

MINUTES OF THE MEETING  
OF THE BOARD OF THE  
SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH  
AND ALLEGHENY COUNTY  
HELD THURSDAY, DECEMBER 8, 2022  
REMOTELY VIA ZOOM CONFERENCE  
PITTSBURGH, PENNSYLVANIA  
COMMENCING AT 10:35 A.M. E.S.T.

A meeting of the Board of Directors of the Sports & Exhibition Authority of Pittsburgh and Allegheny County (the "Authority") was held upon proper notice on Thursday, December 8, 2022, commencing at 10:35 A.M. E.S.T. Due to the COVID-19 pandemic and guidance from public health experts, the meeting was conducted remotely via the online conferencing platform Zoom.

Members of the Authority

Present: Sen. Wayne Fontana, Chairman  
Mike Dunleavy, Vice-Chairman  
Sala Udin, Secretary  
Councilman Nicholas Futules, Member  
Rev. Glenn Grayson, Member  
Michael Quatrini, Member

Also Present: Aaron Waller, Mary Conturo, Bridget Pascal, Doug Straley, Rhea L. Thomas, Bill Williams, Randall Porch, Jhason Dixon, Theresa King, Desmond Bentley, and Paul McDonald Jr. of the Authority; Morgan Hanson, Solicitor; Clarence Curry, CFC-3 Management Services; Tom Ryser, TPR, LLC; Tim Muldoon, Ryan Buries, Spencer Girman, Lucas Kistler, and Natasha Ley of SMG; George Marsico, Mike Mascari and Todd Stih of Mitsubishi Electric; Gary Desjardins, Rich Hixon, Chris Zaber, and Kevin Acklin of the Pittsburgh Penguins; Mark Belko, Pittsburgh Post-Gazette; Matthew Wilson; Chris McCarty; Teddy Werner, User Names: Rad I Pad; Jwrightson; and CWilliams.

Senator Wayne Fontana called the meeting to order with the Pledge of Allegiance. Mr. Morgan Hanson followed with a roll call of the board members. Mr. Hanson advised that a quorum was present.

determined to be a larger volume, and heavier than initially anticipated and therefore could not be removed by a standard vac truck. A super-vac truck and additional labor had to be brought in to remove the sludge. This change order covers the additional costs of the super-vac truck and additional labor. All the work has been completed and the WWTP was returned to service on November 3, 2022.

Senator Fontana asked if there were any questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made and seconded, and unanimously carried, the following resolution was approved:

**RESOLUTION NO. 5865**

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to ratify a change order with Dalton's Service Company, LCC in the amount of \$1,968.75 for re-seeding and sludge pump-out; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued to the next item on the agenda, authorization to enter into an agreement with Building Envelope Consultants and Scientists, LLC in a lump sum amount of \$29,800, including expenses, for the routine inspection services for the glass curtain wall system of the DLCC.

Mr. Spencer Girman stated the DLCC is covered by a cable supported roof system with glass curtain walls enclosing the east and west ends of the main exhibit halls and adjacent to the roof level bridge. It was recommended in the operation and maintenance manual by previous inspection consultants, to have the glass curtain walls inspected every five years.

Senator Fontana asked if there were any other questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

**RESOLUTION NO. 5866**

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into an agreement with Building Envelope Consultants and Scientists, LLC in a lump sum amount of \$29,800 including expenses for the routine inspection services for the glass curtain wall system of the David L. Lawrence Convention Center; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued to the next item on the agenda, ratification of a change order to an existing agreement with Ruthrauff Sauer LLC (“RS”) in a lump sum amount of \$60,633 for additional work related to drain repairs and replacements.

Mr. Buries stated in June 2022, the board authorized an agreement with RS for drain repairs & replacements above the ceiling in the 10<sup>th</sup> Street underpass after a publicly advertised bid process where RS was the lowest bid. During completion of the work, several previously undiscovered conditions were revealed, and the following additional work was added for RS to complete during their mobilization: Levy loading dock where a piping condition led to multiple sanitary drain backups was discovered and reconfigured; ceiling grid structure repairs where the ceiling had to be removed due to corrosion and/or instability; ceiling sheathing replacement in areas adjacent to the project area damaged by drain leaks; additional area drain in the parking garage was identified as needing to be replaced; two areas of broken pipe sections were

the Concourse A restroom. The test bathroom has been successful to date in achieving the goals of the project.

Mr. Girman further stated the project was publicly bid and advertised on October 20, 2022, in the Post-Gazette, New Pittsburgh Courier, on the Authority's website, with the Pennsylvania Builders Exchange, African American Chamber of Commerce, First Source Center, Riverside Innovation Center, and the URA assisted in communicating the opportunity through its social media platforms. A notice was sent directly to 27 contractors, including 2 MBEs and 1 WBE. Seven contractors attended a non-mandatory pre-bid meeting on October 28, 2022, with five bids received on November 30, 2022. It is recommended to award this contract to FAI as the low responsible bidder for the base bids and alternates recommended by the DLCC.

Mr. Girman further stated there is a one-year warranty on the work and equipment provided by FAI. Upon completion of the project, the water heaters to be replaced in each of the restroom spaces will have a three-year warranty. There is 25% MBE participation via ImbuTec for electrical services (6%) and Reed Building Supply for water heaters and equipment (19%). There is also 10% WBE participation via Ida Yeager Sales, Inc. for parts & supplies.

Mr. Hanson stated Mr. Sala Udin joined the meeting.

Senator Fontana asked if there were any other questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

#### **RESOLUTION NO. 5868**

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into an agreement with First American Industries, Inc. in a lump sum amount of \$749,082 for modifications to existing building restrooms to furnish and install a hot water recirculating loop; and further that the proper

Mr. Williams confirmed that is correct. Mr. Williams further stated there are four phases to this project and Phase II will begin in 2023.

Senator Fontana asked if there were any other questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

**RESOLUTION NO. 5869**

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to reimburse PSSI Stadium Corporation an amount not-to-exceed \$45,890 for a change order related to the 2022 structural steel painting project; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued to the next item on the agenda, authorization to reimburse the Pittsburgh Penguins an amount up to \$6,804,107 for video technology and sound system replacement, hot water heaters and stacks replacement, chiller rebuild, approval of related Alterations, and extension of the letter agreement dated May 19, 2010 on construction of marquee.

Mr. Williams stated the Penguins submitted reimbursement requests for the following projects: video technology replacement, sound system replacement, domestic water heaters and stacks replacement, and chiller compressor rebuild. All equipment is original to the building and documented in the Authority's Facility Condition Assessment Report ("FCAR").

The video technology replacement includes the center hung videoboard, the ribbon boards and the puck displays. The Penguins, through their technology consultant, issued an RFP and solicited proposals from three companies. The Penguins advised the Authority their first choice is Mitsubishi due to its knowledge and past experience within the PPG Paints Arena. Anthony James

Mr. Williams further stated the sound system's existing equipment, including, speakers, amplifiers and digital signal processors, is failing and requires frequent repairs. Replacement parts are obsolete and obtaining parts is becoming increasingly difficult. The Penguins, through their technology consultant, issued an RFP for a replacement sound system suitable for the larger videoboard. Three proposals were received, and the Penguins advised the Authority their first choice is Clair due to its knowledge and past experience. However, the Clair proposal was not the lowest priced proposal.

The Penguins had all three proposers provide an adjustment number which would align with a "like-for-like" replacement sound system. AJP reviewed the scope of the adjusted number and advised it was appropriate for a like-for-like sound system except, however, the motor motion upgrade should not be included. The Authority's reimbursement recommendation for the sound system is \$2,432,266 which is the lowest price proposer as a like-for-like replacement without the motor motion control upgrade. The Penguins would fund the additional cost of \$985,070 as an alteration. Both video and sound work are anticipated to commence in May 2023 and be completed by September 2023.

Mr. Williams further stated the information pertaining to the like-for-like replacement for both the video and sound system equipment was reviewed with the Penguins and the Penguins accepted the like-for-like replacement as capital reimbursement. The Penguins will fund the additional costs at their expense for any item greater than the like-for-like replacement.

Mr. Williams stated the Penguins have engaged a technology consultant to provide design and bidding services. These services include a technology report, RFP development, proposal evaluation, contract negotiation, drawing development and contract administration. The Penguins reimbursement request for these services is \$236,800. However, the evaluation report is not

Senator Fontana asked if there were any questions.

Rev. Glenn Grayson stated he does not understand the reimbursement and how taxpayers pay for it. Rev. Grayson further stated it is not that he does not support the agenda item, but he does not understand the process of how the Authority must pay the costs.

Mr. Hanson stated the Authority owns PPG Paints Arena and is obligated to maintain it in a form similar to when it was built in 2010. The center hung scoreboard, sound system and other items are at the end of their useful life and under the lease, the Authority is obligated to replace them.

Mr. Hanson further stated the Authority is replacing them on a like-for-like basis. The Penguins have decided to expand the scoreboard, but the Penguins are paying for the expansion, as well as for the improvement of the sound system. The Authority is replacing what is there with a 2022 version and the Authority is obligated to do so under the lease.

Rev. Grayson stated he understands how it was put together but he struggles with the obligation. Rev. Grayson further stated it reminds him of a timeshare where the monthly fees never go away.

Mr. Hanson stated the deal negotiated is the deal the Authority and Penguins will live with for the next 30 years, and both sides are doing their very best to do it fairly. The Authority will live up to its obligations.

Rev. Grayson stated he cannot fight a deal before his time, but the struggle is when folks hear about a \$6 million contract, and when those same people try to get \$60,000 there is red tape. Rev. Grayson further stated for the record he is not fighting the agenda item but commented that the deals cut in the City sometimes do not appear to benefit the consumer versus corporate entities.

Mr. Hanson stated the minutes will reflect his statements.

system replacement, hot water heaters and stacks replacement, chiller compressor rebuild, to approve related Alterations, and to extend the letter agreement dated May 19, 2010 regarding construction of marquee; and further that the proper officers and agents of the Authority are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Mr. Hanson commended both the Authority and Penguins on getting this project accomplished. Mr. Hanson further stated these technology issues are extremely complicated and to Rev. Grayson's point about the project being expensive, there was a lot of work involved for both parties and under the lease, the Authority has an obligation to provide a like-for-like replacement. The Penguins are paying for the additional expansion and technological improvements so fans can have a better experience.

Mr. Kevin Acklin commended both teams for their hard work, and to Rev. Grayson's comment he stated the Penguins understand they are stewards of a public asset and take it very seriously in terms of long-term generation of taxes for the City. Mr. Acklin further stated the Penguins appreciate the investment made at PPG Paints Arena and look forward to working with everyone.

Rev. Grayson stated he is not against the hard work and commends all the work that went into the agenda item. He further stated he was recently honored by PPG Paints Arena, and as a leader in the community, he receives feedback about the impact of these agreements. Rev. Grayson stated he supports the agreements in place and wants to bring clarity to what those agreements are about. Rev. Grayson further stated he did not want the record to show he was not in favor of the agenda item, nor did he want to tarnish the relationship, but as a board member and resident he wanted to put on record the feelings of the local citizens who do not understand the bigger picture.

Mr. Acklin stated he appreciated Rev. Grayson's leadership.



2023 for an approximate cost of \$174,055. The time will be charged to the respective capital or operating budget.

Senator Fontana asked if there were any other questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

**RESOLUTION NO. 5871**

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a change order to TPR, LLC to be billed at a \$90 hourly rate for general owner's representation services through December 31, 2023; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued to the next item on the agenda, authorization to amend an agreement with CFC-3 Management Services for MBE/WBE oversight at a cost of \$3,870 per month

Mr. Straley stated CFC-3 is Mr. Clarence Curry who has served as the Authority's Senior Diversity Coordinator for the past 13 years. Mr. Curry maintains relationships between the Authority and local stakeholders such as the African American Chamber of Commerce, NAACP, City and County MBE/WBE offices, and the contracting community. Mr. Curry has expressed a desire to retire but has agreed to stay on month-to-month basis until a qualified candidate is hired and trained. Mr. Straley stated Mr. Curry's rate will remain unchanged at \$3,870/month which converts to approximately \$65/hr. at 15 hours per week and approximately \$97/hr. at 10 hours per week.

efforts and expenses related to specific development projects funded from the operating budget. Operations of the North Shore Garage, North Shore Riverfront Park, parking lots and related capital projects are separately budgeted and balanced.

Senator Fontana asked if there were any other questions from the board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried the following resolution was approved:

**RESOLUTION NO. 5873**

RESOLVED by the attached Operating and Capital budgets of the Sports & Exhibition Authority of Pittsburgh and Allegheny County for 2023 are hereby approved; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued to the next item on the agenda, establishing the schedule for regular Sports & Exhibition Authority Board meetings for calendar year 2023.

Senator Fontana stated the board received notice about returning to in-person meetings as the days (Thursdays) and times will remain the same. Senator Fontana asked if the board preferred to be in-person or a hybrid system.

Mr. Quatrini stated he would vote for a hybrid system.

Rev. Grayson stated he supported a hybrid system.

Senator Fontana stated the Authority has the capabilities to do a hybrid system and asked for a consensus.

Senator Fontana stated he supported the hybrid system.

Mr. Mike Dunleavy stated he supported the hybrid system.

Councilman Futules stated he would accept either option.

Senator Fontana stated it is important to have a quorum for the meetings and that may be easier to achieve with a hybrid system. He further stated a possibility could be having one in-person meeting quarterly.

Councilman Futules agreed with Senator Fontana.

Senator Fontana asked Mr. Hanson if the board needed to vote on this board action item.

Mr. Hanson stated the board voted on the schedule, but the board does not need to vote on if the meeting will be in-person or hybrid.

Rev. Grayson stated there are agenda items that may be advantageous to be in-person especially if it involves the purchasing and transferring of land as that will allow the board to hear in-person community feedback and feel the community energy.

Senator Fontana agreed with Rev. Grayson and stated the board should have flexibility to make the determination regarding whether a meeting will be in-person or hybrid and indicated Mr. Waller can also make the call.

Councilman Futules stated the Chief Executive of Allegheny County is required by the home rule charter to attend one meeting in-person, per quarter to update on the advances of the county and stated such a requirement would be a good idea for the board.

Senator Fontana asked if there were any other questions from the board. Hearing none, he moved onto a proclamation for Ms. Mary Conturo.

Senator Fontana stated there was a proclamation from the board for Ms. Conturo's years of service to the Authority.

Senator Fontana read the proclamation:

Whereas after 18 years of Executive Director of the Sports & Exhibition Authority, Mary Conturo is retiring from the organization. Over nearly two decades Mary has represented the Authorities in some of the biggest sports related developments including the construction of PPG Paints Arena, the development of the land between the two North

submitted via email and there were no registrations to submit public comment via telephone or the Zoom chat function.

Senator Fontana wished everyone happy holidays and a healthy new year. Senator Fontana stated as a board there are many things to do and good goals, but this is the time to relax with family and friends as everyone needs some time off and this is the best time to do it.

Senator Fontana asked if there were any comments from the board. There being no additional comments or business, Senator Fontana asked for a motion to adjourn. Upon a motion duly made, seconded, and unanimously carried, the meeting was adjourned at 11:30 A.M.



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Aaron Waller  
Assistant Secretary