TO: Mayor and Members
General Issues Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: August 9, 2011

SUBJECT/REPORT NO:
Ancaster Tennis Club Redesign and Construction of New Tennis Courts in Ancaster Village Green Park (CS11067) (Ward 12)

SUBMITTED BY:
Joe-Anne Priel
General Manager
Community Services Department

PREPARED BY:
Chris Herstek 905.564.2424 ext 4617

SIGNATURE:

RECOMMENDATION

(a) That the request from the Ancaster Tennis Club to partner with the City of Hamilton for the purpose of redesigning three existing tennis courts and constructing two new tennis courts in Ancaster Village Green Park, be approved;

(b) That the City of Hamilton’s funding contribution toward the redesign and construction of the new tennis courts to an upset limit of $150,000 from Capital Project No. 7101141706, be approved; and,

(c) That the Mayor and City Clerk be authorized and directed to execute an Agreement with Ancaster Tennis Club for the redesign and construction of new tennis courts, in accordance with the Key Terms and Conditions, attached as Appendix A to Report CS11067, and any further agreement or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.
EXECUTIVE SUMMARY

The Ancaster Tennis Club is requesting to partner with the City of Hamilton in the redesign of the existing three courts and the construction of two new tennis courts in Ancaster Village Green Park. The estimated total budget for the project is $340,000 ($110,000 Ancaster Tennis Club; $80,000 Trillium Grant and $150,000 City of Hamilton, Recreation Division, Annual Recreation Centre Retrofits Capital Project Account No.7101141706). Any funds in excess of the $340,000 will be the responsibility of the Ancaster Tennis Club.

The Ancaster Tennis Club would enter into an Agreement, in a form satisfactory to the City Solicitor, to undertake the lead role in the redesign and construction of the new tennis courts based on the key terms and conditions attached as Appendix A to Report CS11067.

The Ancaster Tennis Club would tender and manage the project for both the City and Ancaster Tennis Club. This benefits the Ancaster Tennis Club and the city as follows:

1. a) The Ancaster Tennis Club is the primary user and is currently responsible for 100% of the operating costs which include grounds and capital maintenance, utilities and all other costs associated for operating the Ancaster Village Green Park Tennis facilities.
   
b) The Ancaster Tennis Club will provide all necessary project management support which will reduce the support required by the city.
   
c) The Ancaster Tennis Club will obtain all the necessary drawings and formal written quotes on behalf of the City.
   
d) The Ancaster Tennis Club will manage the project quotes and schedules saving approximately two months of time, with permit construction to commence in September 2011.
   
e) The Ancaster Tennis Club may receive “donations in kind” from their supporters to be used as part of the project. The Ancaster Tennis Club would be best to manage the use of these services and products as part of the project.

2. The Ancaster Tennis Club will be the lead administrator for this construction project which is on City lands.

3. The Ancaster Tennis Club will provide contractor invoices to the City for its portion of the funding to an upset limit of $150,000 and the City will promptly pay approved contractors. Representatives from the Recreation Division in

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Community Services Department and Landscape Architectural Services Division in the Public Works Department will ensure that all work meets the City’s requirements i.e.: Adhere to storm water management plan, permit plans, and tree preservation plans.

4. The Ancaster Tennis Club will provide an onsite project manager to oversee all aspects of construction for the project.

Alternatives for Consideration – See Page 6

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: The total estimated cost for the design and construction of the new and existing tennis courts is $340,000. The funding is as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancaster Tennis Club</td>
<td>$110,000</td>
</tr>
<tr>
<td>Trillium Grant</td>
<td>$ 80,000</td>
</tr>
<tr>
<td>City of Hamilton (Capital Project No. 7101141706)</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$340,000</strong></td>
</tr>
</tbody>
</table>

Any additional funds required for the project in excess of the $340,000 would be the responsibility of the Ancaster Tennis Club.

The Ancaster Tennis Club will be expected to pay 100% of the utility and the annual operating costs for all courts and the clubhouse.

Staffing: There are no staffing implications associated with the recommendations of Report CS11067.

Legal: Legal Services will be involved in the development of the legal documentation, prior to the construction of the new tennis courts by Ancaster Tennis Club, in a form satisfactory to the City Solicitor.

HISTORICAL BACKGROUND

The Ancaster Village Green Park currently includes three tennis courts, a practice court and a clubhouse. The Ancaster Tennis Club is a not-for-profit community based club that has been located in Ancaster Village Green Park since 1960. The current membership of the club is approximately 480. The courts used by the tennis club are owned by the City of Hamilton and membership is opened to all Hamilton residents.
The Ancaster Tennis Club is currently the primary user of the Ancaster Village Green Park Tennis Courts and Clubhouse. The City currently has a License Agreement with Ancaster Tennis Club for the purposes of playing tennis and carrying out associated activities of the Ancaster Tennis Club. The Agreement is for a five-year term, expiring December 31, 2014. This License Agreement permits Ancaster Tennis Club primary use of the tennis courts and clubhouse with memberships extended to all Hamilton residents. The agreement also requires that any construction requires permission from the City of Hamilton.

In the spring of 2010, the Ancaster Tennis Club approached the City to partner in the redesign of the current tennis courts and expansion with two new courts. The capital work provides the club with the necessary amenities to meet the club’s increased membership. This will assist with regular tennis programming and coordination of a very successful community tennis club.

The Ancaster Tennis Club will be required to enter into a construction agreement, upon approval of Council, prior to the start of construction. The Ancaster Tennis Club have reviewed and have accepted the key terms and conditions of the draft construction agreement.

In the 2011 Capital Budget, Community Services Department, Recreation Division, Recreation Centre Retrofits allocated $150,000 in capital funding for the Ancaster Tennis Club construction project. Additional funding in the capital account includes $25,000 for the design of new Westdale Tennis Courts and $75,000 for the Hamilton Tennis Club for repairs to the outside deck and two tennis courts to address the safety concerns.

The City of Hamilton has entered into similar agreements with boards and agencies for capital projects such as the Hamilton Conservation Authority, Ancaster Little League Baseball, and Mount Hamilton Soccer Association.

The recently completed Outdoor Recreation Facilities and Sports Provision Plan, expected to be presented to Council in September, recommends that redevelopment and expansion of tennis facilities should be undertaken in partnership with the local tennis clubs.

**POLICY IMPLICATIONS**

There are no policy implications associated with the recommendations in Report CS11067.
RELEVANT CONSULTATION

City staff from the Recreation Division and Landscape Architectural Services Division have worked with Ancaster Tennis Club representatives for the redevelopment and expansion of the tennis courts.

Corporate Services Department, Legal Services Division regarding the Key Terms and Conditions and the request for a Construction Agreement.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Within recent years, the Ancaster Tennis Club has worked towards raising funds. Their efforts to date have resulted in a surplus of $110,000. They have also received an $80,000 Trillium Grant which has been earmarked for the redesign of current courts and construction of new tennis courts.

The City of Hamilton has capital funding in the amount of $150,000 for tennis court replacement in Ancaster Village Green Park.

The plan is for a redesign/orientation of:
- the current courts
- an expansion of two additional courts
- new lighting for all five courts
- electrical controls within the existing building
- a two metre diameter path from the Rail Trail to stairs leading to the parking lot
- fencing with various gate locations and types
- all applicable storm water measures as outlined in the storm water management report

ALTERNATIVES FOR CONSIDERATION

Option A:

Do not grant permission to the Ancaster Tennis Club to redesign and construct new tennis courts in Ancaster Village Green Park.

- Option A is not being recommended because existing courts do not meet current membership demands and courts are in need of relocation and repair.
Financial: There are no financial implications associated with Option “A” to Report CS11067

Staffing: There are no staffing implications associated with Option “A” to Report CS11067

Legal: There are no legal implications associated with Option “A” to Report CS11067

Option B:

Without City of Hamilton funding the Ancaster Tennis Club could be required to provide total funding for the project with the City of Hamilton providing project management services only.

• Option B would delay the project until additional funding is raised by the Ancaster Tennis club.

Financial: There are no financial implications associated with Option “B” to Report CS11067

Staffing: There are no staffing implications associated with Option “B” to Report CS11067

Legal: Legal Services will be involved in the development of the legal documentation, prior to the construction of the new tennis courts by Ancaster Tennis Club, in a form satisfactory to the City Solicitor.

CORPORATE STRATEGIC PLAN


Financial Sustainability

• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

• Address infrastructure deficiencies and unfunded liabilities

Growing Our Economy

• Competitive business environment

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Healthy Community

- Plan and manage the built environment
- An engaged Citizenry

APPENDICES / SCHEDULES

Appendix A to Report CS11067: Key Terms and Conditions to an Agreement for the Ancaster Tennis Club
KEY TERMS & CONDITIONS TO AN AGREEMENT

BETWEEN

THE CITY OF HAMILTON

AND

ANCASTER TENNIS CLUB

FOR THE REDESIGN AND CONSTRUCTION OF
TENNIS COURTS ON ANCASTER VILLAGE GREEN PARK

The Agreement will define the relationship between the City and the Ancaster Tennis Club throughout the planning, redesign and construction of the Ancaster tennis facility on Ancaster Village Green Park, the key terms and conditions as follows:

1. The Ancaster Tennis Club is the primary user and is currently responsible for 100% of the costs of operating the Ancaster Village Green Park Tennis facilities.
2. The Ancaster Tennis Club is to receive quotes, with construction to commence in September 2011.
3. The Ancaster Tennis Club can receive “donations in kind” from their supporters to be used on the site as part of their capital construction program.
4. The Ancaster Tennis Club will be the lead administrator for this construction project which is on City lands.
5. The Ancaster Tennis Club will provide contractor invoices to the City for its portion of the funding to an upset limit of $150,000 and the City will promptly pay approved contractors.
6. The Ancaster Tennis Club will provide onsite over-site of the contractor.

Ancaster Tennis Club shall:

• construct the tennis courts by December 31, 2011;
• contribute to its costs $190,000 ($110,000 Ancaster Tennis Club and $80,000 Trillium Grant) towards the construction, and any costs over and above the quote of $340,000 to be covered by the club;
• comply with and incorporate any design requirements that the City may identify as being required in a public park located on City property at their cost;
• abide by all Provincial and Federal laws and regulations and all Municipal by-laws, policies and procedures affecting the construction and use of the premises or activities thereon;
• obtain, at its own cost, all approvals and permits necessary to carry out the construction of the new courts;
• not cut down, or permit to be cut down, any timber on the Ancaster Village Green Park lands without the express written consent of the City;
• be responsible for the demolition and disposal of the existing tennis courts;
• provide design documents for review by the City prior to commencing construction, including storm water management and grading plans, site plan, and lighting plan;
• ensure any construction activities undertaken by the Ancaster Tennis Club shall not impact the operation of the Library, Town Hall, playground or Lawn Bowling Club;
• restore any disturbed areas within the Village Green Park to the satisfaction of the City;
• indemnify the City from any claims arising pursuant to the Construction Lien Act and discharge any such liabilities in respect of the premises;
• indemnify the City against any and all loss, costs, charges, damages, expenses, claims and demands whatsoever to which the City may be put or, which the City may suffer or sustain, or for which the City may be liable for Ancaster Tennis Club’s construction of the new courts; such indemnification to be in wording satisfactory to the City’s Risk Management Division;
• maintain insurance satisfactory to the City’s Risk Management Division and furnish proof of such insurance upon request at any time during the term of the License Agreement and any renewals thereof; and,
• provide any further covenants to the City and enter into any further Agreements as the City may deem necessary to give effect to the foregoing, in a form satisfactory to the City Solicitor.

The City shall:

• enter into an agreement with Ancaster Tennis Club to permit the redesign of the 3 existing tennis courts and the construction of 2 new tennis courts on Ancaster Village Green Park, City-owned property;
• provide an upset limit of $150,000 toward the project costs to be reimbursed through invoices submitted by the Ancaster Tennis Club as the work is completed; to be funded from Capital Project No. 7101141706; and,
• provide advisory and inspection services to ensure the construction contract has been completed to the satisfaction of the City.