



City of Coral Gables
CITY COMMISSION MEETING
May 7, 2024

ITEM TITLE:

Resolution. A Resolution of the City Commission of the City of Coral Gables, Florida authorizing the City Manager to approve and issue reimbursement to Actors’ Playhouse Productions, Inc. for the labor and materials necessary to install a new ADA compliant ramp and railings to access the second floor stage area of the city-owned property known as the Miracle Theater located at 280 Miracle Mile, Coral Gables, FL 33134 in an amount not to exceed \$41,900.00. (Sponsored by Commissioner Menendez)

DEPARTMENT HEAD RECOMMENDATION:

Approval

BRIEF HISTORY:

Pursuant to Resolution No. 28739, the City of Coral Gables (the “Landlord”) entered into a Management Agreement/Lease, dated April 13, 1995, with Actors’ Playhouse Productions, Inc. (the “Tenant”) for the city-owned premises at 280 Miracle Mile, Coral Gables, Florida, commonly referred to as the “Miracle Theater” (the “Theater”).

On September 13, 2011, pursuant to Resolution No. 2011-215, Landlord and Tenant entered into an Amended and Restated Agreement which was Amended on February 5, 2013, pursuant to Resolution No. 2013-18, and further amended on January 28, 2015, pursuant to Resolution No. 2015-06, on March 11, 2016, pursuant to Resolution 2015-258, on March 9, 2021, pursuant to Resolution 2021-41, on March 14, 2023, pursuant to Resolution 2023-50 (collectively the “Agreement”).

On April 12, 2024, the Tenant brought to the Landlord’s attention that a certain ADA compliant wheelchair lift on the second-floor stage area of the Theater is obsolete, remains difficult to repair due to a lack of replacement parts, and explained that its size is inadequate to accommodate wheelchairs of a certain size.

Since during the summer of 2024, the Landlord will be conducting a Capital Improvements Division project to replace the existing Theater HVAC chiller system that will require the Tenant to cease operations for an estimated ninety (90) days (August 5- November 6, 2024), the Tenant requested that the Landlord reimburse the Tenant for the labor and materials cost associated with installing a new ADA compliant ramp and railings to replace the obsolete wheelchair lift on the second-floor stage area of the Theater. The installation of the new ADA compliant ramp and railings will be conducted during the ninety (90) days that Theater operations will cease for the construction associated with the chiller replacement project.

Upon review, the Landlord determined that Section 6.6 of the September 13, 2011, Amended and Restated Agreement provided that “any repairs, changes, or alterations that now or in the future

concern the operation of the Theater or are otherwise applicable to theaters in general, or as may be required to accommodate handicapped or otherwise impaired individuals, shall be the sole responsibility of the Tenant.”

However, the Tenant is a non-profit organization with limited resources to cover the cost of the installation. Furthermore, the installation of the ADA compliant ramp and railings to replace the obsolete wheelchair lift on the second-floor stage area of the Theater serves an important public purpose at this historic City-owned property because it will enhance the safety and wellbeing of handicapped patrons.

As such, the City Commission can authorize the City Manager to reimburse the Tenant for the cost of labor and materials associated with installing a new ADA compliant ramp and railings in an amount not to exceed \$41,900.00 to serve this important public purpose at this historic City-owned property.

LEGISLATIVE ACTION:

Date.	Resolution/Ordinance No.	Comments
November 22, 1994	Resolution No. 28660	Authorization to purchase property and lease cinema space
March 14, 1995	Resolution No. 28739	Authorization of Agreement with Actors’ Playhouse Productions, Inc.
August 23, 2011	Resolution No. 2011-215	Authorization of Amended and Restated Agreement
February 5, 2013	Resolution No. 2013-18	Amendment to Amended and Restated Agreement
January 28, 2015	Resolution No. 2015-06	Second Amendment to Amended and Restated Agreement
October 27, 2015	Resolution No. 2015-258	Third Amendment to Amended and Restated Agreement
March 29, 2021	Resolution No. 2021-41	Fourth Amendment to Amended and Restated Agreement
March 14, 2023	Resolution No. 2023-50	Fifth Amendment to Amended and Restated Agreement

FINANCIAL INFORMATION:

No.	Amount	Account No.	Source of Funds
1.	\$41,900.00		Capital Fund
Total:	\$41,900.00		

Fiscal Impact:
The Capital Fund will expend an amount not to exceed \$41,900.00.

ATTACHMENT(S):

1. **Draft Resolution**
2. **Barkentine Management April 12, 2024, Proposal for Installation of ADA Compliant Ramp and Railings**