



Oakland-Alameda County
Coliseum Authority

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

**NOTICE AND AGENDA
BOARD OF COMMISSIONERS
OAKLAND ARENA PLAZA CLUB
7000 COLISEUM WAY
OAKLAND CA 94621
June 26, 2025**

9:00 a.m.

REMOTE ATTENDANCE

**Commissioner Nate Miley
1221 Oak Street Suite 536
Oakland, CA 94612**

**Commissioner David Haubert
1221 Oak Street Suite 536
Oakland, CA 94612**

You are invited to a Zoom webinar!

When: Jun 26, 2025 09:00 AM Pacific Time (US and Canada)

Topic: OACCA Special Board Meeting 6.26.25 9:00 a.m.

Join from PC, Mac, iPad, or Android:

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1. CALL TO ORDER

2. ROLL CALL

3. OPEN FORUM

4. APPROVAL OF MINUTES

5. REPORTS

5a. Executive Director Report

1. Third Quarter Budget Report

2. Proposed Budget FY 2025-26

3. Levy Premium Foodservice

5b. General Manager Report

6. NEW BUSINESS

a. RESOLUTION APPOINTING A VICE CHAIR OF BOARD OF COMMISSIONERS FOR THE REMAINDER OF CALENDAR YEAR 2025

b. RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2025-2026 FOR THE OAKLAND-ALAMEDACOUNTY COLISEUM AUTHORITY

c. RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ARENA CONCESSION LICENSE AGREEMENT WITH LEVY PREMIUM FOODSERVICE LIMITED PARTNERSHIP FOR FOOD AND BEVERAGE CONCESSION SERVICES IN THE OAKLAND ARENA

d. RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH TP WINDOWS, INC. AND AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT BY THE EXECUTIVE DIRECTOR AND PAYMENT OF THE SUM OF \$75,000 TO TP WINDOWS, INC.

7. ADJOURNMENT

Oakland-Alameda County Coliseum Authority
April 18, 2025
Board Meeting Minutes

CALL TO ORDER

Vice Chair Kaplan called the meeting to order at 9:15 am

ROLL CALL

V.Chair Kaplan

Commissioner Beam

Commissioner Houston

Chair Miley

Commissioner Haubert (remote)

Commissioner Vukasin (remote)

OPEN FORUM

Zennie Abraham spoke regarding Oakland City Financing Authority.

APPROVAL OF MINUTES

The minutes were submitted for March 28, 2025. Commissioner Houston moved to approve, and Commissioner Beam seconded the motion. Roll Call: Commissioners Beam, Haubert, Houston, Miley, Kaplan, and Vukasin approved. The minutes were approved by 6 votes.

REPORTS

Agenda taken out of order: Item 6 was combined with ED report
5a.

Executive Director Henry Gardner and Legal Counsel gave a summary of the dissolution process of the JPA once the final sale is complete in spring 2026. Discussions with prospective new owners on the benefits of booking events 1-2 years in advance. It would be beneficial to book events for the old and new owners. V.Chair Kaplan suggested this to be an action item at next month meeting to accept booking events and extending F&B contracts through 2026.

5b.

General Manager Nicole Strange updated the Board on the added upcoming events in the Arena and Stadium events. GM Strange updated the Board on the AEG Oakland Community Advisory Board activities. The committee this year will grant two \$5,000. scholarships to students in Alameda County.

Open Forum

Zennie Abraham discussed the termination of the JPA.

Damon Ramey spoke asking what types of events book in advance and about removal of old signage GM Nicole answered informing most stadium sporting events are booked 1-2years in advance, concerts are booked a year in advance.

Ray Bobbitt spoke thanking the JPA and ASM team for their assistance and support.

CLOSED SESSION

The Board moved to Closed Session at 10:18 a.m.

Noting in advance there would not be a report from closed session

ADJOURNMENT

The meeting adjourned at 10:18 a.m.

Erin Roseman / Secretary

Oakland-Alameda County Coliseum Authority
May 12, 2025
Special Board Meeting Minutes

CALL TO ORDER

Vice Chair Kaplan called the meeting to order at 2:09 p.m.

ROLL CALL

V.Chair Kaplan

Commissioner Beam

Commissioner Houston

Commissioner Thompson

Commissioner Haubert (remote)

Commissioner Vukasin

Commissioner Iglesias

OPEN FORUM

There were no speakers

CLOSED SESSION

The Board moved to Closed Session at 2:11 p.m.

Noting in advance there would not be a report from closed session

ADJOURNMENT

The meeting adjourned at 2:11p.m.

Elizabeth Lake / Interim Secretary

Oakland-Alameda County Coliseum Authority
May 19, 2025
Special Board Meeting Minutes

CALL TO ORDER

The special meeting was called to order at 2:00 p.m.

ROLL CALL

Chair Miley	V.Chair Kaplan
Commissioner Beam	Commissioner Haubert
Commissioner Vukasin	Commissioner Iglesias
Commissioner Thompson	

OPEN FORUM

There were no speakers

NEW BUSINESS

Chair Miley questioned the liability and responsibility of establishing the subcommittee.

Andrea Weddle County Legal Counsel explained the legal reasoning and the necessity for resolutions a. and b.

Executive Director Henry Gardner explained the need to continue to book and reserve events at the complex after June 30, 2026, and concluded both resolutions should be approved.

V.Chair Kaplan explained also events need continue and prevent the complex from being vacant. V.Chair informed the board this would be her last board meeting. V.Chair Kaplan thanked the commissioners and staff for her time on the board.

The agenda was taken out of order

4b. RESOLUTION AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR OF THE OAKLAND-ALAMEDA COUNTY JOINT POWERS AUTHORITY ("AUTHORITY") TO APPROVE SPECIAL EVENTS AT THE COLISEUM COMPLEX THROUGH DECEMBER 31, 2026, PROVIDED THAT THE EXECUTIVE DIRECTOR IS TO CONSULT A SUBCOMMITTEE OF THE AUTHORITY BOARD PRIOR TO APPROVING SPECIAL EVENTS AT THE STADIUM ON OR AFTER JULY 1, 2026, was submitted for approval. Commissioner Vukasin moved to approve, and Commissioner Beam seconded the motion. Roll Call: Commissioners: Beam, Haubert, Kaplan, Iglesias, Thompson, Vukasin, and Miley. Motion was approved by 7 votes

4a .RESOLUTION ESTABLISING AN AD HOC SUBCOMMITTEE OF THE AUTHORITY BOARD TO CONSULT WITH THE EXECUTIVE DIRECTOR PRIOR TO HIS APPROVAL OF SPECIAL EVENTS AT THE STADIUM AFTER JULY 1, 2026, was submitted for approval.

Commissioner Iglesias moved to approve, and Commissioner Beam seconded the motion.

Roll Call: Beam, Haubert, Vukasin, Iglesias, Thomson, Kaplan, and Miley.

Motion approved by 7 votes

The AD HOC Committee was appointed Commissioners: Miley, Thompson, Beam, and Houston

CLOSED SESSION

The Board moved to Closed Session at 2:11 p.m.

REPORT FROM CLOSED SESSISON

No reportable action

ADJOURNMENT

The meeting adjourned at 2:29 p.m.

Erin Roseman / Secretary

June 20, 2025

Honorable Chairperson Nate Miley and Commissioners of the Authority

5a

1. Third Quarter Budget Report

The third quarter is all positive, showing we are headed for a very successful budget year. We are projecting a surplus of revenues over expenditures by a few million dollars. We will not have final numbers until after the close of the fiscal year but barring any hiccups, we are in positive territory. The surplus is a combination of revenues exceeding budget and expenditures trending below budget.

Revenues and Expenditures

The largest revenue source is the contribution from the City and County in the amount of \$9,805,000 and the second largest category is the Warriors debt service payment. The revenues from all sources are projected to exceed the budget by \$1,600,000.

Administration, Legal and Audit expenses are all projected to come in under budget by year end. Coliseum Operations, the largest expenditure category, is projected to be \$4,236,000 below budget. Capital Outlay is projected to be about \$4,000,00 under budget due to delays in purchasing equipment or contract negotiations. There will be some carryover into next fiscal year.

2. Proposed Budget FY 2025-26

Submitted for your approval is the proposed budget for FY 2025-26 in the amount of \$32,909,000.

Revenues, Fund Balance and City and County contributions total \$32, 909,000, and expenditures for all categories total \$32,909,000.

Revenues, Fund Balance and City-County Contributions

Revenues are estimated at \$11,369,000, City and County contributions are \$19,000,000, and Fund Balance \$2,540,000.

The largest source of revenues is the Warriors debt service payment of \$5,231,000. This is the final payment by the Warriors and is used to offset the same amount under expenditures. We

have budgeted \$1,600,000 for interest income, and \$1,000,000 for advertising income, and \$3,323,000 in facility fees, and \$215,000 in cell tower leases.

Expenditures

There is little change in Administration, Audit Fees, and Management Fees. Capital Outlay is substantially reduced from last year by \$4,000,000. There is an increase in legal expenses in anticipation of increased litigation costs. The largest increase is approximately \$3,395,000 over last year for Coliseum operations, due in part by having to absorb certain operations cost previously covered by the A's.

Even with the debt service for both the Arena and the Stadium being retired as of February 1, 2026, a City and County subsidy will continue to be required as long as they continue to own and operate the Stadium. Given past performance, the Stadium requires a very deep subsidy of \$12,000,000 to \$14,000,000 a year if it continues to be used.

We recommend approval of the proposed budget for FY 2025-26.

3. Levy Premium Foodservice

Levy Premium Foodservice is the current concessionaire for the Arena. The contract expires on August 31, 2025. The contract was entered into on September 21, 2021 and we have negotiated an amendment to the existing contract to extend the term for ten (10) months to June 30, 2026. We are proposing to extend the term to align with the AEG contract which terminates on June 30, 2026. As long as the JPA continues operations at the Arena, we will need a concessionaire.

For the ten month period we are proposing the following rate structure:

Concession Rates

All Receipts	34.5%
Premium/Catering	20.0%
Subcontracting Income	50.0%

Current Rate Structure

Concessions	\$0 - \$3,000,000 @ 35.0%
	\$3,000,000 - \$5,500,000 @ 42.5 %
	\$5,500,000 + @ 45.0%
Premium/ Catering	\$0-650,000 @ 20%
	\$650,000 + @25%

After careful analysis and based on the short duration of the extension and prospect of the number and type of events scheduled for the Arena, we conclude that the modified rate structure is fair and reasonable. Accordingly, we recommend approval of the resolution extending the existing contract for additional ten months.

Respectfully submitted,

Henry L. Gardner
Executive Director

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY
Budget to Actual Schedule
For the Period Ended March 31, 2025
(Estimated Based on Actuals to Date)

	Stadium		Arena		Total	
	Budget	Actual	Budget	Actual	Budget	Actual
REVENUES:						
Parking	\$ -	\$ 291,359	\$ -	\$ 301,049	\$ -	\$ 592,408
Interest	800,000	682,707	800,000	679,563	1,600,000	1,362,270
Warriors Debt Service	-	-	10,691,000	10,549,588	10,691,000	10,549,588
Advertising	500,000	375,000	500,000	375,000	1,000,000	750,000
Cell Tower Leases	140,000	94,633	104,000	113,583	244,000	208,216
Facility Fees	1,045,000	94,806	2,277,000	2,445,846	3,322,000	2,540,652
Use of Fund Balance	9,134,000	-	5,601,000	-	14,735,000	-
City and County Contributions	9,805,000	9,805,000	-	-	9,805,000	9,805,000
Miscellaneous	-	1,112	-	-	-	1,112
Total Revenues	21,424,000	11,344,617	19,973,000	14,464,629	41,397,000	25,809,246
EXPENDITURES:						
Current						
Administration	473,000	260,353	473,000	277,431	946,000	537,784
Legal	75,000	-	75,000	-	150,000	-
Audit	30,000	22,162	30,000	22,162	60,000	44,324
Coliseum Operations	13,283,000	7,194,373	-	(2,384,171)	13,283,000	4,810,202
Management Fees	305,000	64,644	1,832,000	1,688,035	2,137,000	1,752,679
Total Operating Expenditures	14,166,000	7,541,532	2,410,000	(396,543)	16,576,000	7,144,989
Capital Outlay	4,818,000	2,238,597	6,872,000	1,873,506	11,690,000	4,112,103
Debt Service						
Principal	2,357,000	2,357,000	10,000,000	10,000,000	12,357,000	12,357,000
Interest	33,000	32,291	560,000	549,588	593,000	581,879
Other	50,000	2,100	131,000	-	181,000	2,100
Total Debt Service Expenditures	2,440,000	2,391,391	10,691,000	10,549,588	13,131,000	12,940,979
Total Expenditures	\$ 21,424,000	\$ 12,171,520	\$ 19,973,000	\$ 12,026,551	\$ 41,397,000	\$ 24,198,071
						\$ 32,862,826

ASM Global Oakland
General Manager's Board Report
June 20, 2025

Event Activity

Added Events:

- Major League Cricket – (June 12-18, 2025) (9 games) (stadium)
- Baekhyun – (July 3, 2025)
- Karan Aujla – (July 10, 2025)
- Barry Manilow – (July 18, 2025)
- A.R. Rahman – (July 25, 2025)
- Santa Fe Klan & Shoreline Mafia – (July 26, 2025)
- Keyshia Cole – (July 31, 2025)
- Nine Inch Nails – (August 6, 2025)
- Monster Jam – (September 5-7, 2025)
- Mexico vs Japan (Soccer) – (September 6, 2025) (stadium)
- BABYMONSTER – (September 10, 2025)
- NBA YoungBoy – (September 12, 2025)
- Badshah – (September 13, 2025)
- Ice Cube – (September 25, 2025)
- Disney on Ice – (October 16-19, 2025)
- Shubh – (August 22, 2025)
- The World of Hans Zimmer – (October 7, 2025)
- Sleep Token – (October 10, 2025)
- Oakland Roots (17) Regular Season Home Games (March 22 – October 25, 2025) (stadium)

Postponed (new date):

- El Flaco y El Mimoso: 2 Primos De Cuidado Tour – (August 16, 2025)

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2025-__

**RESOLUTION APPOINTING A VICE CHAIR OF BOARD OF COMMISSIONERS
FOR THE REMAINDER OF CALENDAR YEAR 2025**

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement dated December 16, 1996 ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners ("Board") appointed by the City and the County; and

WHEREAS, Section 4D(1) of the JPA Agreement requires that a Chair and a Vice-Chair of the Board be appointed from amongst the Commissioners; and

WHEREAS, on January 17, 2025 then Commissioner Rebecca Kaplan was appointed Vice Chair of the Commission; and

WHEREAS, on May 20, 2025 then Commissioner Rebecca Kaplan ceased to be a member of the City Council and, pursuant to Section 4B of the JPA Agreement, ceased to be a member of the Commission; and

WHEREAS, the position of Vice Chair is vacant;

NOW, THEREFORE BE IT RESOLVED that the Board does hereby appoint Commissioner _____ as the Vice Chair of the Board for remainder of Calendar Year 2025; and

BE IT FURTHER RESOLVED that the Vice Chair shall perform such duties as set forth in Section 4D and as otherwise consistent with the JPA Agreement.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 20th day of June 2025, by the following vote:

Ayes:

Noes:

Absent:

NATE MILEY, CHAIR

ATTEST:

SECRETARY

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2025-_____

**RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2025-2026 FOR THE
OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY**

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners ("Board") appointed by the City and the County;

WHEREAS, the Auditor and Executive Director of the Authority have prepared a draft budget for Fiscal Year 2025-2026, attached hereto as Exhibit A ("Budget");

WHEREAS, the Budget includes input from relevant City and County staff as well as AEG Management Oakland, LLC, a division of ASM Global ("AEG"), the Authority's event operator for the Coliseum Complex;

WHEREAS, the Authority Board has carefully considered the Budget; and

NOW, THEREFORE, BE IT RESOLVED that the Authority Board does hereby approve the Budget; and

BE IT FURTHER RESOLVED that the Authority's Executive Director is hereby directed to return, periodically, to the Authority Board with an update on the Budget, including with analysis related to any additional cost savings that may be achieved for other overhead expenses during this budget period; and

BE IT FURTHER RESOLVED that the Authority's Executive Director is hereby authorized to take such actions necessary to implement the Budget, including coordination with AEG to appropriately allocate resources to maintain and secure the Coliseum Complex.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 20th day of June 2025, by the following vote:

Ayes:

Noes:

Absent:

NATE MILEY, CHAIR

ATTEST:

SECRETARY

Exhibit A

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY
2025-26 Budget



	Stadium	Arena	Total	FY24-25 Budget
REVENUES:				
Interest	\$ 800,000	\$ 800,000	\$ 1,600,000	\$ 1,600,000
Warriors Debt Service	-	5,231,000	5,231,000	10,691,000
Advertising	500,000	500,000	1,000,000	1,000,000
Cell Tower Leases	111,000	104,000	215,000	244,000
Facility Fees	738,000	2,585,000	3,323,000	3,322,000
Total Revenues	2,149,000	9,220,000	11,369,000	16,857,000
EXPENDITURES:				
Administration	480,000	480,000	960,000	946,000
Legal	125,000	125,000	250,000	150,000
Audit Fees	30,000	30,000	60,000	60,000
Coliseum Operations	15,004,000	1,674,000	16,678,000	13,283,000
Management Fees	151,000	1,886,000	2,037,000	2,137,000
Total Operating Expenditures	15,790,000	4,195,000	19,985,000	16,576,000
Capital Outlay	3,530,000	4,163,000	7,693,000	11,690,000
Debt Service				
Principal	-	4,900,000	4,900,000	12,357,000
Interest	-	200,000	200,000	593,000
Other	-	131,000	131,000	181,000
Total Debt Service	-	5,231,000	5,231,000	13,131,000
Total Expenditures	19,320,000	13,589,000	32,909,000	41,397,000
Excess (Deficiency) of Revenues				
Over Expenditures	(17,171,000)	(4,369,000)	(21,540,000)	(24,540,000)
City/County Contributions	17,171,000	1,829,000	19,000,000	15,000,000
Change in Fund Balance	-	(2,540,000)	(2,540,000)	(9,540,000)
Use of Fund Balance	-	2,540,000	2,540,000	9,540,000
NET CHANGE IN FUND BALANCE	\$ -	\$ -	\$ -	\$ -

REVENUE BUDGET 2025-26

REVENUES	23-24	24-25	24-25	25-26	\$ Change	% Change
	Audited	Budget	Projected	Budget	24-25 Projected	24-25 Projected
					vs 25-26 Budget	vs 25-26 Budget
City Parking Taxes*	\$ 1,521,287	\$ -	\$ 1,185,000	\$ -	\$ (1,185,000)	-100%
Interest	1,673,050	1,600,000	2,237,000	1,600,000	(637,000)	-28%
Warriors Debt Service	10,122,693	10,691,000	10,549,588	5,231,000	(5,318,588)	-50%
Athletics Rent	1,625,000	-	-	-	-	n/a
Advertising	997,396	1,000,000	1,000,000	1,000,000	-	0%
Cell Tower Leases	781,090	244,000	208,000	215,000	7,000	3%
Facility Fees						
Arena	2,350,797	2,277,000	2,277,000	2,585,000	308,000	14%
Stadium	831,113	1,045,000	1,045,000	738,000	(307,000)	-29%
Naming Rights Stadium	275,000	-	-	-	-	n/a
Fund Balance	-	9,540,000	4,555,126	2,540,000	(2,015,126)	-44%
City/County Contributions	10,000,000	15,000,000	9,805,000	19,000,000	9,195,000	94%
Miscellaneous	20,009	-	1,112	-	(1,112)	-100%
Grand Total	\$ 30,197,435	\$ 41,397,000	\$ 32,862,826	\$ 32,909,000	\$ 46,174	0%

*The City of Oakland transmits parking taxes to OACCA. OACCA does not budget for parking taxes and records them when earned.

EXPENSE BUDGET 2025-26

EXPENSES	23-24	24-25	24-25	25-26	\$ Change	% Change
	Audited	Budget	Projected	Budget	24-25 Projected	24-25 Projected
					vs 25-26 Budget	vs 25-26 Budget
Administration	\$ 848,908	\$ 946,000	\$ 880,000	\$ 960,000	\$ 80,000	9%
Legal	-	150,000	-	250,000	250,000	n/a
Audit Fees	52,440	60,000	56,000	60,000	4,000	7%
Coliseum Operations	5,203,280	13,283,000	9,046,723	16,678,000	7,631,277	84%
Management Fees	2,219,248	2,137,000	2,137,000	2,037,000	(100,000)	-5%
Capital Outlay						
Stadium	1,445,084	4,818,000	3,738,597	3,530,000	(208,597)	-6%
Arena	1,463,450	6,872,000	3,873,506	4,163,000	289,494	7%
Debt service						
Stadium	11,048,341	2,440,000	2,391,391	-	(2,391,391)	-100%
Arena	10,124,691	10,691,000	10,549,588	5,231,000	(5,318,588)	-50%
Grand Total	\$ 32,405,442	\$ 41,397,000	\$ 32,672,805	\$ 32,909,000	\$ 236,195	1%

Arena Debt Service Schedule						
Periods Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service	Outstanding Balance
						\$ 4,885,000
8/1/2025			92,644	92,644		
2/1/2026	4,885,000	3.793%	92,644	4,977,644	5,070,288	-
Total	\$ 4,885,000		\$ 185,288	\$ 5,070,288	\$ 5,070,288	\$ -

AEG Capital	Arena	Stadium	Total
Stadium	\$ -	\$ 1,842,000	\$ 1,842,000
Arena	2,475,000	-	2,475,000
Both	1,688,000	1,688,000	3,376,000
Grand Total	\$ 4,163,000	\$ 3,530,000	\$ 7,693,000

Administration		
	Executive Director	\$ 223,000
	Executive Assistant	165,000
	OACCI Retirement Plan	485,000
	Other Administrative Expenses	87,000
	Total	\$ 960,000

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2025 - ____

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ARENA CONCESSION
LICENSE AGREEMENT WITH LEVY PREMIUM FOODSERVICE LIMITED PARTNERSHIP
FOR FOOD AND BEVERAGE CONCESSION SERVICES IN THE OAKLAND ARENA**

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners ("Board") appointed by the City and the County; and

WHEREAS, the Authority entered into an Arena Concession License Agreement, dated September 1, 2021, with Levy Premium Foodservice Limited Partnership ("Levy") for Levy to exclusively operate all of the food and beverage concession services in the Oakland Arena (the "Agreement"); and

WHEREAS, the Agreement is currently scheduled to expire on August 31, 2025 and the Authority and Levy desire to extend the term of the Agreement for an additional period of ten months and to provide for a monthly Commission Rate on All Receipts during the Extension Term as follows:

<u>Sales Category</u>	<u>Commission Rate</u>
Concessions	34.5%
Premium/Catering	20.0%
Subcontracted Income	50.0%

NOW, THEREFORE, BE IT RESOLVED that the Authority Board does hereby approve the First Amendment to Agreement with Levy Premium Foodservice Limited Partnership, as shown in Exhibit A, extending the term of the Agreement for ten months to and including June 30, 2026 and providing for the Commission Rates during the Extension Term as set forth in Exhibit A in the recitals to this Resolution; and

BE IT FURTHER RESOLVED that the Authority's Executive Director is hereby authorized to execute the First Amendment to Agreement for and on behalf of the Authority.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 20th day of June, 2025, by the following vote:

Ayes:

Noes:

Absent:

NATE MILEY, CHAIR

ATTEST:

SECRETARY

**FIRST AMENDMENT TO THE
ARENA CONCESSION LICENSE AGREEMENT**

THIS FIRST AMENDMENT TO THE ARENA CONCESSION LICENSE AGREEMENT (this "**First Amendment**") is made and entered into on June 20, 2025, and effective as of September 1, 2025 (the "**Effective Date**"), by and between the Oakland-Alameda County Coliseum Authority, a joint exercise of powers authority created by the City of Oakland and the County of Alameda (the "Concession Licensor") and Levy Premium Foodservice Limited Partnership, an Illinois limited partnership ("Concession Licensee").

RECITALS

WHEREAS, the parties entered into a certain Arena Concession License Agreement dated September 21, 2021 (the "**Agreement**"), granting Concession Licensee the exclusive right to operate all food and beverage concession services in the Oakland Arena; and

WHEREAS, the parties desire to amend the Agreement to extend the term and establish commission rates for the extended term, as more fully described below.

NOW, THEREFORE, in consideration of the mutual covenants herein granted and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. All terms used herein and not otherwise defined shall have the meanings ascribed to them in the Agreement.
2. The current term expires August 31, 2025. As of the Effective Date, the term of this Agreement is extended to June 30, 2026 (the "Extension Term").
3. During the Extension Term, the Concession Licensee shall pay the following Commissions each Month to the Concession Licensor based on Annual Gross Receipts.

Sales Category	All Receipts	Commission Rate
Concessions	All Receipts	34.5%
Premium/Catering	All Receipts	20.0%
Subcontracted Income	All Receipts	50.0%

4. Except as specifically modified by this First Amendment, the terms and conditions of the Agreement shall remain in full force and effect, and nothing in this First Amendment shall modify or alter the rights and obligations of the parties under the Agreement. This First Amendment supersedes all prior oral or written agreements with respect to the subject matter hereof.

5. This First Amendment may be executed in two or more counterparts, each of which shall be an original, but all of which taken together shall constitute one and the same Agreement.

6. In the event of any conflict between the terms of the First Amendment and the language of the Agreement, the terms of the First Amendment shall control.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the day and year first written above.

**OAKLAND ALAMEDA COUNTY
COLISEUM AUTHORITY**

By: DocuSigned by:
Henry Gardner
0DC468FED3B84BC
Executive
Its: Director

**LEVY PREMIUM FOODSERVICE
LIMITED PARTNERSHIP**

By: DocuSigned by:
Robert Ellis
068962AD348F4C3
Name: Robert Ellis
Its: President of its General Partner

Approved as to form and legality:

Office of the Oakland City Attorney

By: DocuSigned by:
Jordan Flanders
8CF0A6894E0A47E
Its: _____

Approved as to Form:

Donna R. Ziegler, County Counsel

By: DocuSigned by:
Andrea L. Weddle
850D20A6893A493
Andrea L. Weddle
Chief Assistant County Counsel

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2025-__

RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH TP WINDOWS, INC. AND AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT BY THE EXECUTIVE DIRECTOR AND PAYMENT OF THE SUM OF \$75,000 TO TP WINDOWS, INC.

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners appointed by the City and the County; and

WHEREAS, TP Windows, Inc. ("TP Windows") and AEG Management Oakland, LLC ("AEG"), on behalf of the Authority, entered into a "Contract for Construction" (the "Agreement") for TP Windows to replace existing glass and silicone gaskets at the Arena (the "Work"); and

WHEREAS, a dispute arose between AEG and TP Windows regarding payment to TP Windows for work performed beyond the original scope of the Agreement; and

WHEREAS, TP Windows filed suit against the Authority and AEG in Alameda Superior Court, Case No. 22CV008091, demanding payment for breach of contract and other claims (the "Litigation"); and

WHEREAS, the parties participated in mediation and, without any admission of liability or fault, agreed to resolve the Litigation by payment to TP Windows of \$150,000; and

WHEREAS, staff for the Authority and AEG agreed to equally allocate the payment obligation with each contributing \$75,000, subject to approval by the Board; and

WHEREAS, the Board desires to settle the Litigation and to approve the contribution allocation with AEG;

NOW THEREFORE BE IT RESOLVED that the Board does hereby approve the Settlement Agreement, a copy of which is attached to this Resolution, and the contribution allocation with AEG, and authorizes the Executive Director to execute the Settlement Agreement and to take all steps necessary to make payment of the sum of \$75,000 to TP Windows, Inc.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 20th day of June 2025, by the following vote:

Ayes:

Noes:

Absent:

NATE MILEY, CHAIR

ATTEST:

SECRETARY