

MINUTES OF THE MEETING
OF THE BOARD OF THE
SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH
AND ALLEGHENY COUNTY
HELD THURSDAY, DECEMBER 17, 2020
REMOTELY VIA ZOOM CONFERENCE
PITTSBURGH, PENNSYLVANIA
COMMENCING AT 11:07 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 17, 2020 commencing at 11:07 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
Sala Udin, Secretary
Councilman Anthony Coghill, Member
Councilman Nicholas Futules, Member
Jill Weimer, Member

Also Present: Mary Conturo, Doug Straley, Rosanne Casciato, Michael Wassil, Bill Williams, Rhea Thomas, Rifat Qureshi, Lauren Henderson, and Maggie Pike of the Authority; Morgan Hanson, Solicitor; Clarence Curry, CFC-3 Management Services; Tom Ryser, TPR, LLC; Tim Muldoon, Guy DeFazio, Eileen Letson, and Kevin Fonner, SMG; Lance Harrell, CCIP; J.J. McGraw and Matthew Butter, Pittsburgh Pirates; Matthew Wilson, Buchanan Ingersoll and Rooney, PC; and Mark Belko, Pittsburgh Post-Gazette.

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.

Beginning with public participation, Senator Fontana asked if any members of the audience would like to address the Board. Members of the public were offered participation by email,

telephone, or the Zoom Conferencing chat function. Ms. Henderson stated that the Authority had not received any prior comments via email, no one registered to speak via telephone, and no comments were submitted via Zoom thus far. Seeing no request from the public to address the Board, Senator Fontana moved to the next item on the agenda, approval of the minutes from the meeting of November 12, 2020. A motion was made, seconded and unanimously approved.

Senator Fontana continued on to the next item on the agenda under David L. Lawrence Convention Center (“DLCC”), authorization to issue an amendment to the contract with Modjeski and Masters, Inc., in an amount not-to-exceed \$56,440, to be billed based on time and materials, including reimbursable expenses, to create plans and specifications for water infiltration remediation and repair of miscellaneous items identified in the routine inspection of the roof cable system.

Mr. Tom Ryser explained that a public Request for Proposal process was conducted and Modjeski and Masters, Inc. was selected to perform the 2020 routine inspection of the roof cable system and the Board approved entering into agreement with Modjeski and Masters in July 2020. The proposal requested hourly rates and stated future work may be authorized based on the outcome of the inspection.

Modjeski and Masters completed the inspection in September 2020 and concluded that the roof cable system is in overall good condition. The report recommended various cable repairs to be made with scheduled maintenance, such as: water infiltration remediation, spot painting, shim and bolt adjustment, silicone spot repairs, and lubrication of the cable strands. Modjeski and Masters provided a proposal to prepare construction plans and specifications for the water infiltration remediation and miscellaneous repair items identified in the routine inspection. Its inspector will review the repairs once the contractor has completed the work for an amount not-

to-exceed \$56,440. For this amendment, Modjeski and Masters has committed to 10.7% MBE participation by using Cosmos Technologies, Inc. for inspection.

Senator Fontana asked if there were any questions from the Board.

Mr. Udin asked if an inspection leads to a repair work, are there external people to review the proposal to confirm that the repairs are necessary and costs are fair.

Ms. Mary Conturo replied that this item is for the engineering firm to develop the bid specifications for the repair work and to then inspect the work once repairs are completed. The cost of the actual work will be bid.

Senator Fontana asked if there were any further 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. 5721

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue an amendment to Modjeski and Masters, Inc. in an amount not-to-exceed \$56,440, to be billed based on time and materials, including reimbursable expenses, to create plans and specifications for water infiltration remediation and repair of miscellaneous items identified in the routine inspection of the roof cable system; 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 introduced the next item on the agenda, under North Shore Riverfront Park (“NSRFP”), authorization to enter into an agreement with Marion Hill Associates in a not-to-exceed amount of \$81,094 for concrete and erosion repairs at the NSRFP in the vicinity of the Pirates Quay.

Mr. Bill Williams stated that every five years, the Authority engages an engineering firm to review the condition of the NSRFP sidewalks, walkways, and water steps structure. From these reviews, completed in 2017, it was determined that certain repairs were needed including concrete spall and crack repairs, and sealant joint repairs, among other items. All but four repairs were completed in 2019. The remaining four repairs are in the vicinity of the Pirates Quay and include spalled concrete, exposed rebar, deteriorated/missing concrete, material voids and missing ramp blocks. Underwater divers are required to do this work.

In August 2020, a request for proposals was developed and the opportunity was advertised in the Pittsburgh Post-Gazette, New Pittsburgh Courier, posted on the SEA website, and the URA assisted us with social media communication by including this bidding opportunity in its Twitter, Facebook, and LinkedIn postings. Pricing was requested on a per item basis. A pre-proposal meeting was conducted with seven companies present. Two proposals were received – one from Marion Hill Associates and one from Waller Corporation, a MBE company.

The Authority staff did a scope review with both firms. At this time, three of the four repairs are being presented for approval. We are further evaluating the proposed solution to resolve the fourth (missing ramp blocks) and therefore, that work is not included in this authorization. Marion Hill was the low proposer at \$81,094 for the three items.

In order to review and document this underwater work, Marion Hill will provide video footage of the work prior, during and after the repairs. The warranties for the project are one year for workmanship and products. Work will begin in the spring of 2021 when conditions are more favorable. The work is anticipated to be completed within a month after commencing.

Underwater construction is highly specialized work that is being self-performed by Marion Hill. Repairs will be completed by a four-person team of divers. Subject to the availability of

specific individuals, it is expected that at least one of the four divers will be a minority individual. Therefore, on-site workforce will have a minimum participation of 25%. The project has been reviewed by the Authority's Senior Diversity Coordinator, Clarence Curry.

Senator Fontana asked if there were any questions from the Board.

Councilman Coghill asked if the Pirates Quay is a place where boats dock.

Mr. Williams responded that the Gateway Clipper docks at the Pirates Quay.

Senator Fontana asked if this is a City park that could be affected by City Council Park funding.

Ms. Conturo replied that she does not know the answer.

Senator Fontana encouraged that it would be appropriate for the City to take over the costs of the park.

Councilman Futules asked if the damage to the Quay was caused by the Gateway Clipper.

Mr. Williams said that it cannot be determined with any certainty that the damage was caused by them.

Councilman Futules asked if the Gateway Clipper could be held liable by their insurance to damage to the wall.

Mr. Hanson said that an analysis would need to be made to determine whether the damage was due to normal deterioration of underwater concrete, it could be discussed internally for review.

Mr. Straley responded that an inspection of the wall was conducted and it concluded that the deterioration to the underwater concrete was not caused by damage from the Gateway Clipper. A fourth repair, to be taken to the Board at a later date, is for the matting or blocks that are visible from the walkway. This fourth item may require a discussion with the Gateway Clipper.

Senator Fontana asked if there were any further 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. 5722

RESOLVED by the Board of 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 Marion Hill Associates in a not-to-exceed amount of \$81,094 for concrete and erosion repairs at the North Shore Riverfront Park in the vicinity of the Pirates Quay; 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 on to the next item on the agenda, under SEA Operating, authorization to issue a change order with CFC-3 Management Services at a cost of up to \$46,440 for MBE/WBE oversight for the 12-month period of January 1, 2021 through December 31, 2021.

Mr. Doug Straley stated that CFC-3 Management Services is Clarence Curry, who has served as the Authority's Senior Diversity Coordinator for the past 12 years. The Authority is requesting an extension for the next 12-month period. Mr. Curry will be focused on all ongoing MBE/WBE plans and workforce utilization efforts on all Authority and Stadium Authority projects and on private projects that occur on Authority and Stadium Authority property. He will work on diversity coordination services for contracting and maintenance work, and monitor all active projects for development staff (including the I-579 Cap and Lower Hill Redevelopment) at all Authority and Stadium Authority properties.

Mr. Curry's monthly rate will be \$3,870 for 10-15 hours per week, on a flexible schedule. The Authority believes this monthly fee is reasonable compared to similar hourly rates for diversity

coordinators. The monthly fee to CFC-3 Management Services will be pro-rated to cover leaves of one week or more; ¼ of the monthly fee will be deducted for each full week of leave.

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, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5723

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 with CFC-3 Management Services at a cost of up to \$46,440 for MBE/WBE oversight for the 12-month period of January 1, 2021 through December 31, 2021; 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 on to the next item on the agenda, authorization 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, 2021.

Mr. Straley stated that TPR, LLC is Tom Ryser, who has worked for the Authority for over 15 years and is our primary liaison with Federal Highway, PennDOT, PWSA, ALCOSAN, and DEP. He is a registered professional engineer in Pennsylvania and has over 20 years of experience in the engineering and construction field. Mr. Ryser's experience with the Authority and the Stadium Authority is significant and his institutional knowledge is beneficial to the Authority. He will be working on the following projects in the upcoming year: the I-579 Cap Park, the DLCC roof and cable projects, the North Shore and Convention Center Riverfront Parks, the Lower Hill Redevelopment, and consulting on stadium, ballpark and arena issues.

Mr. Ryser's billing rate remains \$90 per hour and he is only paid for hours worked on a monthly basis. It is estimated that this will cover 12 months of service. The Authority believes that this hourly rate is fair when compared with other professional engineering rates charged for Authority projects. This would be approximately 2,000 hours and in total cost approximately \$162,000. The majority of the funding will be charged to the individual projects that Mr. Ryser will work on.

Senator Fontana asked if there were any questions from the Board.

Mr. Udin stated that he is happy with the work that Mr. Curry and Mr. Ryser contribute to the Board; however, is not happy with the results of the I-579 Cap minority participation. He understands the reason why it was not greater, but in the future wants them to do a better job negotiating minority participation, even when negotiating with PennDOT or federal authorities. Mr. Udin further stated the Authority has received a lot of anger from residents who drove by the construction site and did not see any minority workers. The Authority has to do a better job.

Councilman Coghill thanked Mr. Curry and Mr. Ryser for their hard work.

Senator Fontana asked if there were any further 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. 5724

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, 2021; 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 on to the next item on the agenda, establishment of the schedule for regular SEA Board meetings for the calendar year 2021.

Ms. Conturo stated that the schedule put in front of the Board today is the same as in the past several years. It is suggested that the meetings be the second Thursday of every month at 10:30 A.M. with in-person meetings to be held at the DLCC, recognizing, however, that meetings will continue to be remote, for the time-being.

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, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5725

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that the schedule for regular Sports & Exhibition Authority Board meetings for the calendar year 2021 will be the second Thursday of each month at 10:30 A.M. at the David L. Lawrence Convention Center (unless held remotely); 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 on to the next item on the agenda, authorization to enter into a funding agreement with the Stadium Authority of the City of Pittsburgh.

Ms. Conturo explained that the Stadium Authority and the SEA work together to provide for public auditoriums and related facilities. The two authorities work in support of each other for this common purpose, and in furtherance of that, the Stadium Authority approved the transfer of \$10 million to the SEA for next year's operating costs on December 14, 2020. This transfer is needed to address the economic impacts caused by the COVID-19 pandemic.

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, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5726

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into a funding agreement with the Stadium Authority of the City of Pittsburgh; 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 on to the next item on the agenda, authorization to approve the 2021 SEA Operating and Capital Budgets.

Ms. Conturo stated that the SEA operating budget has total revenues and total expenses of \$11,350,000 each. The budget is broken into two parts: the DLCC and other operations. The total revenues and expenses for the DLCC are \$9,000,000. The total revenues and expenses for other operations are each \$2,300,000. In our budgeting process, the category “other operations” covers all administrative costs of the Authority and all efforts and expenses related to specific development projects funded from the operating budget. The budget includes the \$10,000,000 fund transfer from the Stadium Authority. There are also budgets for the North Shore Garage, NSRFP, the parking lots and related capital projects; each are separately budgeted for and each budget is balanced.

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, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5727

RESOLVED that the attached Operating and Capital budgets of the Sports & Exhibition Authority of Pittsburgh and Allegheny County for 2021 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.

The next item was public participation, and Senator Fontana asked if anyone in the audience desired to address the Board.

Ms. Henderson stated that the Authority has provided the public with three options for public participation: email, telephone, or Zoom chat.

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

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 11:31 A.M.

 2/19/21
Mary Conturo
Assistant Secretary