

LOUISIANA STADIUM AND EXPOSITION DISTRICT
BOARD OF COMMISSIONERS MINUTES
FROM THE MEETING OF NOVEMBER 16, 2023

PRESENT: Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith

ABSENT: Commissioners Casey J. Robin, and Wells T. Watson

ROLL CALL and WELCOME

Chairman Kyle M. France called the November 16th, 2023 meeting to order at approximately 1:00 p.m.

I. APPROVAL OF MINUTES OF OCTOBER 26, 2023 MEETING

Chairman France asked for a motion for approval of the Minutes for the October, 26, 2023 LSED Board of Commissioners Meeting. Commissioner Smith moved for approval of same, seconded by Commissioner Alario. All were in favor, and the Minutes of the October 26, 2023 Board meeting were adopted.

II. ASM REPORT

Mr. Thornton began his report by giving an update regarding finances, specifically discussing the hotel taxes, which are on a downward trend compared to Q1 of Fiscal year 2022-2023. The lower numbers are in part attributable to the slower convention season in 2023. It is expected that the hotel tax numbers will increase as the year progresses.

Legends, the subcontractor, and project manager for the Master Plan project plans to acquire ASM Global. The current owners Onex Capital Partners and AEG have agreed to sell to Legends, which is owned by the Jerry Jones family, who also owns the Dallas Cowboys and New York Yankees. This is seen as a positive move forward for the company. There is no change in business operations as it pertains to ASM's work with the LSED or day-to-day operations. Updates will be made as things move along.

[This concludes Mr. Thornton's Report]

III. OPERATIONS REPORT

Mr. Holmes began his report by briefly mentioning the hotel occupancy tax and echoing Mr. Thornton's report regarding where the numbers seems to be lagging in the first quarter of the fiscal year. ASM is doing a deep dive into the expenses to make sure it reflects the efforts going into growing revenue and events. Things are the event side are running smoothly due in large part to the fact that one side of the Dome is finished. Construction is continuing to run smoothly as well through the Saints season and other major events.

There are agenda items regarding the annual capital encumbrance request which hasn't been done since 2019. This is the fund balance that the LSED used is used to reinvest into capital

projects on the Campus and for all LSED facilities. Included in our request would be items that were previously removed from the Superdome renovation project scope due to budget concerns. Hopefully, some of those items will be added and completed. The encumbrance request is meant to capture the dollars and separate requests would be made later on in order to complete the different projects.

In terms of private events, there have been a few including the Marine Corps Ball and Gayle Benson's Moonlight and Miracles fundraiser event. These events happen on the Superdome turf and after the work is done to revert to a football field within 48 hours. This takes a lot of effort, so thank you to our team for getting the building converted.

Upcoming events include the Pelicans and Knicks game, the Saints game, Bayou Classic and Battle of the Bands as well as a Maxwell Show to close the evening out. The Maxwell show is a Fundraiser (of sorts) by the Southern Foundation that is open to the public. This will be the 50th anniversary of the Bayou Classic, so it's expected to be a huge event. High school football Championships, the New Orleans Bowl and the Sugar Bowl all coming up.

Alex Bowan gave a brief update regarding upcoming shows and bookings in the works. The Drake show has been rescheduled and J-Cole has just been added as a support act. Events and artists coming to the market include the Eagles on their farewell tour with Steely Dan and now the 16th Annual Big Easy Blues Festival.

[This concludes Mr. Holmes' report]

IV. FINANCE REPORT

Mr. Weidler began his report by giving a brief overview of the hotel taxes, which are down eight percent for the first quarter of the fiscal year. The 1-penny \$ 2 million bench mark has been reached for the Convention Center and now the revenues will begin flowing to the LSED, which is being discussed with the Department of Revenue. The legislative audit is continuing and there are currently no issues. It is expected to be complete in January.

The Smoothie King Center is tracking at 13% better than forecasted in the budget and the other facilities are tracking close to budget as well.

[This concludes Mr. Wielder's report]

V. DBE REPORT; CONSTRUCTION REPORT

DBE Report: Kathleen Turner updated the Board regarding the DBE discretionary spending, which is balanced at twenty-eight (28%) percent. In working with ASM's Supplier Diversity Program, ASM recently implemented its first business incubator program, in which participants provided presentations to the ASM team. After that, corporate distributed the information and services that these companies provide, with the encouragement that we further explore potential collaborations with suppliers. Also, we're working on community outreach to HBCUs and we've received a very nice note from Dillard University, saying that the partnership

with ASM has been transformative and positive experience for students by giving them exposure to how their skills can translate in corporate world.

Construction Report: Ms. Long began her report by giving an update regarding the Westwego Sport Complex, a.k.a. the John Alario, Jr. Sports Complex Construction Project. The contractor Ratcliff is mobilized on the site and is in the process installing main electrical and data conduits and continuing electrical rough-ins under the entry pavement and installation of sanitary and sewer infrastructure; they are about six months into the 12-month schedule. The storm drains on the west side of the building are finished and foundations are being formed and poured.

Submissions for and RFP for the Smoothie King Center, were received for services including architectural, engineering, development if facility evaluation, infrastructure assessment, repair plan and Master Plan for capital improvements for the Smoothie King Center. Also, regarding the LED video board at the Smoothie King Center, the pylon sign boards will be delivered right after the Thanksgiving Holiday and the tentative schedule has them being installed during December and completed by January 6th.

Malin Construction, a DBE company, was the lowest bidder for the project to update two of the concession stands to grab-n-go markets. Their work will begin on November 27th and this should take about two and one-half months to complete.

[This concludes Ms. Long's report]

VI. LEGAL REPORT

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

On motion of Commissioner Smith, seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved the allocation, dedication, and encumbrance of an amount up to \$9,500,000.00 for LSED Capital Projects, as more particularly described on the LSED Fiscal Year 2023 Capital Reserve Encumbrance Request – LSED Capital Projects Summary that is attached to and made a part of the Resolution (“LSED Fiscal Year 2023 Capital Projects”). The source of funds for the proposed LSED Fiscal Year 2023 Capital Projects will be the LSED Capital Reserve Account. This Resolution had the Staff Analysis Support and Recommendation of ASM Global and was approved by the LSED Construction Committee.

The projects that have been identified will be subject to all appropriate procurement and bidding processes as required by law. All requests will continue to be subject to LSED Board approval by specific Resolution, with the purpose of this Resolution being to dedicate and encumber these funds for these future projects. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-66** passed.

On motion of Commissioner Alario, seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved the negotiation and execution of an Additional Services Request No. 35 with Trahan Architects, APAC (“Trahan ASR #35”) to engage design and engineering professions as sub-consultants to provide additional architectural, design and engineering services with respect to General Admission Elevators Nos. 2 and 8 at the Superdome Master Plan Project site. The additional services that are to be provided to Trahan ASR #35 shall be for a fee that is approved by Legends Hospitality (as Project Manager), the Master Plan Project Team and LSED Legal counsel, with same to be ratified at a subsequent LSED Meeting.

This Resolution was recommended by Legends Hospitality (Project Manager) and was approved by the Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for Trahan ASR #35 is the Project Budget, and there are sufficient funds to support this Resolution. The execution of Trahan ASR #35 by Chairman Kyle M. France and/or Commissioner Hilary H. Landry was authorized, approved, and ratified. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-67** passed.

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition authorized, approved, and ratified the execution of the Master Plan Phase 3b Guaranteed Maximum Price Adjustment No. 15 (“Phase 3b GMP Adjustment No.15”) to the Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to Phase 3b of the 2019 Superdome Capital Improvements Project (“Project”). Phase 3b GMP Adjustment No.15 provides for an increase in the amount of \$1,282,286.93 to the Phase 3b Guaranteed Maximum Price that consists of the following:

- (i) An increase in the amount of \$38,627.54 for an additional cost that is associated with added demolition scopes of work at the Project site;
- (ii) An increase in the amount of \$20,120.57 for additional cost that is associated with the Level 500 Existing duct riser at the Project site;
- (iii) An increase in the amount of \$13,028.04 for additional cost that is associated with labor and materials that are required to paint the Level 100 kitchen and Level 500 bars at the Project site;
- (iv) An increase in the amount of \$16,793.46 for additional cost that is associated with the relocation of the sprinkler lines at the Level 500 East sideline of the Project site;
- (v) An increase in the amount of \$2,032.58 for additional cost that is associated with plumbing changes at the Project site;
- (vi) An increase in the amount of \$5,417.70 for additional cost that is associated with the reworking of the Level 200 Northwest and Northeast hydration stations at the Project site;
- (vii) An increase in the amount of \$15,334.55 for additional cost that is associated with the reroute of risers on Level 450 of the Project site;

- (viii) An increase in the amount of \$8,693.24 for additional cost that is associated with the addition of ceilings at the Level 300 and 400 East and West Vestibules and additional sprinkler and electrical work at the Project site;
- (ix) An increase in the amount of \$9,413.02 for additional cost that is associated with the replacement of the Level 205 AHU B-1 VFD at the Project site;
- (x) An increase in the amount of \$56,292.25 for additional cost that is associated with the Level 300 west sideline sewer riser and plumbing, framing and drywall at the Project site;
- (xi) An increase in the amount of \$30,612.18 for additional cost that is associated with the addition of mechanical work at the Project site; and
- (xii) An increase of \$1,065,921.80 for the replenishment of the contractually allowed Project impacted room allowance.

This Resolution was recommended by Legends Hospitality (the Project Manager) (a copy of which is attached to the Resolution) and Trahan Architects (Project Architect) and was approved by the Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Phase 3b GMP Adjustment No. 15 is the Project Budget, and there are sufficient funds to support this Resolution. The execution of Phase 3b GMP Adjustment No. 15 by Commissioner Hilary H. Landry was authorized, approved, and ratified. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-68** passed.

Pursuant to LSED Resolution 22-96, dated December 15, 2022, the Louisiana Stadium & Exposition District (“LSED”) authorized the negotiation and execution of a contract with Amagine Technologies (“Amagine Contract”) with respect to its procurement for the Television Displays and Mounts for Phase 3b of the Superdome Master Plan Project (“Project”).

On motion of Commissioner Landry, Seconded by Commissioner Baptiste, the Louisiana Stadium and Exhibition District authorized and approved the execution of Change Order No. 01, which provides for an increase in the amount of \$179,014.00 to the Amagine Contract that consists of additions and changes with respect to television sizes, quantities and mounting brackets.

Amagine Change Order No. 1 was recommended by Legends Hospitality (a copy of which is attached to the Resolution) 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 Amagine Change Order No. 1 is the Project Budget, and there are sufficient funds to support the Resolution. The execution of the attached Amagine Change Order No. 1 by Chairman Kyle M. France was authorized, approved, and ratified. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-69** passed.

Pursuant to LSED Resolution 22-52, dated July 28, 2022, the Louisiana Stadium and Exposition District (“LSED”), authorized the negotiation and execution of a contract with Trimark USA (“Master Plan Phase 3b Trimark Contract”) for the acquisition of certain food service equipment that is required in connection with Phase 3b of the Superdome Capital Improvements Project (“Project”).

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized, approved and ratified the execution of Change Order No. 005R to the Master Plan Phase 3b Trimark Contract (“Phase 3b Trimark Change Order No. 005R”), which provides for an increase of \$107,504.00 to the Master Plan Phase 3b Trimark Contract amount for additional food service equipment and various changes to the scope of work with respect to the Phase 3b of the Master Plan Project.

Master Plan Phase 3b Trimark Change Order No. 005R has been recommended by Legends Hospitality (Project Manager) (a copy of which is attached to the Resolution) and Trahan Architects (Project Architect) and has been approved by the Project Team, consisting of the ASM Project Representative, the LSED Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Master Plan Phase 3b Trimark Change Order No. 005R is the Project Budget, and there are sufficient funds to support the Resolution. The execution of the Master Plan Phase 3b Trimark Change Order No. 005R by Chairman Kyle M. France and/or Commissioner Hilary H. Landry was authorized, approved, and ratified. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-70** passed.

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized its Legal Counsel, its Chairman Kyle M. France, and the LSED Construction Committee to take whatever steps are reasonably necessary to preserve claims and enforce any and all rights of the LSED in connection with and respect to the Contract by and between Brazos Industries, LLC and the LSED dated June 15, 2021 (“Contract”) for the Superdome Roof Repairs & Re-coating Project (“Project”), to include the enforcement of any warranties in connection with the Contract and the Project, and the warranty dated February 11, 2022, issued by Green Shield Products in connection with the Project (“Warranty”).

In addition to the foregoing, pursuant to the Resolution, the LSED legal counsel, its Chairman Kyle M. France and the LSED Construction Committee are authorized to: (i) commence any and all legal proceedings and/or pursue any and all claims that they deem necessary to enforce the LSED’s rights with respect to the Contract and the Warranty, (ii) employ the services of experts and consultants in connection with the Contract and the Warranty, and (iii) retain the services of special legal counsel (in accordance with the provisions of Louisiana Revised Statute, Title 42, Section 263) with experience, training, and expertise in representing public agencies and matters relating to warranties and construction to advise and represent the LSED in connection with the Contract and the Warranty. LSED Legal Counsel and the Chairman are directed to keep the LSED Board of Commissioners advised of any and all steps that are taken pursuant to this Resolution. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-71** passed.

By Resolution No. 23-34, dated June 22, 2023, the Louisiana Stadium & Exposition District (“LSED”) authorized and approved the execution of a Contract by and between the LSED and Regional Mechanical Services, LLC (“RMS Contract”) with respect to Replacement of the HVAC System for Superdome Boardroom and Executive Offices (“Project”).

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized, approved, and ratified the execution of Change Order No. 1 to the RMS Contract that provides for a net increase of \$9,701.00 to the RMS Contact amount that consists of the following:

- (i) A reduction in the amount of \$10,000.00 to remove and replace 11 Fan Coil Units, ducts and grilles and replace same with Ceiling-type cassettes;
- (ii) An increase in the amount of \$2,047.00 for additional cost that is associated with the modification of the AC system for new offices at the Project site; and
- (iii) An increase in the amount of \$17,654.00 for additional cost that is associated with the installation of new lighting and electrical outlets for new offices at the Project site.

This Resolution has the Staff Analysis Support and Recommendation of ASM Global (a copy of which is attached to the Resolution) and was approved by the LSED Construction Committee. The source of funds for Change Order No. 1 is LSED Capital Outlay, and there are sufficient funds to support this Resolution. The execution of Change Order No. 1 to the RMS Contract by Chairman Kyle M. France was authorized, approved and ratified. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-72** passed.

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District took the following action with respect to the selection and retention of a firm to provide architectural and engineering services relative to the development of a facility evaluation, repair plan, code analysis infrastructure assessment and master plan for capital improvements with respect to and in connection with the Smoothie King Center (SKC) Assessment/Master Plan Project (“SKC Facility Assessment Project”):

- (a) Following the solicitation of Request for Proposals for the SKC Facility Assessment Project, two (2) responses were received on or about October 27, 2023;
- (b) On or about November 2, 2023 a review committee, consisting of representatives of the New Orleans Pelicans, LLC, the LSED, and ASM New Orleans, thoroughly reviewed and evaluated each of the proposals and unanimously selected the proposal

of M. Arthur Gensler, Jr. and Associates Inc. (“Gensler Sports”) to perform the architectural and engineering services in connection with the SKC Facility Assessment Project for a not to exceed fee of \$394,800.00; and

- (c) The LSED hereby and herein approves the selection of Gensler and authorizes the negotiation and execution of a contract for architectural and engineering services with Gensler Sports on terms and conditions that are approved by Chairman Kyle M. France and LSED legal counsel (“Contract”).

The Resolution has the Staff Analysis Support and Recommendation of ASM Global (a copy of which is attached to the Resolution) and was approved by the LSED Construction Committee. The source of funds for the Contract will be the Smoothie King Center Reserve and Replacement Fund there were sufficient funds to support this Resolution. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-73** passed.

Pursuant to Resolution No. 23-58, dated September 28, 2023, the Louisiana Stadium & Exposition District (“LSED”) authorized and approved the purchase of certain kitchen equipment (“SKC Concession Equipment Contract”) that was required in connection with the Smoothie King Center Concession Renovation Project (“SKC Concession Project”).

On motion of Commissioner Landry, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorizes and approves the execution of Change Order No. 1 to the SKC Concession Equipment Contract, which provides for an increase in the amount of \$29,053.92, to SKC Concession Equipment Contract amount for additional kitchen equipment that is needed in connection with the SKC Concession Project.

This Resolution has the Staff Analysis Support and Recommendation of ASM Global (a copy of which is attached to the Resolution) and has been approved by the LSED Construction Committee. The source of funds for Change Order No. 1 to the SKC Concession Equipment Contract is the Smoothie King Center Reserve and Replacement Fund, and there are sufficient funds to support this Resolution. The execution of Change Order No.1 by Chairman Kyle M. France was authorized and approved. The approval of this Resolution was recommended.

Voting in favor were Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, and Glen D. Smith **Motion 23-74** 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 Baptiste, the October 26, 2023 meeting adjourned at 1:46 p.m.