

LOUISIANA STADIUM AND EXPOSITION DISTRICT
BOARD OF COMMISSIONERS MINUTES
FROM THE MEETING OF OCTOBER 28, 2021

PRESENT: Chairman, Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson

ABSENT: Commissioner Casey J. Robin

ROLL CALL and WELCOME

Chairman France called the October 28, 2021 meeting to order at approximately 1:04 p.m. Present: Chairman, Kyle M. France, John A. Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith and Wells Watson. Absent: Commissioners Casey J. Robin

Chairman France reads aloud the Certification under Act 302 of the 2020 Regular Session of the Louisiana Legislature related to open meetings, pursuant to which the LSED is authorized to conduct the September meeting virtually via Microsoft teams.

I. APPROVAL OF MINUTES OF SEPTEMBER 23, 2021 MEETING

Chairman Landry asked for a motion for approval of the Minutes of September 23, 2021 Board Meeting. Commissioner Robin moved for approval of same, seconded by Commissioner Landry. All were in favor, and the Minutes of the September 23, 2021 Board meeting were adopted.

II. ASM REPORT

Doug Thornton begins his report by discussing event performance and the expectation that the event schedule will outperform the budget. There is a disconnect between the paid attendance and scanned attendance which could eat into the bottom line if enough people aren't showing up to spend money on concessions, merchandise and parking, etc. Attendance should improve with time as there have been many new shows confirmed. However, Ida induced hotel occupancy rates have increased which is helping to close the gap due to cancellations and rescheduling of events from the COVID resurgence and Ida.

The end of the first quarter of the 2022 Fiscal year is upon us. The \$15.5 million operating shortfall that was projected back in October of 2020 based on projected hotel taxes and the event schedule so that is rapidly changing. Another factor is the Harrah's settlement money, half of which has been paid out, which should also contribute toward closing the deficit gap.

David Weidler then chimes in to confirm that \$8.2 million has been transferred to the Superdome account at the State Treasury office. The funds will need to be approved REC in December and once they approve it – it would go before the Joint Legislative committee on the budget. The LSED would then have to do a presentation, after which they will move forward with appropriating the funds.

Mr. Thornton continues by adding that Mr. Wiedler is carefully managing the cash flow. The city's rules around testing for employees should be shifting soon which would help save money regarding events. These costs are non-refundable so once it's no longer mandatory to test each employee before events which will save us some expense.

In regards to the budget for the renovation project, there will need to be further discussion with the Bond commission to answer questions they have regarding the budget before it goes up for a formal vote. Many meetings have taken place with individual members of the commission

to express the importance of advancing the project. Phase 2 is closing out and in order to advance the project we will need the Commission's approval to borrow the funds before entering into contracts that are not yet funded. With that said, there's not much room for error in regards to the construction schedule because we are on a tight timeline.

The roof work is still underway despite the setbacks due to Ida and the fire. Brazos the contractor has been working to accelerate the process in the last few weeks. Detailed work is still being done to the Crown to add the Caesars logo but the lettering has been completed. The lighting work has also been completed as part of the branding for Caesars. In regards to repairs from Ida, the claims are still in process and the work still needs to be bid out for certain items. Delays in shipping, amongst other logistical issues have caused some delays in regards to the Smoothie King Center signage and the PA system at the Superdome.

Mr. Thornton concludes his report by allowing Mr. Wiedler to speak on the claims that have been filed. Mr. Weidler confirmed that receipts are being sent to ORM for reimbursement after the work is complete and that \$800,000 was reserved for repairs but the final costs are still in question.

[This concludes the ASM report]

Evan Holmes was absent and did not give a report.

[This concludes the Services Report.]

Zane Collings presents the Facility Operations Report, highlighting the five concerts held in the last month, including: James Taylor, Lil Baby, Kane Brown, Doobie Brothers and the Millenium tour, all which had tremendous turnout. This is the tip of the iceberg as things get busy again there are a ton of shows and Pelicans game scheduled to keep the Smoothie King Center buzzing. Tickets are now being sold for multiple shows including rock band, Tool as well as New Kids on the Block, Jeff Dunham at Smoothie King Center. Something exciting to add, in conjunction with the Greater New Orleans Sports Foundation, we'll be under consideration for World Cup Rugby coming in '27,'29 or '31. This has not been finalized but has great future potential and is a good sign that Big events are coming to New Orleans.

In regards to the mask mandate, the Mayor has made masks optional for guests and will no longer require the PCR test for employees but instead will allow for the rapid antigen testing that will costs significantly less. More of the staff are getting vaccinated which enables more staff to show up.

In regards to Marketing, Mark Waguespack has been promoted to the position of Director of Marketing. Mark Waguespack chimes in to express gratitude for the opportunity as well as to share some photos from recent events and touch on coverage in the media. Social media marketing, email campaigns, commercial and news spots as well as graphic banners are driving exposure to the events coming to the various venues. Mr. Waquespack highlights the Mardi Gras for All Y'all event in partnership with Nola.com to assist with recruitment to the various positions available with the LSED.

Mr. Collings turns the mic over to Kathleen Turner. Ms. Turner proceeds to discuss the implementation of the DBE program and the various initiatives taking place within the program. Initiatives underway include Integral Leadership and Departmental participation along with Outreach and Education are that are underway. Partnerships include that of Southern Region

Minority Supplier Development Council, Hispanic Chamber, New Orleans Regional Black Chamber, Women's Business Enterprise, etc. There's also been a favorable response from the HBCU's Xavier, Dillard and Southern Universities to participate in the student internship and student event shadowing programs.

Mr. Collings concludes his report by noting that preparation is underway to host the upcoming NCAA events, including game presentation, layouts, logistics, etc. Hurricane recovery has been ongoing and in various stages of the process. The renewal of the NOLA gold lease is nearly complete.

[This concludes the Facility Operations Report.]

IV. FINANCE REPORT

David Weidler presents the Finance report by alluding to the August financial documents given to the Commissioners. Hurricane Ida put things two weeks behind schedule and in reviewing the September financial reports there does not seem to be any upticks in costs or revenues. Because events are beginning to pick up again, there is a projected upward trend in additional revenues for the Smoothie King Center and the Superdome.

Mr. Weidler concluded his report by mentioning the \$15.5 million shortfall and mentioning the uptick in hotel taxes that are helping to close the gap. He also mentions the Harrah's settlement money that help to bridge the gap entirely once appropriated.

[This concludes the Finance Report.]

V. CONSTRUCTION REPORT

Commissioner Landry gives a brief update on the progress of the Master Plan and the acceptance of the Substantial Completion from Broadmoor for Phase 2, which is expected to be closed out financially by December 31st, 2021. We are currently in Phase 3a which is the kitchen and food service storage renovation, with a target completion date of early April. Phase 3b is in the works and expected to have a final GMP in mid- November and to have it presented to the Board in December.

Commissioner Landry concludes the construction report by mentioning the massive engineering undertaking that is Phase 3b, which will be an Atrium. There will be more updates during the next meeting.

[This concludes the Construction Report.]

VI. LEGAL REPORT

Shawn M. Bridgewater begins her LSED Legal Report, presenting the following six (11) Resolutions, which were approved by the Board of Commissioners as noted below:

On motion of Commissioner Baptiste, seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved an appropriation from the LSED Capital Reserve Account in the amount of \$118,688.99 to purchase equipment and make repairs necessary to maintain and operate the Caesar's Superdome,

the Smoothie King Center, and Champions Square for the 2021-2022 Fiscal Year. ASM has received competitive proposals for the equipment and the repairs related hereto. The source of funds for this Resolution is the LSED Capital Reserve Account, and there are sufficient funds to support this Resolution. Approval of the resolution is Recommended1

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson **Motion 21-90** passed.

On motion of Commissioner Alario, seconded by Commissioner Watson the Louisiana Stadium and Exhibition District ratified, authorized and approved the execution the of a Fourth Amendment to the AIA A133-2019 Agreement by and between the LSED and Broadmoor, LLC, dated December 31, 2020, as the Construction Manager at Risk for the 2019 Superdome Capital Improvements Project. Pursuant to the terms and conditions of the CMAR Fourth Amendment Broadmoor is authorized to proceed with the early release of certain work related to Phase 3b of the Master Plan Project for a not-to-exceed amount of \$765,294.00 and shall include this amount within the cost of the work for the Master Plan Phase 3b Guaranteed Maximum Price Amendment. This Resolution is recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect) and has been approved by the Master Plan Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funding for the CMAR Fourth Amendment is the Master Plan Project Budget, and there are sufficient funds to support this Resolution. Approval was recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson **Motion 21-91** passed.

On motion of Commissioner Landry, seconded by Commissioner Baptiste the Louisiana Stadium and Exhibition District authorized and approved Trahan Architects, to provide additional architectural services with respect to the 2019 Superdome Capital Improvements Project in accordance with Trahan Additional Services Request No.25 under its Contract for architectural services, dated March 25, 2019. Trahan ASR No.25 provides for additional architectural services that relate to the design and documentation in connection with the distributed TV conversion to IPTV at the Master Plan Project site. The additional architectural services that are provided for in Trahan ASR No. 25 will be performed for a not to exceed fee of \$32,412.00. This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and has been approved by the Master Plan Project Team. The source of funds for Trahan ASR No. 25 is the Master Plan Project Budget and there are sufficient funds to support the Resolution. The execution of Trahan ASR No. 25 (and any documents related thereto) by Commissioner Hilary H. Landry and/or Chairman Kyle M. France is authorized, approved, and ratified pursuant to the resolution. Approval was recommended.

Voting in favor were Chairman Kyle M. France, Commissioner John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-92** passed.

On motion Commissioner Alario, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized and approved Phase 2 Guaranteed Maximum Price Adjustment No. 9 to the Phase 2 Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to the 2019 Superdome Master Plan Project. Phase 2 GMP Adjustment No. 9 provides for a net increase of \$194,681.00 to the Master Plan Phase 2 Guaranteed Maximum Price Amendment that consists of the following adjustments:

- (i) An increase in the amount of \$125,814.00 for the additional labor and material costs associated with steel changes and adjustments at the 200 level of the Superdome;
- (ii) An increase in the amount of \$23,595.00 for the additional labor, material and equipment costs incurred to complete scopes of work in the Superdome Southeast Locker Room Annex, the Northeast and Southeast Locker Rooms, the Northeast and Southeast Training Rooms, and the East Event Level Substation;
- (iii) A decrease in the amount of \$20,092.00 for the credit associated with the reduced demolition scope related to the level 500 stadia risers;
- (iv) A decrease in the amount of \$15,980.00 for the credit associated with the waterproofing scope reduction at the Event Level electrical substation lids;
- (v) A decrease in the amount of \$7,101.00 for the credit associated with providing 2 hour fire-rated block in lieu of UL-listed block; and
- (vi) An increase in the amount of \$88,445.00 for the additional cost associated with the inclusion of two (2) additional media cores.

This Resolution has been recommended by Legends Hospitality (Master Plan Project Manager) and Trahan Architects (Project Architect), and has been approved by the Master Plan Project Team. The source of funds for the Phase 2 GMP Adjustment No. 9 is the Master Plan Project Budget, and there are sufficient funds to support the Resolution. The execution of the Phase 2 GMP Adjustment No. 9 by the LSED Project Representative, Commissioner Hilary Landry is authorized, approved and ratified pursuant to the Resolution. Approval was recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-93** passed.

On motion of Commissioner Landry, seconded by Commissioner Baptiste, the Louisiana Stadium and Exhibition District authorized, approved, and ratified Change Order No. 004 to the ANC Contract for the Master Plan Phase 2 LED Fascia Display and Control Systems. ANC Change Order No. 004 provides for a decrease of \$15,854.00 to the Contract amount to remove sales taxes that were included in error within Change Order No. 001, dated May 20, 2021. ANC Change Order No. 004 has been recommended by Legends Hospitality (Master Plan Project Manager) (copy attached to the Resolution) and Trahan Architects (Project Architect), and has been approved by the Project Team. The execution of ANC Change Order No. 004 by Chairman Kyle M. France authorized, approved, and ratified pursuant to the resolution. Approval was recommended.

Voting in favor were Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-94** passed.

On motion of Commissioner Alario, seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District (i) engaged Elevation Strategies, Inc. to conduct scheduling related services with respect to Phases 3a and 3b of the 2019 Superdome Capital Improvements Project for a fee of \$91,845.00, and (ii) authorized and approved the negotiation and execution of an Agreement for consulting Services with Elevation Strategies, LLC on terms and conditions that are acceptable to the Master Plan Project Team and LSED Legal counsel. This Resolution was recommended Legends Hospitality (Master Plan Project Manager) and has been approved by the Master Plan Project Team. The source of funds for the scheduling services Agreement is the Master Plan Project Budget and there were sufficient funds to support this Resolution. Chairman Kyle M. France was authorized to execute the Agreement pursuant to the resolution. Approval was recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-95** passed.

On motion of Commissioner Smith, seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorize and approved Change Order No. 002 to the Superdome Roof Re-Coating Contract with Brazos Industries, and provides for the addition of sixteen (16) days to the substantial completion date for Contract due to inclement weather and power outages related to Hurricane Ida. Change Order No. 002 to the Roof re-coating Contract has the Staff Analysis Support and Recommendation of ASM Global and has been approved by the LSED Construction Committee. The execution of Change Order No. 002 by Chairman Kyle M. France is authorized, approved, and ratified pursuant to the resolution. Approval of the resolution was recommended

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-96** passed.
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On motion of Commissioner Alario, seconded by Commissioner Smith and Pursuant to LSED Resolution No. 21-87, dated September 23, 2021, the Louisiana Stadium & Exposition District authorized and approved the execution of Project Development Agreement by and among the LSED, ASM Global/ SMG and New Orleans Saints, LLC that outlines the terms and conditions by which the design, fabrication and installation of certain exterior signage and lighting will be installed at the Caesars Superdome with same to be ratified by the LSED, once executed. This Resolution ratifies the execution of the Naming Rights PDA by Chairman Kyle M. France. Approval of the resolution was Recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-97** passed.

On motion of Commissioner Alario, seconded by Commissioner Baptiste and Pursuant to LSED Resolution No. 21-22, dated March 24, 2021, the Louisiana Stadium & Exposition District entered into a Contract for Professional Services with Brian D. Grubb d/b/a Law Offices of BDG, LLC, to act as special counsel and assist the LSED in any and all matters relating to the implementation and utilization of a Construction Manager at Risk

and all related matters with respect to the LSED Superdome Master Plan Project (“CMAR Project”). Subsequently, pursuant to LSED Resolution No. 21-56, dated June 24, 2021, the LSED approved the assignment of the Contract to Riess LeMieux, LLC in accordance with the provisions of Article IX of the Contract and submitted the assignment of the Contract to the Louisiana Attorney General’s office for approval as required by Louisiana Law. Upon presentation of LSED Resolution No. 21-56 (that approved the assignment of the Contract) and the related documentation to the Louisiana Attorney General’s office for approval, the Louisiana Attorney General requested the execution of a new contract with the designated Contract assignee, Reiss LeMieux, LLC. The Resolution located at Tab 14 provides as follows: (i) the LSED approves, pursuant to La. R.S. 42:263, the Contract for Professional Services with Reiss LeMieux, LLC to act as LSED special counsel with respect to the CMAR Project and related matters, (ii) all fees for legal services with respect to the Reiss LeMieux Contract shall be governed by the State of Louisiana Hourly Fee Schedule as set forth by the Attorney General’s Office, (iii) Chairman Kyle M. France is authorized to execute the Reiss LeMieux Contract on behalf of the LSED, and (iv) any and all actions previously taken in connection with the foregoing are authorized, ratified and confirmed pursuant to the resolution. Approval of the resolution was Recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-98** passed.

On motion of Commissioner Smith, seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District accepted the Base Bid of Beverly Construction Co., LLC in the amount of \$4,441,000.00 (less deductive Alternate No. 1 in the amount of \$147,800.00) for the Project and authorizes the negotiation and execution of a contract with Beverly Construction Co, LLC on terms and conditions that are acceptable to the LSED Construction Committee and LSED legal counsel. This Resolution had the Staff Analysis Support and Recommendation of ASM Global and has been approved by the LSED Construction Committee. The source of funds for the Project is the Westwego Sports Complex Capital Outlay, and there were sufficient funds to support the Resolution. Approval of the resolution was Recommended.

Voting in favor were Chairman Kyle M. France, Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-99** passed.

On motion of Commissioner Baptiste, seconded by Commissioner Alario, the Louisiana Stadium and Exhibition District authorized and approved an appropriation from the TPC Louisiana Golf Facility Capital Reserve Fund/Reserve for Repair and Replacement in the amount of \$104,387.27 for the purchase of operational equipment for the TPC of Louisiana Golf Course and Clubhouse (“TPC”), to include: (i) a hot water heater mixing valve; (ii) a fire alarm panel board; and (iii) two 20-ton kitchen hoods. This Resolution has the Staff Analysis Support and Recommendation of ASM Global. The source of funds for this Resolution is the TPC Louisiana Golf Facility Capital Reserve Fund for Repair and Replacement, and there are sufficient funds to support this Resolution. Approval of the resolution was Recommended.

Voting in favor were Commissioners John Alario, Henry N. Baptiste, Hilary H. Landry, Glen D. Smith, Wells Watson. **Motion 21-100** passed.

[This concludes the Legal Report.]

VII. BOARD REPORTS

None.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

Chairman France asks for a motion to adjourn. On motion of Commissioner Alario, the October 28, 2021 LSED Board meeting adjourned at 1:58 p.m.