


Oakland-Alameda County
Coliseum Authority

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY
SPECIAL MEETING**

NOTICE AND AGENDA
BOARD OF COMMISSIONERS
ORACLE ARENA PLAZA CLUB
7000 COLISEUM WAY
OAKLAND, CA 94621

November 8, 2019
Friday, 8:30 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. OPEN FORUM
5. REPORTS
 - 5a. Executive Director's Report
 - 5b. General Manager's Report
6. NEW BUSINESS
 - 6a. RESOLUTION APPROVING AND AUTHORIZING THE RETENTION OF LEGAL FIRMS "OUTSIDE COUNSEL" TO ASSIST THE OAKLAND-ALAMEDA COUNTY AUTHORITY ("AUTHORITY") WITH LEGAL SERVICES ON AN AS NEEDED BASIS FOR A PROJECTED NOT TO EXCEED AMOUNT OF \$250,000 FOR THE NEXT SIX MONTHS.
 - 6b. RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SIXTH AMENDMENT EXTENDING THE TERM OF THE ARENA CONCESSION LICENSE AGREEMENT WITH LEVY PREMIUM FOODSERVICES LIMITED PARTNERSHIP TO NOVEMBER 30, 2020, FOR CONTINUED MANAGEMENT AND OPERATION OF ALL FOOD AND BEVERAGE SERVICES AT THE OAKLAND-ALAMEDA COUNTY ARENA
7. ADJOURNMENT

**Oakland-Alameda County
Coliseum Authority**

Oakland-Alameda County Coliseum Authority
October 11, 2019
Special Board Meeting Minutes

CALL TO ORDER

Chair Reid called the meeting to order at 8:39 a.m.

ROLL CALL

Chair Reid
Commissioner De La Fuente
Commissioner Hill

Commissioner Linton
Commissioner Taylor

APPROVAL OF MINUTES

The minutes for September 20, 2019 were submitted for approval. Missing verbiage from the minutes was added and submitted. Mr. Benson asked for the approval of minutes with the modification. Commissioner De La Fuente moved to approve modified minutes and Commissioner Linton seconded the motion. The minutes were approved by consensus.

OPEN FORUM

There were (3) speakers: Griz Jones from Forever Oakland, Diane Bates and Wei-Ling Huber from UNITE HERE 2850.

- Griz Jones spoke in support of a new task force Making Oakland Better, developed from Forever Oakland.
- Diane Bates a senior citizen and 20-year Levy employee spoke in support of OACCA continuing the service contract with Levy which supplies her health insurance.
- Wei-Ling Huber, president of food service union, UNITE HERE 2850, spoke asking for support to renew and extend the Levy agreement for the employees.

REPORTS

Mr. Gardner, Interim Executive Director for Oakland Alameda County Coliseum Authority "OACCA" spoke on concerning issues at the Coliseum. Emphasized issues include, B.A.R.T. bridge safety, crowd control, and excessive stadium wait time in line to purchase food. Mr. Gardner has contacted the Oakland Chief of Police, Oakland Chief of Fire Department and Chief of B.A.R.T. Security and Management. Mr. Gardner invited all to attend an event together at the stadium. Together they will address the safety hazards on the B.A.R.T. bridge and the extreme crowd amounts at B.A.R.T station. Food Service will be discussed with the Oakland A's and JPA staff.

Mr. Gardner spoke on the challenging Ring Central Negotiations. It is hopeful there will be an agreement to bring to the Board for approval at the next OACCA Board meeting.

Mr. Gardner inquired from the Board the authoritative level the he as Executive Director has on approvals of lease agreements and purchases. Mr. Gardner is recommending to the Board to purchase an x-ray mail scanner. Scanning letters and packages will detect explosives and dangerous materials. If there is no objection Mr. Gardner will recommend the purchase of a scanner for \$25,346. The lowest amount out of 3 quotes given.

General Manager Chris Wright addressed the reason for short term extension for the Levy contract.

The Board suggested forming a subcommittee to address the Levy Catering contract.

The committee will consist of Chair Larry Reid, Commissioner, Ignacio De la Fuente and Christin Hill. Chair Reid asked for Scott Haggerty or Nate Miley to participate on the committee. Mr. Gardner recommended at the November Board meeting the Levy contract be extended for minimum 60 days to allow the subcommittee to research long-term catering solutions.

Mr. Wright gave a synopsis on the AEG and SMG facilities merger creating ASM Global. He spoke of the many benefits the merger will provide.

Mr. Wright addressed the B.A.R.T. to Coliseum ramp problems and issues. Different efforts have been made to eliminate and disband the illegal and hazardous activity on the ramp unsuccessfully.

Mr. Wright reported to the board, to date there has not yet been a negative impact of booking new events at the Coliseum since Chase Center opened.

CLOSED SESSION

The Board moved to closed session at 9:12 a.m.

REPORT FROM COUNSEL ON CLOSED SESSION

There is no reportable action from closed session

ADOURNMENT

Meeting adjourned at 10:31a.m.



Adam Benson- Secretary

**Oakland-Alameda County
Coliseum Authority**

November 8, 2019

Executive Director's Report

Honorable Chairperson Reid and Commissioners of the Authority:

Status of RingCentral Negotiations Regarding Stadium Naming Rights

Preliminary terms of the agreement have been reached, subject to final review by the JPA counsel and RingCentral counsel. Rather than amend the previous agreement, the agreement has been re-drafted and is a new agreement. This has been a rather complex set of negotiations, undoing terms and conditions of the prior agreement to improve the financial impacts on the JPA. RingCentral has negotiated in good faith and I believe the final agreement will represent fair terms and conditions for the JPA. Once the respective counsel have completed their legal review, we will submit the agreement to the Board at your next meeting. A special meeting may be required to execute the agreement as soon as possible.

Levy Contract Extension

A sub-committee of the Board was appointed to review the Levy contract and make recommendations to the Board regarding further extensions. Chairperson Reid, Commissioners De La Fuente, Haggerty and Hill were appointed. The meeting was held by conference call. Commissioners Haggerty and Hill participated. Gardner provided some background of the history of the contract.

The contract was originally executed on 6-15-04. It was first amended on 8-1-09; the second amendment was 4-1-14; the third amendment was 7-1-15; the fourth amendment was 3-13,18, and another amendment on 7-31-19, which is due to expire on November 15, 2019. . In 2008 the Authority engaged the Bigelow Companies to prepare an audit of the concession services and solicit proposals. An ad hoc committee was appointed to review the recommendations made by Bigelow and submit its recommendations to the full Board. The contract was amended with a new set of terms and conditions. I have not been able to find any subsequent reviews.

The AEG Manager has reported that there has not been a history of complaints regarding service.

The recent short-term extensions do not seem to serve any useful purpose without some clear explanation of what the outcome is intended to be. Based on the foregoing, the sub-committee recommends the following:

**Oakland-Alameda County
Coliseum Authority**

1. Grant a one year extension to Levy for concession service at the Arena
2. Require Levy to provide in writing that terminated employees will receive benefits they have earned prior to termination
3. Service at the Arena will not be reduced or given a lesser priority when there are concurrent events at the Arena and Chase Center
4. The Authority issue a Request for Proposals for concession service at the Arena

Major Outstanding Warriors Issues

We are gradually whittling down the number of major outstanding Warriors issues. AEG has conducted a walk-through with Warriors representatives to identify areas that need repair to walls and fixtures, and furniture, equipment and removable objects that belong to the Warriors that we agree they may now remove. We are working to narrow the list to not more than a dozen that will require further negotiations about what belongs to whom. We are trying to complete this process by December 31.

Report from AEG (ASM Global)

Recommend that AEG (ASM Global) be directed to prepare a report to the JPA outlining a detailed strategic plan for how it will pursue new revenues to replace revenues lost due to the Warriors leaving the Arena and what steps it will take to reduce overall operating expenses for the entire complex, taking into consideration the Raiders lease agreement may also expire next year.. Such a plan is necessary for the Board to have a sense of what financial stresses the Authority might be facing going forward and what marketing strategies, along with operating expense reductions, might be needed to produce results that rely less on the City's and County's general funds. The plan should address the strengths and weaknesses of our facilities against other competitive venues.

Respectfully submitted,

Henry L. Gardner
Interim Executive Director

Oakland-Alameda County
Coliseum Authority

STAFF REPORT

November 8, 2019

Oakland-Alameda County Coliseum Authority
7000 Coliseum Way
Oakland, California 94612

RE: RESOLUTION APPROVING AND AUTHORIZING THE RETENTION OF LEGAL FIRMS "OUTSIDE COUNSEL" TO ASSIST THE OAKLAND-ALAMEDA COUNTY AUTHORITY ("AUTHORITY") WITH LEGAL SERVICES ON AN AS NEEDED BASIS FOR A PROJECTED NOT TO EXCEED AMOUNT OF \$250,000.00 FOR THE NEXT SIX MONTHS.

Honorable Chairperson Reid and Commissioners of the Authority:

As you are aware, the Oakland City Attorney and the Alameda County Counsel serve as joint legal counsel ("Authority Counsel") to the Oakland-Alameda County Joint Powers Authority ("Authority") pursuant to the Authority's Joint Powers Agreement between the City of Oakland and the County of Alameda. From time to time, Authority Counsel require assistance from outside legal counsel to assist them in providing advice and counsel to the Authority. Authority Counsel consulted with Chairperson Reid, Vice Chairperson Miley and the Authority's Interim Executive Director, Henry Gardner regarding retaining outside legal counsel to assist Authority Counsel in providing advice and counsel to the Authority on an as needed basis for a six-month period and for a total amount not to exceed \$250,000.00.

Authority Counsel request that the Authority Board pass the referenced resolution which will (1) authorize Authority Counsel to secure assistance on an as needed basis over the next six months from the following law firms with specialized expertise to assist Authority Counsel in providing legal counsel to the Authority: Meyers Nave Riback Silver And Wilson; Curlls Bartling; Rankin Shuey Ranucci, Mintz, Lamposona & Reynolds; Burke Williams & Sorenson; and Remcho Johannsen & Purcell for a total amount not to exceed \$250,000; (2) authorize Authority Counsel to draft and negotiate professional services agreements between the Authority and the foregoing law firms; and (3) authorize Henry Gardner, the Authority's Interim Executive Director, to execute the professional services agreements on behalf of the Authority for a period of six months for the purpose of providing legal assistance to Authority Counsel on an as-needed basis and for a total not to exceed amount of \$250,000.

Respectfully submitted,

BARBARA J. PARKER
City Attorney
City of Oakland

DONNA R. ZIEGLER
County Counsel
County of Alameda

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY
RESOLUTION NO. 2019-_____**

RESOLUTION APPROVING AND AUTHORIZING THE RETENTION OF LEGAL FIRMS "OUTSIDE COUNSEL" TO ASSIST THE OAKLAND-ALAMEDA COUNTY AUTHORITY ("AUTHORITY") WITH LEGAL SERVICES ON AN AS NEEDED BASIS FOR A PROJECTED NOT TO EXCEED AMOUNT OF \$250,000.00 FOR THE NEXT SIX MONTHS.

WHEREAS, the Oakland City Attorney and the Alameda County Counsel serve as joint Legal Counsel to the Oakland-Alameda County Coliseum Joint Powers Authority ("Authority") and the Authority's Executive Director and Board of Directors; and

WHEREAS, the Authority, from time-to-time requires the assistance of outside legal counsel to provide advice and counsel, and to represent the Authority in litigation and administrative proceedings; and

WHEREAS, the Authority desires to authorize its joint Legal Counsel to secure assistance on an as needed basis over the next six months from law firms with specialized expertise to assist joint Legal Counsel in providing legal counsel to the Authority; and

WHEREAS, the Authority's joint Legal Counsel have determined that the following law firms have the expertise to provide legal advice and counsel to assist joint Legal Counsel in performing their duties to the Authority: Meyers Nave Riback Silver And Wilson; Curls Bartling; Rankin Shuey Ranucci, Mintz, Lamposona & Reynolds; Burke Williams & Sorenson; and Remcho Johannsen & Purcell have broad expertise to provide assistance to the Authority's joint Legal Counsel;

NOW THEREFORE, BE IT

RESOLVED: That the Authority's Board of Directors hereby authorizes its joint Legal Counsel to negotiate and draft professional services agreements between the Authority and the foregoing law firms; and be it

FURTHER RESOLVED: That the Authority's Board of Directors hereby authorize Henry Gardner, the Authority's Interim Executive Director, to execute professional services agreements between the Authority and the foregoing law firms for a total amount not to exceed two hundred fifty thousand dollars for a period of six months for the purpose of providing legal assistance to the Authority's joint Legal Counsel on an as-needed basis.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 8th day of November 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Larry Reid, Chair
Oakland-Alameda County Coliseum Authority

ATTEST: _____
Adam Benson, Secretary
Oakland-Alameda County Coliseum Authority

DATE: _____

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2019-10

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SIXTH AMENDMENT EXTENDING THE TERM OF THE ARENA CONCESSION LICENSE AGREEMENT WITH LEVY PREMIUM FOODSERVICES LIMITED PARTNERSHIP TO NOVEMBER 30, 2020, FOR CONTINUED MANAGEMENT AND OPERATION OF ALL FOOD AND BEVERAGE SERVICES AT THE OAKLAND-ALAMEDA COUNTY ARENA.

WHEREAS, the Oakland-Alameda County Coliseum Authority ("Authority") and Levy Premium Foodservice Limited Partnership, an Illinois limited partnership ("Levy") entered into that certain Arena Concession License Agreement, dated June 15, 2004, as amended by the First Amendment dated August 1, 2009, Second Amendment dated April 1, 2014 and Third Amendment dated July 2015, and Fourth Agreement dated March 13, 2018, and the Fifth Amendment approved pursuant to Resolution 2019-08 (collectively, the "Concession License Agreement") for the exclusive right to manage and operate all of the food and beverage concession services in designated areas within the Oakland-Alameda County Arena ("Arena"); and

WHEREAS, all capitalized terms not otherwise defined herein shall have the meaning given to them in the Concession License Agreement; and

WHEREAS, the Term of the Concession License Agreement expired on November 15, 2019; and

WHEREAS, the Authority and Levy desire to further extend the Concession License Agreement to Nov 30, 2020, on the terms and conditions set forth herein,; and

NOW THEREFORE BE IT RESOLVED that Board does hereby approve the extension of the Term of the Concession License Agreement to November 30, 2020, on the same terms and conditions set forth therein except that the Sixth Amendment shall also require that, during the extension period, Levy must provide 1) satisfactory evidence to the Authority that any terminated employees will receive benefits they have earned prior to any such termination; and 2) representations and assurances that any service at the Arena will not be reduced or given a lower priority when concurrent events at the Arena and Chase Center occur; and

BE IT FURTHER RESOLVED that the Authority's Executive Director is hereby directed to conduct, during the extension period, a competitive process to solicit bidders for the exclusive right to manage and operate all of the food and beverage concession services, through execution of a long term license agreement, in designated areas within the Arena and to bring back any qualified bidders for such exclusive right to the Board of the Authority for its consideration and approval prior to November 30, 2020; and

BE IT FURTHER RESOLVED that the Authority's Executive Director is hereby authorized to negotiate and execute a Sixth Amendment to the Concession License Agreement consistent with the authority granted herein, in a form to be approved by the Authority's Joint Counsel.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this ___ day of November, 2019, by the following vote:

Ayes:
Noes:
Absent:

LARRY REID, CHAIR

ATTEST:

SECRETARY

