

**SIXTH AMENDMENT TO AGREEMENT**

This Sixth Amendment to Agreement ("Sixth Amendment") is entered into this 19 day of April 2022 by the City of Pleasanton ("City") and Lifetime Activities ("Lifetime")

**Whereas**, on January 1, 2011 the City and Lifetime entered into an Operator Agreement for Tennis Services, which was extended via an Extension of Operator Agreement from December 30, 2016 to December 31, 2023, and which has been subject to five other amendments (collectively the "Agreement"); and

**Whereas**, the parties desire to amend to the Agreement to include an additional one-year, subsidized bocce program offered by Lifetime, at the City’s two bocce courts located within Centennial Park, 5353 Sunol Boulevard, Pleasanton.

NOW THEREFORE, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Lifetime will offer three 10-week bocce league seasons, two times per week between April 1, 2022 and December 31, 2023 with the City providing compensating Lifetime in the amount of \$94,352.50 as outlined in Exhibit A. This is an extension of the services provided by Lifetime per the Fifth Amendment.
2. Included in the subsidy will be drop-in play three days per week staffed by Lifetime personnel.
3. Lifetime will offer weekly classes, single-date clinics, and community rentals for a fee to be paid by community members that will not be subsidized by the City.
4. This amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.
5. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness whereof, authorized representatives of the parties have executed this Sixth Amendment to the Agreement as of the date and year first above written.

**CITY OF PLEASANTON**

**CONTRACTOR**

\_\_\_\_\_

By: \_\_\_\_\_

Brian Dolan, Interim City Manager

Signature

\_\_\_\_\_  
Print name

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

*[If Consultant is a corporation, signatures must comply with California Corporations Code §313]*

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

Title: \_\_\_\_\_

Rev. 3/22



## Pleasanton Bocce Operation/Subsidy Proposal

*April - December 2022 AND January - December 2023*

***Lifetime Activities*** looks forward to continuing its well-received bocce service to the Pleasanton community beyond March 2022. A City-based subsidy similar to the concept extended in 2021 will allow ***Lifetime Activities*** to recover the financial losses associated with providing bocce services.

### Full operatorship entails:

- Court maintenance and grooming
- Staffing community open-play periods
- Staffing adult bocce leagues
- Managing registrations/collecting fees
- Customer support at front desk
- Senior administrative oversight

### Summary:

Under the original bocce service agreement, the City of Pleasanton is remitting **\$19,320** to *Lifetime Activities* for services rendered from April 2021 to December 2021. Under the updated bocce court maintenance agreement, the City of Pleasanton will remit an additional **\$8,100** to *Lifetime Activities* for services rendered from August 2021 to March 2022.

***\$19,320 + \$8100 = \$27,420 currently due as payment Lifetime Activities.***

### Operating Costs -- Looking Forward:

#### Balance of 2022 (April through December):

- Monitor staffing (2 monitors) costs currently \$50/hour (Monitor staffing costs underestimated at \$30/hour in previous proposals.)
  - 39 weeks of M,W,F (9am-12pm) morning community drop-ins – 351 hours @50/hr **(\$17,550)**
  - 30 Weeks of seasonal league play (2 nights per week & 4 hours per night) – 240 hours @50/hr **(\$12,000)**
  - 6.25 hours/week maintenance/grooming x 39 weeks – 243.75hours @50/hr **(\$12,187.50)**
- Estimated average of 4 hours/week of senior administrative oversight x 39 weeks – 156 hours @\$60/hour **(\$9,360)**
- **Total: \$51,097.50**

#### Entirety of 2023 (January through December):

- Monitor staffing costs (2 monitors) projected at \$55/hour.
  - 52 weeks of M,W,F (9am-12pm) morning community drop-ins – 468 hours @55/hr **(\$25,740)**
  - 30 Weeks of seasonal league play (2 nights per week & 4 hours per night) – 240 hours @55/hr **(\$13,200)**
  - 6.25 hours/week maintenance/grooming x 52 weeks – 325 hours @55/hr **(\$17,875)**
- Estimated average of 4 hours/week of senior administrative oversight x 50 weeks – 200 hours @\$60/hour **(\$12,000)**
- **Total: \$68,815**

## Revenues -- Looking Forward:

### Balance of 2022 (April through December):

- 39 weeks of M,W,F (9am-12pm) morning community drop-ins – 117 days @ \$40/day (10 participants, \$4/pass) **(\$4,680)**
- Estimated 48 league teams (16 teams per season) -- \$145/team **(\$6,960)**
- Total: \$11,640**

### Entirety of 2023 (January through December):

- 52 weeks of M,W,F (9am-12pm) morning community drop-ins – 156 days @ \$40/day (10 participants, \$4/pass) **(\$6,240)**
- Estimated 48 league teams (16 teams per season) -- \$160/team **(\$7,680)**
- Total: \$13,920**

## Net Losses (Required Subsidy from City of Pleasanton)

	Operating Costs	Revenues	Net Loss/Subsidy
Balance of 2022 (April through December):	\$51,097.50	\$11,640	\$39,457.50
Entirety of 2023 (January through December):	\$68,815.00	\$13,920	\$54,895.00

## Notes:

The cost basis of customer support (at the front desk at the Tennis Park) is being absorbed by *Lifetime Activities* with no added cost/subsidy by the City.

*Lifetime Activities* will offer weekly classes, single-date clinics, and community rentals for a fee to the community that will not be subsidized by the City.

The community open-play voucher is currently priced at \$2 regardless of residency status. It was discovered after entering into operatorship that the City of Pleasanton used to charge \$5.50R/\$6.50NR.

We are proposing matching the fees associated with badminton and pickleball open-play as shown below. Please note that this is still less than the fee structure prior to the transfer in operatorship.

--Pleasanton residency: Single day pass: \$4.50; 15-pack of day passes: \$57

--Pleasanton non-residency: Single day pass: \$5.25; 15-pack of day passes: \$67

We are proposing a 10% increase in the 2021 \$132R/\$145NR 2021 bocce league team fee to \$145R/\$160NR. An increase in the number of league matches from eight to nine and the addition of one week of playoffs for qualifiers are the impetus behind the proposed increase. We will increase league fees in 2023 to \$160R/\$176 based on feedback from the City to increase league fees (and therefore reduce the associated subsidy).

All proposed fee increases have been factored into the aforementioned revenue totals and, consequently, the proposed bocce programming and maintenance service subsidy.