



Oakland-Alameda County
Coliseum Authority

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

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

REMOTE ATTENDANCE

**Commissioner David Haubert
Scott Haggerty Heritage House
4501 Pleasanton Ave
Pleasanton, CA 94566**

**Commissioner Chuck Baker
1807 Martin Luther King Jr. Way
Oakland, CA 94612-1348**

You are invited to a Zoom webinar.
When: Jul 21, 2023 08:30 AM Pacific Time (US and Canada)
Topic: OACCA Board Meeting 7/21/23

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83739644252?pwd=ZFBYVldLTURGaGZXWU1Ycm1RaWl1dz09>

Passcode: 269521

Or One tap mobile :

+16694449171,,83739644252#,,, *269521# US

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Dial(for higher quality, dial a number based on your current location):

+1 669 444 9171 US

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Friday, July 21, 2023

8:30 a.m.

1. CALL TO ORDER



Oakland-Alameda County
Coliseum Authority

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

2. ROLL CALL

3. OPEN FORUM

4. APPROVAL OF MINUTES

5. REPORTS

5a. Executive Director Report

- 1. Request to Amend the City of Oakland Sound Amplification Ordinance**
- 2. FY 2022-23 Net Budget Surplus**
- 3. August Recess**

5b. General Manager Report

6. NEW BUSINESS

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES BETWEEN THE OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY AND HENRY L. GARDNER, EXTENDING THE TERM FOR UP TO ONE YEAR, WITH NO CHANGE TO THE ANNUAL COMPENSATION OF \$202,265.00, WITH A \$313.50 MONTHLY AUTOMOBILE ALLOWANCE.

7. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION:

Initiation of litigation pursuant to Government Code Section 54956.9(d) (one case)

8. REPORT FROM COUNSEL ON CLOSED SESSION

9. ADJOURNMENT



Oakland-Alameda County
Coliseum Authority

Oakland-Alameda County Coliseum Authority
June 16, 2023
Board Meeting Minutes

CALL TO ORDER

Chair Kaplan called the meeting to order at 8:44 a.m.

ROLL CALL

Chair Kaplan

Commissioner Baker

Commissioner Iglesias

Commissioner Thompson (arrived at 8:55 a.m.)

V. Chair Miley

Commissioner Jenkins

Commissioner Haubert

OPEN FORUM

No Speakers

APPROVAL OF MINUTES

The meeting minutes for May 19, 2023, was submitted for approval. Commissioner Haubert moved to approve, and Commissioner Jenkins seconded the motion. Roll Call: Commissioners: Baker, Haubert, Iglesias, Jenkins Miley, and Kaplan approved. The motion was approved by six aye votes.

REPORTS

Executive Director Henry Gardner presented the ten-month budget report. Director Gardner described the pros and cons of renting parking lot C. Director Gardner explained the liability associated with the illegal hot dog vendors at the Coliseum. Commissioner Iglesias questioned the difference between the numerous vendors at SF Giant games? Director Gardner explained the vendors are on the street and not private property. Director Gardner gave a detail report of the proposed budget for FY 2023-24

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2023-2024 FOR THE OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY was submitted for approval.

Commissioner Jenkins moved to approve and seconded by Commissioner Haubert. Roll Call: Commissioners Baker, Haubert, Iglesias, Jenkins, Miley, and Kaplan approved. The motion was approved by six aye votes.

General Manager Nicole Strange updated the board on past and upcoming events.
GM Nicole summarized the Alameda County free Booster Chair event that ASM will host.

CLOSED SESSION

The Board moved to closed session.

REPORT FROM COUNSEL ON CLOSED SESSION

The Board has nothing to report from closed session.

ADJOURNMENT

The meeting adjourned at 10:45 a.m.

Erin Rosenberg / Secretary

July 21, 2023

Honorable Chairperson Rebecca Kaplan and Commissioners of the Authority

5.a

1. Request to Amend the City of Oakland Sound Amplification Ordinance

The City of Oakland Municipal Code Section 12.56 establishes time periods in which sound amplification is prohibited, currently after 10 p.m. During the emergency period of COVID-19, the City and County encouraged more outdoor activities as opposed to enclosed venues to limit the spread of COVID-19. The City granted the City Administrator the authority to approve permits for outdoor activities with sound amplification to 11 p.m. We are now seeking an amendment that would allow outdoor activities at the Coliseum complex to perform until 11 p.m. for twelve (12) events in a single calendar year.

Many of the events we host in the Stadium and the parking lot start at 8 p.m. and often do not conclude until approximately 11 p.m. These are primarily musical events. Events in the Arena are not impacted by the sound amplification ordinance because they are entirely enclosed and outdoor sound is not an issue. A's games rarely go past 10 p.m. and any sounds that are very loud emanate from fireworks.

Over the course of the last four (4) years we have received only a handful of complaints though we have received multiple complaints from one resident in the neighborhood of 23rd Avenue and the Park Street Bridge.

As a condition of approval of the proposed amendment, we have agreed to conduct an independent study that analyzes sound levels at the Coliseum complex and its impacts on the surrounding neighborhoods and determine appropriate sound levels for amplified equipment.

2. FY 2022-23 Net Budget Surplus

Based upon our most recent analysis, we are ending the budget year in a very strong financial position with a net surplus of a little more than \$8 million. Accordingly, we are recommending that the City and County contribution next fiscal year be reduced by \$4 million each. Our adopted budget for FY 2023-24 is balanced and we have sufficient reserves to accommodate any unexpected capital needs.

This better than expected performance is a result of the excellent marketing, management of our facilities, and our committed and dedicated staff at AEG. They have worked very hard to provide the best financial results for the JPA and thus the City and County. We have weathered a steep climb from loss of business because of the pandemic and we have more than held our own against competition in San Francisco and the region. While we prepare for the likely move by the A's, their absence is not expected to have much impact on our net revenues. Their move will free up more days for Stadium concerts which produce more net revenues than A's lease and games combined.

3. August Recess

The JPA Board has historically taken the month of August for its recess, concurrent with the City Council and the Board of Supervisors recess schedules. There are no pending urgent matters that need to be acted upon in August. Should a matter arise that requires immediate Board action, the chairperson can call a special meeting. We recommend that the Board recess in August.

Respectfully submitted,

Henry L. Gardner

ASM Global Oakland
General Manager's Board Report
July 21, 2023

Event Activity

Added Events:

- Alicia Keys – (August 1, 2023)
- Lil Baby – (August 6, 2023)
- Greta Van Fleet – (August 8, 2023)
- Cirque Du Soleil Corteo – (August 17-20, 2023)
- Zach Bryan – (August 21, 2023)
- Sam Smith – (August 27, 2023)
- Lil Durk – (September 1, 2023)
- Sonu Nigam – (September 2, 2023)
- Arcangel – (September 7, 2023)
- Sid Sriram – (September 24, 2023)
- Kali Uchis – (Sept 26, 2023)
- Christian Nodal – (October 1, 2023)
- Romeo Santos – (October 7, 2023)
- JOJI – (October 9, 2023)
- Maneskin – (October 13, 2023)
- Aniversario de la Raza – (October 14, 2023)
- Disney on Ice – (October 19-22, 2023)
- Atif Aslam – (November 3, 2023)
- Kirk Franklin – (November 5, 2023)
- Gabriel Iglesias – (November 17, 2023)
- Pancho Barraza – (November 18, 2023)
- Anita Baker – (December 23, 2023)

Postponed Events (new date):

- Kapil Sharma – (July 22, 2023)
- 85 South – (TBD)

Canceled Events:

- Jubin Nautiyal – (July 29, 2023)

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY
RESOLUTION NO. 2023-4**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES BETWEEN THE OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY AND HENRY L. GARDNER, EXTENDING THE TERM FOR UP TO ONE YEAR, WITH NO CHANGE TO THE ANNUAL COMPENSATION OF \$202,265.00, WITH A \$313.50 MONTHLY AUTOMOBILE ALLOWANCE.

WHEREAS, on or about August 14, 2019, the Oakland-Alameda County Coliseum Authority (the "Authority") entered into an agreement for interim executive consulting services (the "Agreement") with Henry L. Gardner; and,

WHEREAS, on or about July 17, 2020, the Authority and Mr. Gardner entered into that First Amendment to the Agreement, extending the Term of the Agreement to July 31, 2021; and

WHEREAS, on or about July 16, 2021, the Authority and Mr. Gardner entered into that Second Amendment to the Agreement, extending the Term of the Agreement to July 31, 2022; and

WHEREAS, on or about July 15, 2022, the Authority and Mr. Gardner entered into that Third Amendment to the Agreement, extending the Term of the Agreement to July 31, 2023 and increasing the annual compensation by 4.5%; and

WHEREAS, the Authority has determined that it is in the best interest of the Authority to further extend the duration of the Agreement with Mr. Gardner; and,

NOW, THEREFORE, the governing board of the Authority hereby finds, determines, declares and resolves as follows:

Section 1. The Authority hereby approves the Fourth Amendment to the Agreement attached to this Resolution and authorizes the execution of the Amendment in substantially the form presented to this meeting, for a term of up to one (1) year and with a not to exceed sum of \$202,265.00 and an automobile allowance of \$313.50 per month, for a total compensation of \$206,027.00.

Section 2. This resolution shall take effect from and after its adoption and approval.

PASSED AND ADOPTED by the Board of Commissioners of the Oakland-Alameda County Coliseum Authority on July 21, 2023 by the following vote:

AYES -

NOES -

ABSENT -

Rebecca Kaplan, Chair

ATTEST:

Secretary

DATE: _____

FOURTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

THIS FOURTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES (this "**Amendment**") is entered into effective as of July 21, 2023 (the "**Amendment Date**"), by and between OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY, a California joint powers authority organized pursuant to the California Government Code (the "**Authority**"), and HENRY L. GARDNER, an individual consultant ("**Consultant**").

RECITALS:

A. WHEREAS, the Authority and Consultant entered into that certain Agreement for Consulting Services entered into on or about August 14, 2019 (the "**Agreement**"), relating to the provision of certain services analogous to organizational leadership services typically performed by an executive director (the "**Work**"), said Work being more particularly described in the Agreement;

B. WHEREAS, the Authority and Consultant amended the Agreement by that First Amendment to Agreement entered into as of July 17, 2020, to extend the Term to July 31, 2021; and

C. WHEREAS, the Authority and Consultant amended the Agreement by that Second Amendment to Agreement entered into as of July 16, 2021, to extend the Term to July 31, 2022;

D. WHEREAS, the Authority and Consultant amended the Agreement by that Third Amendment to Agreement entered into as of July 15, 2023, to extend the Term to July 31, 2023; and

E. WHEREAS, based upon the annual review of Consultant conducted by Authority, the Authority desires to further amend the Agreement to again extend the term of the Agreement.

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which are hereby acknowledged, Authority and Consultant agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing Recitals shall be incorporated as though fully set forth herein.

2. **EXTENSION OF TERM OF AMENDMENT.** Notwithstanding any language to the contrary in the Agreement, the term of performance of the Agreement is hereby modified to expire on July 31, 2024 (the "**New Expiration Date**").

3. General Provisions.

3.1 **Full Force and Effect; Conflict.** Except as amended by this Amendment, the Agreement as modified by the First, Second, and Amendments and herein remains in full force and effect and is hereby ratified by the Authority and Consultant. In the event of any conflict between the Agreement and this Amendment, the terms and conditions of this Amendment shall control.

3.2 **Capitalized Terms.** Capitalized terms not defined herein shall have the same meaning as set forth in the Agreement.

3.3 **Governing Law.** This Amendment shall be governed by and construed in accordance with the laws of the State of California without reference to its conflict of laws principles.

3.4 **Attorneys' Fees.** In the event of litigation arising out of or in connection with this Amendment, the prevailing party shall be awarded reasonable attorneys' fees, costs and expenses in accordance with Section 16 of the Agreement.

3.5 **Successors and Assigns.** This Amendment shall, subject to the terms and conditions of the Agreement, be binding upon and inure to the benefit of the parties hereto and their heirs, personal representatives, successors and assigns.

3.6 **Entire Agreement.** The Agreement, as amended by this and prior Amendments, contains the entire agreement of the Authority and Consultant with respect to the subject matter hereof, and may not be amended or modified except by an instrument executed in writing by the Authority and Consultant.

3.7 Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

3.8 Facsimile/Digital/PDF Signatures. This Amendment may be executed by facsimile, digital, and/or .pdf signatures which shall be binding as originals on the parties hereto.

IN WITNESS WHEREOF, the Authority and Consultant have caused this Fourth Amendment to be executed as of the Amendment Date.

AUTHORITY:

OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY

ATTEST:

By: _____
Name: Rebecca Kaplan
Title: Chair

Name: _____
Title: _____

CONSULTANT:

Henry L. Gardner

APPROVED AS TO FORM AND LEGALITY:
BARBARA PARKER, CITY ATTORNEY

By: _____
Jamilah Jefferson, Supervising Deputy City Attorney

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____
Andrea L. Weddle, Chief Assistant