

BY AUTHORITY

ORDINANCE NO. **4239**

COUNCILLOR'S BILL NO. **5**

SERIES OF 2024

INTRODUCED BY COUNCILLORS

Nurmela, DeMott

**A BILL
FOR AN ORDINANCE APPROVING AMENDED AND RESTATED
CONCESSIONAIRE LEASE AGREEMENT**

WHEREAS, the City and Hyland Hills Park and Recreation District (“Hyland Hills”) are co-owners of the Ice Centre at the Promenade, located at 10710 Westminster Boulevard (the “Ice Centre”); and

WHEREAS, the City and Hyland Hills, as both lessors and landlord (collectively hereinafter, “Landlord”), and Top One, Inc., d/b/a Benders Bar and Grill, as lessee and concessionaire (hereinafter, “Concessionaire”), are parties to that certain Lease dated August 31, 2017, as amended by the First Amendment to Lease dated December 31, 2022 (together, the “Current Lease”), which is a month-to-month lease for the Premises defined in Section 2 of the attached Amended and Restated Concessionaire Lease Agreement (the “Restated Lease”);

WHEREAS, Landlord desires to terminate the Current Lease and lease the Premises to Concessionaire under the revised and restated terms and conditions of the Restated Lease to provide food and beverages to the customers of the Ice Centre and the general public; and

WHEREAS, Concessionaire desires to terminate the Current Lease and is willing and able to lease the Premises from Landlord and to provide the aforementioned services pursuant to the Restated Lease.

WHEREAS, the City Council has determined it to be in the best interests of the residents of the City and the District to have Concessionaire provide the aforementioned services and to maximize the income generated from such operation by collecting rental income from the concession operation at the Premises.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Pursuant to City Charter Section 13.4, the attached Amended and Restated Concessionaire Lease Agreement is hereby approved and ratified, and the City Manager is hereby authorized and directed to execute the Amended and Restated Concessionaire Lease Agreement on behalf of the City.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The Amended and Restated Concessionaire Lease Agreement attached hereto shall be executed by Concessionaire prior to consideration of this ordinance on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of January, 2024.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 12th day of February, 2024.

Nancy McNally

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

[Signature]

City Clerk

David Frankel

City Attorney's Office