



## Legislation Details (With Text)

**File #:** 19-0825 **Version:** 1

**Type:** Resolution **Status:** Adopted

**File created:** 8/9/2019 **In control:** Business, Arts, Workforce, Climate & Aviation Services Committee

**On agenda:** 9/9/2019 **Final action:** 9/9/2019

**Title:** A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Epernay, LLC to modify the termination date, restrict uses of the Leased Premises and implement safety measures.  
Amends a lease agreement with Epernay, LLC to modify the termination date to 12-31-19, restrict uses by the Tenant of the Leased Premises and enhance safety in connection with the Leased Premises at the Denver Performing Arts Center Garage, in Council District 9 (THTRS-201951344). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-19. The Committee approved filing this item at its meeting on 8-28-19.

**Sponsors:**

**Indexes:** Jonathan Griffin

**Code sections:**

**Attachments:** 1. RR19 0825 AVD Epernay LLC, 2. Epernay lease amendment, 3. 19-0825 Resolution\_Epernay LLC\_201524684-01-201951344-01, 4. 19-0825 Filed Amendatory Agreement\_Epernay LLC\_201524684-00-201951344-01, 5. 19-0825 Filed Amendatory Agreement\_Epernay LLC, 6. 19-0825 - signed.pdf

Date	Ver.	Action By	Action	Result
9/10/2019	1	Council President	signed	
9/9/2019	1	City Council	adopted	Pass
8/28/2019	1	Business, Arts, Workforce, Climate & Aviation Services Committee	approved for filing	Pass

## Contract Request Template (Contracts; IGAs; Leases)

**Date Submitted:** 8-12-19

**Requesting Agency:** Arts and Venues  
**Division:**

**Subject Matter Expert Name:**

Name:	Mark Heiser
Email:	Mark.Heiser@denvergov.org

**Item Title & Description:**

*(Do not delete the following instructions)*

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.

**A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Epernay, LLC to modify the termination date, restrict uses of the Leased Premises and implement safety measures.**

Amends a lease agreement with Epernay, LLC to modify the termination date to 12-31-19, restrict uses by the Tenant of the Leased Premises and enhance safety in connection with the Leased Premises at the Denver Performing Arts Center Garage, in Council District 9 (THTRS-201951344). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-19. The Committee approved filing this item at its meeting on 8-28-19.

**Affected Council District(s) or citywide?** Council District 9

**Contract Control Number:** THTRS-201951344

**Vendor/Contractor Name (including any "DBA"):** Epernay LLC

**Type and Scope of services to be performed:**

Epernay LLC is a retail establishment located on the corner of 14th and Arapahoe, at street level of the Denver Performing Arts Center Garage. The establishment operates exclusively as a nightclub under the name Onyx Ultra Lounge. Recent incidents near the leased premises have increased the City's concern regarding the best use of this property going forward. The revision of this lease reflects an agreement between Epernay LLC and the City that the tenant will adhere to certain operating parameters for the remainder of the term, and that tenant will vacate the property on a mutually-agreed upon timeline-December 31, 2019 (with five additional days to fully vacate).**Location (if applicable):**

**WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):**

**Are WBE/MBE/DBE goals met (if applicable)?**

**Is the contract new/a renewal/extension or amendment?**

**Was this contractor selected by competitive process or sole source?**

**For New contracts**

**Term of initial contract:**

**Options for Renewal:**

**How many renewals (i.e. up to 2 renewals)?**

**Term of any renewals (i.e. 1 year each):**

**Cost of initial contract term:**

**Cost of any renewals:**

**Total contract value council is approving if all renewals exercised:**

**For Amendments/Renewals Extensions:**

**Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?**

***If length changing***

**What was the length of the term of the original contract?**

3/1/2012-12/31/2021

**What is the length of the extension/renewal?**

-24 months

**What is the revised total term of the contract?**

3/1/2012-12-31-19

***If cost changing***

**What was the original value of the entire contract prior to this proposed change?**

**What is the value of the proposed change?**

**What is the new/revised total value including change?**

***If terms changing***

**Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)**