

**Arizona Sports & Tourism Authority**

**Minutes of the 69<sup>th</sup> Meeting of the Arizona Sports & Tourism Authority**

**Board of Directors**

**September 21, 2006**

**4:00 p.m.**

**Arizona Sports & Tourism Authority, Board Room**

**1 Cardinals Drive**

**Glendale, AZ 85305**

**Attendance**

**Members**

Larry Landry, Chairman  
F. Rockne Arnett (Telephonically)  
Deborah Johnson  
John Benton, (Telephonically)  
Herman Orcutt  
Verma Pastor  
Gerald Walker  
Rod Williams

**Staff**

Ted A. Ferris, President/CEO  
  
Kimberly Monroe, Executive Assistant/Office Mgr.  
Brad Parker, Public Information Officer  
Kenny Harris, Vice President for Facilities  
Deb Wilson, Project Assistant

1. Call to Order. A public meeting of the of the Arizona Sports & Tourism Authority (the "Authority") Board of Directors (the "Board") was held in the Authority's Board Room at the at the Stadium, 1 Cardinals Drive, Glendale, AZ 85305 on Thursday, September 21, 2006 at 4:00 p.m. A quorum being present, and the meeting having been duly noticed and called, Chairman Larry Landry called the sixty-ninth meeting of the Board of Directors to order.

2. Consideration of Minutes from the August 3, 2006 Board Meeting. The Chairman asked for a motion to approve the minutes of the Board held August 3, 2006 (Exhibit A). Upon motion duly made by Mr. Roc Arnett and seconded by Mr. Rod Williams the minutes were unanimously approved.

Chairman Landry stated that he would like to review agenda item 4 Stadium Matters next.

3. Stadium Matters. The Chairman informed the Board Members that he had received a letter via fax earlier that day from Pentagram Architecture commenting on the stadium build-out design issues (Exhibit B). Chairman Landry asked Mr. Herman Orcutt to preview the tenant improvement project with the members. Mr. Orcutt previewed the improvements and gave

a brief history of the Construction Oversight Team's (the "COT") actions related to this matter. Mr. Orcutt stated that the COT and the Arizona Sports Foundation d/b/a/ the "Fiesta Bowl" (the "Foundation" or "Fiesta Bowl") had agreed to keep the bathroom design and the exterior of the party suites consistent with the current design of the stadium.

Chairman Landry informed the members that Mr. Peter Eisenman, Eisenman Architects, and Mr. Michael Gericke, Pentagonam Architecture, were in attendance telephonically and requested time to provide their comments on the party suite design. Mr. Eisenman gave a brief background of his role in the stadium design and construction. He informed the board members that he was not in favor of the design chosen by the Fiesta Bowl for the party suites. He stated that he felt that the party suites should remain consistent with the design of the existing suites. Mr. Gericke also gave a brief background of his role in the stadium design and construction. He, too, stated that he was not in favor of the design chosen by the Fiesta Bowl for the party suites. He expressed concern that the interior of the new party suites would be visible by patrons seated in the stadium's lower bowl and the contrast in the two designs would be noticeable.

Chairman Landry called on Mr. John Junker, President and CEO of the Tostitos Fiesta Bowl, to comment on the party suite design. Mr. Junker stated that the Fiesta Bowl's plans would be an improvement to and would enhance the spaces that were currently unimproved spaces within the stadium. Chairman Landry asked Mr. Kenny Harris, AZSTA Vice President for Facilities, to review the construction timetable with the members. Mr. Harris stated that the timetable was very tight and that work had already begun. He stated that there is less than three months of construction time remaining prior to the Fiesta Bowl and Bowl Championship Series games and that there would be no time to re-design the space. Board Member discussion ensued.

Chairman Landry asked if there were further comments on the party suite design issue. Mr. Orcutt stated that he would like to make a motion related to the tenant improvements. Chairman Landry stated that prior to Mr. Orcutt making a motion he would like to comment

regarding the Agreement between the Authority and the Foundation regarding construction and use of undeveloped areas. Referring to Section 4.4, Media Spaces, Mr. Landry asked to have the last sentence removed having to do with control of the new media space. Mr. Landry explained that if, under the agreement, the Fiesta Bowl were to be repaid for their investment in the party suites and the media space, they should not have approval right over third party use of this space. Mr. Landry added that such control should be vested in the Authority. Mr. Junker stated that the Fiesta Bowl would waive any right to repayment of their investment in the media space so there would be no issue having to do with control of this space. Ms. Sarah Strunk, General Counsel for the Authority, stated that she would revise the agreement in accordance to the Board's directive. After further discussion, Mr. Orcutt moved to approve agenda items 4.(b)(i) the Agreement between the Authority and the Foundation regarding construction and use of undeveloped areas (Exhibit C) with an amendment to remove the repayment to the Fiesta Bowl for the media spaces, agenda item 4.(b)(ii) the Interim Construction Agreement by and between the Authority and Hunt Construction (Exhibit D), 4.(b)(iii) the Design-Build Agreement between the Authority and Hunt Construction (Exhibit E) and 4.(b)(iv) the Single Event Party Suite License Agreement (Exhibit F). Upon motion duly made and seconded by Mr. Williams the motion was unanimously approved.

5. Board Member and Committee Comments. Chairman Landry stated that representatives with the City of Goodyear were in attendance and asked them to pass out a letter from the President of the Cleveland Indians dated September 21, 2006 (Exhibit G) and a letter from the Mayor of Goodyear dated September 21, 2006 (Exhibit H). Mr. Landry stated that Cactus League matters were not on the agenda for consideration and the Board would not be able to discuss the letters at the meeting. Chairman Landry also stated for the record that he had not been working privately with the City of Goodyear and their bid for Authority funding for a Cactus League stadium.

Mr. Rod Williams requested additional information regarding the Phoenix International Consultants contract. Mr. Ferris stated that he receives weekly updates from the consultants and meets with them on a monthly basis. He offered to meet with any member to brief them on work being done by this consultant or any other consultant hired by the Authority.

Chairman Landry asked Mr. Jerry Walker, Chairman of the Youth and Amateur Sports Committee, to update the members on the actions of the Committee. Mr. Walker provided the members with a FY2006 YAS Grant Funding Agreement Status Update (Exhibit I).

6. Chairman Landry stated that he would be postponing action on agenda item 4.(a), the First Amendment to the Amended and Restated Fiesta Bowl Use Agreement, because the Arizona Cardinals organization had not had sufficient time to review the proposed amendment. Chairman Landry asked that the Fiesta Bowl and Arizona Cardinals meet and discuss their outstanding issues related to the amendment prior to the next Board meeting.

7. Review and Completion Notice and Commencement Date. Mr. Ted Ferris, Authority President/CEO reviewed with the members his letter to the Arizona Cardinals dated September 13, 2006 (Exhibit J) regarding the Completion Notice and Commencement Date.

8. Fiesta Bowl Update. Chairman Landry asked Mr. Junker to review the Temporary Signage package with the board members which had been provided to Mr. Landry and the Arizona Cardinals. Mr. Junker briefly reviewed the signage package. Mr. Landry stated that he felt this issue had not been adequately noticed on the Board's agenda and, therefore, would like to place this issue on the agenda for consideration by the Board of Directors at the next meeting. Mr. Dean Short, Attorney for the Arizona Cardinals, provided the members with a document entitled Stadium Bannering in Estimated Square Feet (Exhibit K).

9. Cardinals Update. Mr. Short stated that there were no other issues to discuss at this time.

10. Announcement of Future Meeting Dates and Other Information Concerning the Board. Chairman Landry asked that the staff begin to look for dates in the month of October for the next Board of Directors Meeting.

11. Adjournment. There being no further business to come before the Board, the Chairman asked for a motion to adjourn. Upon motion duly made by Mr. John Benton and seconded by Mr. Williams the motion to adjourn was unanimously approved.

“Exhibit A”

Minutes from the August 3, 2006 Board Meeting

“Exhibit B”

“Pentagram Architecture Letter Re: Build-Out Design Issues”

“Exhibit C”

Agreement between the Authority and the Foundation Regarding Construction and Use of  
Undeveloped Areas

“Exhibit D”

Interim Construction Agreement by and Between the Authority and Hunt Construction

“Exhibit E”

Design-Build Agreement between the Authority and Hunt Construction

“Exhibit F”

Single Event Party Suite License Agreement

“Exhibit G”

Letter from the President of the Cleveland Indians dated September 21, 2006

“Exhibit H”

Letter from the Mayor of the City of Goodyear dated September 21, 2006

“Exhibit I”

FY2006 YAS Grant Funding Agreement Status Update

“Exhibit J”

Letter to the Arizona Cardinals from Ted Ferris Regarding Completion Notice and  
Commencement Date dated September 13, 2006

“Exhibit K”

Arizona Cardinals Document titled Stadium Bannering in Estimated Square Feet.