park Fund. Pursuant to City Council Resolution No. 22-97, the City shall allocate to the Authority an amount equal to \$100,000.00. (LETA will provide administration and oversight for this funding, and the Holiday in the Park improvements will be planned and managed by the Holiday in the Park Committee.) Said Funds are estimated as specified in the Authority’s approved Budget (attached hereto as “Exhibit A”), to be disbursed pursuant to the claims process outlined herein. The aforementioned Fiscal Year 2022-2023 allocation is in addition to the one-time June 2022 allocation of \$100,000.00 to Holiday in the Park. Any unexpended appropriations from the additional one-time June 2022 allocation of \$100,000.00 to Holiday in the Park will remain in their account perpetually for future use.

- d. Fireworks Display Fund. Pursuant to City Council Resolution No. 22-97, the City shall allocate to the Authority an amount equal to \$100,000.00. (LETA will provide administration and oversight for this funding, and the Freedom Festival improvements will be planned and managed by the Freedom Festival Committee.) Said Funds are estimated as specified in the Authority's approved Budget (attached hereto as "Exhibit A"), to be disbursed pursuant to the claims process outlined herein.
2. To print flyers, bulletins, and other materials for the Authority which are used in the operation, management and administration of the Authority, provided that materials from or for other entities assisting the Authority will not be printed at the City's print shop. This assistance will be made available to the Authority only while the City's print shop is in operation, and this provision is in no way intended to create any property right or interest in the Authority to have its materials printed by the City for an indefinite period of time.
3. To assist the Authority in beautification projects as staff and equipment are available. The City shall not be required to provide staff assistance if it will cause the City to pay overtime without specific City Manager approval. The use of City equipment shall only be permitted if such use does not reduce the City's ability to provide required service to the community. In addition, administrative support may be provided by the office of the City Clerk, general accounting assistance and bookkeeping may be provided by the Finance Department, and the City Manager may also appoint a member of City staff to serve as an Executive Director for the Authority.
4. The City agrees to provide, through the office of the City Attorney, limited legal assistance to the Authority. This legal assistance shall be limited to oral and written advice on subjects and matters for which litigation is not anticipated. This limited legal service includes limited document preparation but does not include responses to federal, state or county government agency inquiries and other matters outside the limitations provided herein. The City Attorney's first and primary duty is to the City of Lawton, and if a conflict should arise between the City and the Authority, the City Attorney shall advise the Authority of his or his staff's inability to assist the Authority. If the area of assistance requested is not within the areas of knowledge of the members of the City Attorney's staff the City Attorney is not required to assist. In addition to the above limitations the City shall not provide legal assistance in the following areas:
 - a. Preparation of documents needed for the prosecution or defense of actual or anticipated litigation.
 - b. Preparation or review of grant application.
 - c. Representation before any board, agency or court.
 - d. Representation of or advice to the Authority on any issue occasioned by and or governed by the Oklahoma Governmental Tort Claim Act.

B. Authority agrees as follows:

1. To periodically submit to the City's accounting office claims for reimbursement for services performed in accordance with the City's contractual claims policies and procedures.
 2. To submit to the Lawton City Council annual narrative reports which will include the projects and activities undertaken by the Authority during the prior twelve (12) month period, and any other information which may be of interest to the Lawton City Council. Reports will be due to the Lawton City Council within sixty (60) days following the end of the fiscal year.
 3. To reimburse the City for the actual cost incurred by the City in printing Authority's materials.
 4. The Authority shall be responsible for all legal matters and if, on the determination of the City Attorney the members of his office cannot or are prohibited from representing the Authority, the Authority shall be responsible for obtaining legal assistance at its own expense.
- C. Claim Processing. As the Authority incurs expenses and funds for the reimbursement of same are available in the Hotel/Motel Tax collections allocated to the Authority, the Authority shall submit a claim for said funds to the City. Any such claims will be processed by the City and paid to the Authority in accordance with the City's policies and procedures for payment of contractual claims.
- D. Term. This agreement will expire on June 30, 2023.

In witness whereof, the parties have hereunto set their hands on this ____ day of _____, 2023.

CITY OF LAWTON, OKLAHOMA
A Municipal Corporation

By: _____
Stanley Booker, Mayor

ATTEST:

Traci L. Hushbeck, City Clerk

LAWTON ENHANCEMENT TRUST
AUTHORITY, a public trust,

By: _____
Jay Burk, Chairman

ATTEST:

Kerry Sweeney, Secretary

APPROVED as to form and legality for the City of Lawton, Oklahoma, this ____ day of
_____, ~~2022~~2023.

John Ratliff, City Attorney