



## MEMPHIS CITY COUNCIL SUMMARY SHEET

### Resolution for Tennis Memphis Contract Renewal

- \* This item is a Resolution to approve a five (5) year renewal term of the current tennis management Agreement between the City of Memphis and Tennis Memphis, Inc. (TMI).
- \* Park Services is the initiating Division. TMI currently manages seven (7), City of Memphis Tennis Centers.

The renewal Agreement provides for a final option to renew for five (5) years and will end in June 2016. The Periods stated in the original Agreement are:

May 2002	to	June 2006	Initial Term
July 2006	to	June 2011	First Renewal Period
<b>July 2011</b>	<b>to</b>	<b>June 2016</b>	<b>Second (Final) Renewal Period</b>

- \* TMI is responsible for all operations costs and other related expenses of managing the seven City tennis centers. The City, based on approved allocations and appropriations, may provide necessary capital improvement funding, as applicable, to ensure general overall good structural condition of the tennis facilities and TMI is allowed to invest funding as may be obtained from grants and other sources.
- \* FY 2012 TMI management fees will be similar or less than the amounts paid in prior years, and will be presented for approval during Council's annual budgetary approval. The City has paid the following management fees to TMI over last five years:

FY 2011	\$215,600
FY 2010	\$220,000
FY 2009	\$250,000
FY 2008	\$250,000
FY 2007	\$250,000

- \* This Resolution does not change any existing Resolution or Ordinance.

## RESOLUTION

**WHEREAS**, the City of Memphis owns and operates public tennis center facilities through its Division of Park Services, for the purpose of providing positive environments for citizens to participate in a variety of tennis play and tournament programs and services, and

**WHEREAS**, the City, has an existing Agreement with Tennis Memphis, Inc., (TMI), to manage seven of its tennis centers (4-indoor/outdoor and 3-outdoor), which provides for a final five (5) year renewal option, and

**WHEREAS**, TMI has provided positive tennis services to the Memphis community and the City of Memphis through its tennis programming since 2002, and

**WHEREAS**, the Memphis Division of Park Services desires to execute the renewal option of the 'Agreement' with TMI for the seven (below named) tennis centers, for operational purposes consistent with the terms and conditions as outlined in the Agreement, to provide services and programs in the areas of tennis (play and tournament) programming which will meet and serve the needs of the community; and

**WHEREAS**, TMI is a Non-profit 501.C.3, organization, and the City and TMI both agree that TMI will manager and operate the specified City Tennis Centers for the periods stated in the Agreement, for the final renewal period of five (5) years, ending in June 2016, as mutually agreed upon written approval by both parties; and

**WHEREAS**, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the approval of the Council of the City of Memphis to enter into this agreement.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Tennis Management Agreement between the City of Memphis, Division of Park Services and Tennis Memphis, Inc., for the management and operations of seven tennis center facilities (Leftwich, Whitehaven, Wolbrecht, Bellevue, Frayser, Raleigh, and Wooddale), is hereby approved in accordance with the terms and conditions set forth therein.

**RENEWAL AND AMENDMENT TO CONTRACT NO. N16089  
BETWEEN THE CITY OF MEMPHIS AND  
TENNIS MEMPHIS, INC.**

THIS RENEWAL AND AMENDMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Memphis, a Tennessee municipal corporation (hereinafter referred to as "City"), and Tennis Memphis, Inc., a Tennessee non-profit entity, (hereinafter referred to as "TMI").

**RECITALS:**

1. Whereas, the City and TMI have entered into Contract No. N16089 (hereafter "Contract"), for the management of the City's tennis facilities; and
2. Whereas, the City and TMI desire to renew and amend the Contract to state the funding to be provided by City; and
3. Whereas, the parties hereby acknowledge that this document constitutes a RENEWAL and Amendment to the Contract for the final five (5) year term which shall end June 30, 2016.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Section 2, Subsection A of the Contract is hereby amended to state as follows:

In consideration of the services to be rendered by TMI and subject to the annual appropriation of funds by the Memphis City Council, City agrees to pay TMI an annual management fee equivalent to the amount appropriated by the Council for TMI in the applicable fiscal year operating budget for the Division of Park Services.

2. The parties agree and affirm that all terms of the Contract, not in conflict with this Amendment, remain in full force and effect, and that nothing in this Amendment relieves either party of their respective obligations under the Contract.
3. This Amendment, together with the Contract, constitutes the entire Agreement between the parties, and supersedes all other prior or contemporaneous communication between the parties (whether written or oral) relating to the subject matter of this Amendment. Each party to this Amendment hereby agrees to execute any documents or

instruments reasonably required by the other party to evidence the foregoing.

IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this RENEWAL AND AMENDMENT TO CONTRACT NO. N16089 BETWEEN THE CITY OF MEMPHIS AND TENNIS MEMPHIS, INC., as of the date above written.

CITY OF MEMPHIS

TENNIS MEMPHIS, INC.

BY: \_\_\_\_\_  
AC WHARTON, JR., Mayor

BY: Stephen W. Lang Jr  
TITLE: Executive Director  
DATE: 4/1/11

DIVISION OF PARK SERVICES



BY: \_\_\_\_\_  
Cynthia A. Buchanan, Director

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Comptroller