

EXECUTIVE SUMMARY

Background:

In 2018, Denver Arts & Venues (DAV) entered into a lease agreement with the Colorado Symphony Association, THTRS-201839929, to permit the usage of Boettcher Concert Hall for the purposes of Symphonic concerts, rehearsals, load-ins, load-outs and certain other commercial events, meetings and other activities from January 1, 2018 through June 30, 2021. Pursuant to the contract, the Lessee pays a flat rental rate of \$15,000.00 for each month during the Term due on the first day of each month during the Term. The Lessee is also responsible for certain labor-related costs, when incurred in connection with their activities per the contract.

Due to the ongoing COVID-19 pandemic, both DAV and the Contractor have experienced significant disruption to anticipated activity levels related to various public health and safety measures related to mass gatherings and the pandemic generally.

Current Request:

DAV is seeking City Council approval that will amend contract THTRS-201839929 with the Colorado Symphony Association to address the aforementioned impacts for the period from January 1, 2021 through June 30, 2021.

- During 2020, DAV performance venues have been closed and/or operated at significantly reduced capacity to comply with public health orders and social distancing mandates.
- The viability of this contract depends upon events occurring in Boettcher Concert Hall.
- It is uncertain on what date performance venues in Denver will be able to resume normal activity levels.
- The ability to resume normal activities rests on factors generally outside of the City's or Lessee's control.
- During the continued period of business interruption, the Lessee will be allowed to "partially activate" the leased premises when/if it is safe to do so.
- "Partial Activation" shall mean use of the authorized premises for ten (10) or fewer days per calendar month, for the purpose of holding rehearsals and/or conducting performances without audiences to further its mission and for the benefit of the community.
- During a month involving "partial activation," the Lessee shall be invoiced at a prorated rental amount equal to the number of days of use divided by 30 multiplied by \$15,000.
- Should the number of days of use exceed ten in a calendar month the venue the Lessee shall pay the full rental amount of \$15,000 for that month.

- The Lessee shall provide a list of dates of use for the following month to the Director of Arts & Venues or designee no later than the 15th day of the preceding month.
- The amendment adds a requirement that contractor pay the contract minimum wage to workers pursuant to D.R.M.C. 20-82 through 20-84.
- The Lessee has worked with the City during the COVID-19 pandemic to ensure DAV's limited capacity activities are supported and taken steps so that it will be prepared when normal activity levels resume. This amendment will support arts programming in the community and assist the Symphony to continue to comply with its obligations under the contract.