

## FOURTH AMENDMENT TO AGREEMENT

This Fourth Amendment to Agreement ("Fourth Amendment") is entered into this 16th day of March 2021 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, and extended via an Extension of Operator Agreement from December 30, 2016 to December 31, 2023 (collectively the "Agreement"); and

**Whereas**, the parties desire to amend to the Agreement to include a one-year, subsidized bocce program offered by Lifetime, at the City's two (2) 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 have access to the two (2) bocce courts located within Centennial Community Park, access to the adjacent storage shed for bocce supplies and maintenance equipment, and access to the Pleasanton Senior Center restrooms for its personnel and bocce patrons.
2. Lifetime will offer three (3) 10-week bocce league seasons, two (2) times per week between April 6, 2021 and March 31, 2022 with the City providing a subsidy in the amount of \$19,320 as outlined in Attachment 1.
3. Included in the subsidy will be drop-in play two (2) days per week, staffed by Lifetime personnel.
4. Lifetime will offer weekly classes, single-date clinics, and community rentals for a fee to the community that will not be subsidized by the City.
5. 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.
3. 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 Fourth Amendment to the Agreement as of the date and year first above written.

**CITY OF PLEASANTON**

**CONTRACTOR**

\_\_\_\_\_  
Nelson Fialho, City Manager

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

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

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

ATTEST:

\_\_\_\_\_  
Karen Diaz, 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. 8/20



# PROPOSAL TO OPERATE BOCCE BALL FOR THE CITY OF PLEASANTON

February 3<sup>rd</sup>, 2021

*Lifetime Activities* is excited for the opportunity to grow its service to the City of Pleasanton and surrounding communities by running, managing, and maintaining bocce ball play at the newly renovated two-court, outdoor facility at Centennial Park (5353 Sunol Blvd., Pleasanton). The expectation is to operate this activity/facility for the balance of 2021 (Spring, Summer, and Fall) or for a 12-month term; city staff's choice.

This undertaking reflects a multifaceted plan to continue to grow this popular activity in a safe and responsible manner. Please see below for specific details.

## **Seasonal League Play:**

We propose continuation of an eight-week (non play-off) season to run three times a year. League dates will be double-staffed in order to provide the bandwidth for facility preparation, event management, and bathroom visitation needs. League dates will typically require our presence for 4.75 hours (*two 2-hour play periods, serving 4 teams, preceded by a 30-minute site preparation period and followed by a 15-minute breakdown period*). We anticipate a combined staffing cost of \$40 per hour for one lead staff person and one assistant.

## **Drop-Ins:**

We propose continuation of designated three-hour timeframes available for drop-in play during weekdays. Drop-in periods will be double-staffed in order to provide the bandwidth for facility preparation, site management, and bathroom visitation needs. These drop-ins periods will require a 30-minute site preparation period followed by a 15-minute breakdown period. We anticipate a combined staffing cost of \$40 per hour for a lead and assistant attendant during the 3.75 hours they will be staffed.

## **Classes and Clinics:**

We propose running weekly classes and single-date clinics. These educational experiences will mirror *Lifetime Activities'* pickleball pricing at the Pleasanton Tennis Park (\$10 per hour per participant). We anticipate an eight participant cap for classes during COVID complexity and an expansion to 16 participants when social distancing guidelines are relaxed. As with league play and drop-in experiences, classes/clinics will be double-staffed beginning 30 minutes prior to the activity and for 15 minutes afterwards. *Lifetime is NOT requesting a subsidy for classes or clinics as we believe these offerings can operate at a break-even basis or generate a profit.*

## **Community Rentals:**

Renting the facility for parties, family gatherings, corporate events, etc. (during non-scheduled league, drop-in, and instructional timeframes) is an opportunity to fully utilize the space and share it with more of the community. Our proposed two-hour minimum rental period will include access to both courts and the provision of balls. Rental rates will be set at fair market value based on rates from neighboring Bay Area cities. Court Rentals will be double-staffed beginning 30 minutes prior to the rental and for 15 minutes afterwards. *Lifetime is NOT requesting a subsidy for rentals as we believe these offerings can operate at a break-even basis or generate a profit.*

**Administration:**

Promotion and registration will echo our approach to tennis at the Tennis Park. Website promotion and email marketing will alert patrons to both online and in-person (at the Tennis Park) registration options. City of Pleasanton resident and non-resident rates will be established featuring a 10% differential. A baseline minimum of administration costs for bocce operation will total approximately \$1,000 per eight-week timeframe (5 hours per week @\$25 per hour) and will encompass registration, facilitating free agents/replacements, scheduling, posting scores, answering participant queries, managing inclement weather, etc. Due to some embedded value from our full-time staff, Lifetime is requesting a flat administration fee of \$1,000 per season regardless of the number days/times that leagues and drop-in are offered.

**Profit/Loss Analysis:**

At year's end, we propose a review of expenditures/earnings in order to secure/grow a fair and equitable partnership with the City of Pleasanton.

**Cost Overview/Subsidy Consideration:**

The City of Pleasanton's preference to retain 2020 pricing for league play and drop-in use creates a financial issue. By our estimates, operating bocce courts for both league play and drop-in use are not currently break-even scenarios based on: [1] the per-team registration price (\$110 Resident Team/\$121 Non-Resident Team) and [2] the per-court drop-in price (\$2). It is clear that the City of Pleasanton was operating these offerings at a loss prior to the COVID shutdown and facility retrofit.

The concept of a City of Pleasanton subsidy to facilitate the transfer of operation is reasonable and appropriate. Implicit in the discussion is a need to determine a weekly league and drop-in schedule. ***Lifetime Activities* requests the City of Pleasanton determine the number of weekly league days/nights and number of weekly drop-in they would like offered per season; and thus the amount of subsidy provided per season and year.**

Please see below for a sliding scale of *seasonal* costs associated with these elements:

	<b>Activity/Event Subsidy Per Season:</b>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>League Cost:</b> (per 10-week season):	<b>\$1520</b>	<b>\$3040</b>	<b>\$4560</b>	<b>\$6080</b>	<b>\$7600</b>
<b>Drop-In Cost:</b> (per 10-week season):	<b>\$1200</b>	<b>\$2400</b>	<b>\$3600</b>	<b>\$4800</b>	<b>\$6000</b>
<b>Administrative Cost:</b> (per 10-week season):	<b>\$1000</b>				

**Summary:**

In summary, the above proposal is aimed at growing the Pleasanton bocce community through a variety of channels. *Lifetime Activities'* track record of developing and running safe, affordable, fun, and educational community programming will ensure that leagues, drop-ins, instruction, and facility rentals are well-received. We look forward to hearing feedback on our proposal.