



AGENDA REPORT

Meeting Date: January 5, 2010
Item Number: F-7
To: Honorable Mayor & City Council
From: Steven Zoet, Assistant Director of Community Services/Recreation & Parks
Subject: APPROVAL OF AMENDMENT NO.4 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE TENNIS PLACE INC. d/b/a "BEVERLY HILLS TENNIS" FOR A THREE (3) MONTH EXTENSION TO THE EXISTING AGREEMENT.
Attachments: 1. Agreement

RECOMMENDATION

Staff requests a three (3) month extension to the existing agreement between the City and The Tennis Place d/b/a Beverly Hills Tennis. The existing agreement expired 12/31/09. The extension until March 31, 2010, will allow Beverly Hills Tennis to continue to operate under the same agreement provisions during the interim of drafting a new tennis concession agreement.

INTRODUCTION

Beverly Hills Tennis has been the concessionaire for the City of Beverly Hills for the past fourteen years, of which the past eight years have been under the current agreement. A recent Requests for Qualifications to tennis concessionaires resulted in the City receiving four (4) proposals and an invitation for all of them to be part of the interview process. After careful consideration, Beverly Hills Tennis was selected to continue as the tennis concessionaire.

DISCUSSION

The current tennis concession agreement is outdated in its wording, requirements, and the City's ability to increase its revenue share. The City is drafting a new agreement which addresses these issues and will provide greater opportunity in programming, facility renovation, and revenue.

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The maximum three (3) month extension of the current agreement expiring March 31, 2010, will allow Beverly Hills Tennis to continue to provide tennis services to the community and payment to the City in monthly rent and percentage costs.

Steven Zoet
Approved By



FOURTH AMENDMENT TO CONCESSION AGREEMENT
LA CIENEGA TENNIS CENTER

THIS FOURTH AMENDMENT TO CONCESSION AGREEMENT (this "Third Amendment") is by and between the CITY OF BEVERLY HILLS, a municipal corporation (the "City"), and THE TENNIS PLACE, INC., a California corporation d/b/a "Beverly Hills Tennis" (the "Concessionaire"), with respect to the following facts:

RECITALS

A. The City and Concessionaire entered into that certain Concession Agreement – La Cienega Tennis Center dated as of August 9, 1995, as amended by a First Amendment to Concession Agreement dated December 9, 1997, and as further amended by a Second Amendment to Concession Agreement dated on or about October 17, 2000, and further amended by a Third Amendment to Concession Agreement dated January 8, 2002 (collectively, the "Agreement"), whereby the City granted to the Concessionaire the right and privilege to operate the tennis professional shop, food service and tennis instructional service (the "Concession") at that certain real property commonly known as the La Cienega Tennis Center located at 325 South La Cienega Boulevard, Beverly Hills, California 90211 (the "Tennis Center"), subject to the terms and conditions set forth in the Agreement. Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Agreement.

B. Pursuant to Section 3 of the Agreement, as amended, the term of the Agreement is due to expire on December 31, 2009.

C. The City and Concessionaire desire to amend the Agreement in order to extend the term of the Agreement for three (3) additional months.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, it is agreed by the parties hereto as follows:

1. Extension of Term. The term of the Agreement is hereby extended for three (3) additional months commencing January 1, 2010, and shall expire on March 31, 2010, and Section 3.a. of the Agreement is hereby amended to reflect this.

2. Except as amended by this Fourth Amendment, the Concession Agreement dated August 9, 1995, shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Concessionaire have executed this Fourth Amendment as of the ____ day of January 2010.

“City”:
CITY OF BEVERLY HILLS
A Municipal Corporation

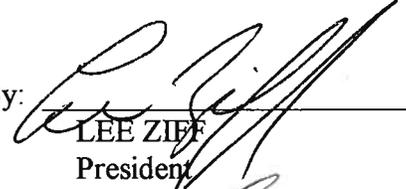
NANCY KRASNE
Mayor of the City of Beverly Hills,
California

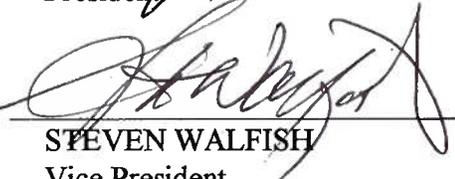
ATTEST:

BYRON POPE
City Clerk

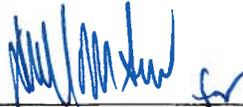
(SEAL)

“Concessionaire”:
THE TENNIS PLACE, INC., a California
corporation d/b/a “Beverly Hills Tennis”

By: 
LEE ZIFF
President

By: 
STEVEN WALFISH
Vice President

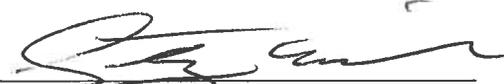
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, ICMA-CM
City Manager



STEPHEN M. MILLER
Director of Community Services