



Item No. 9 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER

THROUGH: ROBERT OVADIA, DIRECTOR OF PUBLIC WORKS

FROM: SALLY BENTZ-DALTON, TOWN ARBORIST/PARKS MANAGER

DATE: OCTOBER 19, 2022

SUBJECT: PLAYER CAPITAL TENNIS RENT CREDIT FOR TENNIS COURT
CLOSURES ASSOCIATED WITH THE OVERLAY OF THE
TENNIS COURTS AT HOLBROOK-PALMER PARK

RECOMMENDATION

It is recommended that the Council consider a rent credit for Player Capital Tennis in the amount of \$3,166.66.

BACKGROUND

The Town has been resurfacing each of the five (5) non-clay tennis courts on a cyclical basis approximately every 3 - 5 years. Tennis court resurfacing has typically included some crack filling and taping, followed by a new surface coating and striping. As the underlying courts were in such poor shape that this type of resurfacing has not lasted long, staff investigated various overlay and court treatments to improve and extend the life of the tennis courts. After review and consultation with others, staff recommended that the courts be resurfaced with approximately 1-1/2 inches of asphalt. Cracks greater than ½ inch were to be filled and an asphalt fabric will be applied to the entirety of each court prior to the overlay. The colored court surface and striping would then be applied.

Michael Jessup of Player Capital Tennis was consulted and agreed that this type of overlay would be best and provide the needed longevity to the courts. Consistent with these recommendations, the Council approved the overlay of the five (5) non-clay tennis courts under two separate contracts to maintain some court usage during the construction activities. The Town currently charges Player Capital Tennis rent in the amount of \$3,333.33 a month for a total of \$40,000 per year. Player Capital Tennis has made all monthly payments through September.

ANALYSIS

In May 2022 the work started for the first contract to overlay the 3 rear tennis courts (4, 5 and 6). The three courts were closed for usage for approximately 6 weeks. Following completion of this work, the Town awarded a construction contract for the overlay of the remaining 2 courts (1 and 2). The overlay of the two courts resulted in a closure of the two courts for a little over a month. The court closures associated with the asphalt overlay resulted in the tennis courts being closed for a longer duration than the previous resurfacing efforts, which typically took about two weeks.

On October 3, 2022, Michael Jessup requested a credit in the amount of \$3,166.66 for the tennis court closures in 2022 as follows:

- May 2, 2022 through June 12, 2022 – two courts, in the amount of \$2,333.33.
- September 1, 2022 through October 4, 2022 – one court in the amount of \$833.33

Michael Jessup stated in his request that he has had to rent courts in Menlo Park to compensate for the loss of the courts. The contract with Player Capital does not contemplate the authorization for a credit in the event of loss of use. As such, the authorization must come from the City Council.

FISCAL IMPACT

Player Capital Tennis pays the Town \$3,333.333 monthly (\$40,000 annually) for Tennis Facility Management Services, including use of the tennis courts and to be the exclusive tennis instructor at Holbrook-Palmer Park. fees a yearly fee of \$40,000. If approved the Town would credit Player Capital Tennis \$3,166.66 towards rent, reducing the planned income to the Tennis Fund by the credited amount.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area A – Maintain Fiscal Responsibility
- Goal Area B – Preserve Small Town Character and Quality of Life

POLICY FOCUS

The policy focus should be on a potential credit associated with a longer than typical court closure associated with the overlay of the tennis courts. Though the agreement with Player Capital Tennis places the responsibility to keep the courts secure and in playable condition, including management of the resurfacing of the courts, it does discuss rent reductions or credits associated with court closures to accomplish such work.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately

1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item has not been before a Town Committee or Commission

ATTACHMENTS

1. Player Capital Tennis Rent Credit Request Letter