

From: Bo Shao <bo.y.shao@gmail.com>
Sent: Thursday, September 11, 2014 10:19 PM
To: Steven Tyler
Cc: George Rodericks; Theresa DellaSanta
Subject: RE: Atherton Tennis Facility management

Steven, I appreciate you taking the time to answer my questions in detail. BTW, 40K a year, with essentially no risk for the town, is a huge improvement over 1.5K!

My question 3 was out of concern that PCT or others reserving courts but end up not using them. It is a detail for which there is probably no perfect answer - I guess something for the reservation system designers to think about, among other things.

Bo

On September 11, 2014 at 1:39:23 PM, Steven Tyler (styler@ci.atherton.ca.us) wrote:
Bo,

I believe I have answered the questions you requested (below) for you. Please let me know if I have been unclear in any of my responses.

As the Park Superintendent, I too am excited about a new energized program coming to our park that might hopefully "breathe new life" into our tennis facility. I feel confident in the fact that given the candidates, the one chosen is a great fit for our particular facility and will become a nice partner to the Town and the current court users as time moves forward. I would be dishonest if I told you there will be no growing pains as the adjustments take place from what we have now (Alan Margot) to the new program (PCT) but I am confident that PCT is committed to working with staff and key holders to address any/all issues as we move forward.

Thank you for your interest in our Parks tennis facility, and please feel free to contact me with any other concerns you may have now or in the future,

Regards,

Steve Tyler
Town of Atherton
Public Works Superintendent
Certified Arborist #WE 6704 A
650 752-0541 Office
650 576-1655 Cell
650 752-0591 FAX

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From: Bo Shao [mailto:bo.y.shao@gmail.com]
Sent: Wednesday, September 10, 2014 6:13 PM
To: Theresa DellaSanta; Steven Tyler
Subject: Fw: Atherton Tennis Facility management

Hi Steve and Theresa,

I will be out of town on September 19 but I would like to send the following questions regarding the new tennis arrangement, as Steve suggested in the attached. I'd appreciate it if you can answer them or bring this up during the meeting and let me know the answers afterwards.

FYI – the meeting takes place on September 17 (not Sept. 19th as stated above). Perhaps you can make the meeting on that date?

1. My questions are around court and lesson availability.

Can PCT give lessons to non-residents on Atherton courts?

a. Yes, PCT can give lessons to Atherton residents as well as others on these courts. As with our current policy for park keys, usage is for residents of all communities..

2. Please clarify what is meant by “Atherton residents will receive a minimum of one-day priority in court reservations.”

The reservation system will begin with the new key cycle on Feb. 1, 2015. At that time, key holders will go on-line to place a reservation for a tennis court. Reservations will be able to be made up to (X) days in advance for court usage while an Atherton resident will be allowed to reserve a court (X+1) days (minimum) in advance giving them slight preferential treatment on a particular court or time.

3. After Feb 1, 2015, if one does not make a reservation and walks in, and assuming PCT is not using a certain court, can one use the court without asking PCT for permission?

Yes, but this will not be suggested. Even if you reserve a court immediately before walking out there, it will assure you that your time frame for using the court is clear. As an example, you may walk out there on the day you wish to play with no reservation and begin a game on a free court, but may be asked to move for a person who reserved the court at a timeframe 15 minutes after you begin. The reservation system will prevent this from happening and its use will be encouraged for all users even on a last minute basis.

4. Is this contract exclusive? If PCT cannot make a desired coach available at the desired time, can one bring his/her own coach? This question is particularly pertinent as I contacted PCT a year ago to make an appointment with Jessup and was informed that “he is not taking new students at this time.” Furthermore, that “no instructors work on Sunday.”

This contract gives PCT 100% exclusive rights as the only tennis lesson provider at the court. Any other tennis professional who attempts to give lessons on the courts will be doing so illicitly, and will be asked to leave. Other tennis coaches will not be allowed to give private lessons (even for key holders) on the courts This has always been the case at the courts (with Alan Margot) however Alan never actively enforced the exclusivity clause of the contract. PCT will do so. Part of the problem with PCT in the past is that they did not have the court space to take on additional patrons. They should now have that space to do so.

5. Assuming this contract is exclusive, what is the termination clause? If PCT fails to bring in the projected revenue, does our town have the right to terminate the contract, or at least the exclusivity portion of it? The contract is 1 year, with the possibility of 2 ea. 3 year extensions. The fees are flat (non-dependent) on whether projected numbers are met.

Termination is standard, 30 days written notice. Basically, PCT has offered to pay the Town \$40K annually for the opportunity to run a 1st class tennis facility using the courts at Holbrook Palmer park as well as other money for court maintenance should they receive a contract extension.

6. Does PCT plan to maintain its operations at the other 3 locations? If so, how does it plan

to allocate its resources - particularly its head professionals' time - across different sites? The contract we have with PCT is for our facility only, and does not address other work locations. If they have staffing to work other sites, they may do that. As mentioned above, how they make their money to support our fees at the park is not our concern, just that the fees are paid on a monthly basis. What PCT plans to do at other locations is irrelevant to their contract with the Town.

Thank you. I am excited about the new arrangement and appreciate all your efforts in bringing this about.

Bo Shao
67 Orchard Hills St
On September 10, 2014 at 1:10:12 PM, Steven Tyler (styler@ci.atherton.ca.us) wrote:
Dear Atherton Tennis Key Holder,

Please open attached letter from me regarding an update on the new vendor selection for the Atherton Tennis Facility.

Regards,

Steve Tyler
Town of Atherton
Public Works Superintendent
Certified Arborist #WE 6704 A
650 752-0541 Office
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September 10, 2014

Atherton Town Council and City Manager
(Mr. Cary Wiest, Mr. Rick DeGolia, Ms. Elizabeth Lewis, Mr. Bill Widmer, Mr. George Rodericks)
91 Ashfield Road
Atherton, CA 94027

Dear Council Members and City Manager:

The undersigned submit this letter to express concern and objection to the pending ratification of the contract with Player Capital as the Tennis Facility Management organization for the Holbrook-Palmer (H-P) Park tennis courts. We urge the Town Council to delay ratification of the contract until the concerns of the entire Town and the H-P Park tennis community can be heard and accommodated. (By “tennis community”, we mean (1) current and recent court key holders; (2) current clients of the current Facility Manager Alan Margot; and (3) other prospective users of the courts, including but not limited to current clients of Player Capital.) The concerns are detailed below.

1. Lack of tennis community outreach or input. No systematic survey of current court usage by the tennis community has documented current utilization of the courts. No systematic outreach to the approximately 75 paying key holders has solicited the needs and desires of current tennis players regarding availability, management, usage, or maintenance of the courts. Such outreach should assess (1) the impact on court users of expanded use of the facilities by a new Tennis Facility Manager, (2) the desired services the tennis community would like to have from a new manager, and (3) the desired facility maintenance needs and potential upgrades.

Although some information on the Town web site has indicated the process of selecting a new Tennis Facility Management organization, no details of the proposed selection of Player Capital nor the negotiated contract provisions were available until the Park and Recreation Committee document on the selection process, dated September 3, 2014 (<http://ca-atherton.civicplus.com/DocumentCenter/View/1505>), was very recently posted. This document, containing partial information on the provisions of the contract, is difficult to uncover by interested parties. (To find this document, one has to search the archive of Atherton Online, click on the link for August 29, find and click on the link for the agenda for the September 3 Park & Recreation Committee meeting, and then click on the link for Tennis Management Services. This gets to the minutes containing some of the provisions of the prospective contract with Player Capital.) This has provided very little time for public discovery of the information, less opportunity for public response, and no opportunity for Town Council consideration of such public response.

Further, it appears that the advanced information available on the plans of Player Capital and the provisions of the prospective contract were obtainable only through selective word of mouth. For example, the only earlier participation in the selection process by

members of the tennis community (outside of Town Staff) was from existing clients of Player Capital, whose children are receiving instruction at other facilities. Upon informal communications to them from Player Capital about their pending selection and plans for their management operations, at least some of those parents provided written support for the application of Player Capital. Such support was due at least in part to the increased convenience of moving the training for their children at the more convenient location at Holbrook-Palmer courts. Such support in no way reflects a broader consensus of interests and concerns of the greater tennis community and current key holders, who now pay to use the H-P Park courts. The Town Council should not treat this expressed support from some residents with a self-interested existing relationship with Player Capital as representative of the consensus opinion of the larger community. In fact, we the undersigned of this letter have only become aware of these provisions within the past few days, and we do not necessarily share the same interests as the current Player Capital clients.

2. Player Capital court use and court availability to key holders. Of the six courts in H-P Park, only four are desirable and usable by players. (The two courts closest to the Felton Gables fence, Courts 3 and 6, constantly have leaves on them from trees adjacent to the courts, and Court 6 has a storage shack at the corner of the court. Attachments to this letter contain photographs taken on Monday September 9 of the leaves on Courts 3 and 6.) During the specific times of proposed Player Capital use for lessons/clinics (weekdays beginning at 3pm, and Saturday mornings), there are often 2-3 courts in use by key holders. This leaves 3-4 total courts unused, or 1-2 “usable” courts. If Player Capital occupies 4-5 courts for its lessons/clinics/camps, this would deny access to some key holders during these times. This will result in a permanent conflict between Player Capital and other recreational, paying key holders in the tennis community.

If Player Capital would agree to use the two courts near Felton Gables as two of their 4-5 weekday courts occupied during its events, this would ameliorate, but not eliminate, the problem.

The potential conflict of this planned usage could be examined and verified/rejected either by (1) a survey of key holders, and/or (2) on-site observations of court use during these times.

3. Court reservation system. A court reservation system is necessary only if there is contention for court availability. Currently, there is no contention for court access and therefore no reservation system is needed. The proposal by Player Capital to implement an court reservation system is a tacit acknowledgement that there will not be enough courts available for key holders during the times Player Capital occupies the courts. This would be detrimental to the larger tennis community and pit Player Capital clients against non-clients, a condition that does not and did not exist under Alan Margot’s facility management.

The use of a court reservation system can easily be abused. Reservations can be booked at the earliest possible time, so there can be contention to get on-line to reserve at

precisely the earliest moment. If this occurs due to a chronic shortage of courts, the reservation system will be no better, and arguably worse than, a first-come first-served system. Further, when reservations can be made to “lock up” a court, there needs to be a penalty for “no-shows” when courts are reserved but not used. Such problems do exist at other facilities that provide on-line reservation systems.

4. Revenue for court maintenance from Tennis Management Services and other sources. The current level of court surface maintenance is inadequately superficial. All of the courts have significant cracks, some have small depressions where the surface material has sluffed off, and there are some raised uneven bulges. The so-called “re-surfacing” performed in November 2012 for Courts 2,3, and 4 (at a cost of \$12,400), and that performed in December 2013 for Courts 1,5, and 6 (at a cost of \$12,400) entailed a superficial filling of the cracks present at that time, followed by repainting of the courts. This was and is inadequate to address the chronic need for “true” re-grading and surfacing. (The accompanying photographs illustrate some of the current cracks in the courts, less than 1 or 2 years after the so-called “re-surfacing”.) The courts instead need a complete, professional re-paving, which would cost at least \$10,000 or more per court (retail prices), is in contrast to the cosmetic filling of large cracks on the existing surface and the painting of the filled area that took place in 2012 and 2013. Neither the anticipated one-time contribution from the Menlo-Atherton Little League, nor the annual maintenance contribution from the Tennis Management Services organization, will cover this cost.

We appreciate the opportunity to share these concerns, and we hope a discussion at the September 17 Town Council meeting will provide a broader perspective and lead to a solution that better meets the needs of the entire tennis community.

Sincerely,

Perry Thorndyke
Atherton resident and key holder

Bella Hayes-Roth
Atherton resident and key holder

Patty Boettcher
Felton Gables resident, key holder

Dan Mummery
Atherton resident and tennis player













