

City of Coral Gables City Commission Meeting
Agenda Item F-5
November 9, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Attorney, Miriam Ramos

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Asset Manager, Zeida Sardinias

Public Speaker(s)

Carlos Lamontes

Agenda Item F-5 [11:29 a.m.]

An Ordinance of the City Commission authorizing the City to enter into a Second Amendment to the Second Amended and Restated Master Lease Agreement for the property commonly known as the Village of Merrick Park, with Merrick Park, LLC, f/k/a Rouse Coral Gables, LLC, amending Section 3.1 relating to parking and approving the general terms of a corresponding License Agreement for certain parking uses; providing for a repealer provision, severability clause, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Moving onto F-5.

City Attorney Ramos: F-5 is an Ordinance of the City Commission authorizing the City to enter into a Second Amendment to the Second Amended and Restated Master Lease Agreement for the property commonly known as the Village of Merrick Park, with Merrick Park, LLC, f/k/a Rouse Coral Gables, LLC, amending Section 3.1 relating to parking and approving the general terms of a corresponding License Agreement for certain parking uses; providing for a repealer provision,

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severability clause, and providing for an effective date. Ms. Sardinas will take you through the changes.

Ms. Sardinas: Good morning, Mayor, Commissioners, Zeida Sardinas, Asset Manager. As the City Attorney said, the ordinance will authorize the city to turn to a Second Amendment to the Second Amended and Restated Master Lease Agreement for the property commonly known as Village of Merrick Park or Merrick Shops, amending section 3.1 of the lease related to parking. The amendment also approves the general terms of a corresponding license agreement for certain parking uses. The Second Amended and Restated Master Lease Agreement that is in place provides for 400 parking spaces at the Village of Merrick Park's parking garages to be made available to the landlord charged at city rates and that these be utilized pursuant to a parking plan. The lease further provides that 220 of the spaces be located in one or both of the north garages that 180 spaces be located in the east garage and that the spaces be made available from 7 a.m. to 7 p.m., Monday through Friday. Finally, the lease provides that revenues received from the use of such spaces become part of project revenue for purposes of calculating percentage rent. The landlord and tenant now wish to amend the lease to provide for more flexible use of the 400 parking spaces, which will continue to include the permit parking spaces, it may include long term parking spaces, governed by a license agreement with neighboring developments. The proposed terms of the Lease Amendment are as follows: up to 400 spaces will be made available for use by the landlord for permit parking in use by tenants, residents, guests, invitees or other occupants of one or more developments designated by the landlord. The day and time restrictions will be removed, making the spaces available to the landlord 24 hours per day, 7 days a week. The use of said development designated spaces will be governed by a license agreement, substantially in the form that's attached to the second amendment of the lease. Any requests for the use of said spaces by a development must be initiated by the landlord. The tenant agrees that if request is made for exclusive spaces, the tenant will, in good faith, seek the approval of the anchor tenants at the Village of Merrick Park under the construction operation and reciprocal easement agreement that is in place. The fee charged per space will be capped at the greater of 150 percent of the city's parking rate today, or 150 percent of the city's parking rate at the time that the license agreement is entered into, with provisions for CPI increases. Staff recommends approval and please let us know if you have any questions.

Mayor Lago: Thank you. Mr. Clerk, do we have any comments?

City Clerk Urquia: No sir.

Mayor Lago: This is a long time coming.

Commissioner Menendez: I just have a quick question just to clarify, if you don't mind. Will this situation, the lease, open things up for use by any neighboring development in the area?

City Attorney Ramos: Yes.

Ms. Sardinas: Yes.

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Commissioner Menendez: I just want to put it on the record.

Ms. Sardinas: Yes.

Commissioner Menendez: That its available to...

City Attorney Ramos: Any development. And we do have a representative of the Village here, if you'd like to speak.

Mr. Lamontes: Yes. Carlos Lamontes, General Manager at Shops at Merrick Park. I just want to thank city staff and Brickfield Corporate for helping get this together pretty quickly on our end. I know we sometimes have to go through so many checks and everything. So, I think it's a good amendment to the lease and I look forward to whatever the city brings forward going forward.

Mayor Lago: Thank you.

Vice Mayor Mena: On that same, just to dovetail off that last question. Is there anything in there, it would seem to me that it would make sense that if you have shared parking by the nearby building, like what we discussed earlier, the closing of one of these garages, is there a way to put something in here that would limit it to the upper floors as much as possible, so that because it creates congestion for people that are using and accessing the mall for retail and for other things.

City Attorney Ramos: So, its two different things. So, what Mr. Navarro was referring to in the previous project is deal directly with the Village of Merrick Park for their spaces. The city has 400 spaces that are ours and this amendment is only related to those 400 spaces. What the terms of their agreement are with the developer who wants to use the remaining 3,500 spaces that I don't know.

Vice Mayor Mena: Okay.

City Attorney Ramos: In ours that restriction is not there. There is a license agreement that would be entered into and if at that time they felt that that was appropriate, that could be negotiated.

Vice Mayor Mena: I don't necessarily think it needs to be tied to this specific ordinance. I'm just bringing the topic up for discussion. I would think from your perspective you wouldn't want everyday parkers parking on the lower floors.

Parking Director Kinney: The spaces that our 400 are assigned to are actually not in the primary garage for the Shops at Merrick Park, so they protect their primary facility. They are either in the tall building which was just south of the previous project.

Vice Mayor Mena: Right.

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Parking Director Kinney: Or they are in the north garages, so that the primary shopping spaces they have are not impacted by our 400.

Vice Mayor Mena: That point is well taken. Again, I didn't mean to limit my comments to just the 400 spaces for starters. Secondly, what I would say to that is, I think as you see more development in this area, you are going to see more parking in these other parking facilities by patrons. You have rooftop restaurants and retail on the bottom and new buildings come online, you are going to see more demand for parking. I think you hear my point.

Mr. Lamontes: Yes, I do. I do.

Vice Mayor Mena: It makes sense to me that if you have a daily parker that's using a shared space that they would park on the upper floors so that its easier for people to access, be more open parking for everybody else.

Mr. Lamontes: Yes.

Vice Mayor Mena: Alright. I'll move it.

Commissioner Menendez: Second.

City Attorney Ramos: Mr. Clerk, are there any comments?

City Clerk Urquia: No ma'am.

Mayor Lago: We have a motion and a second.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)

Ms. Sardinas: Thank you.

Mayor Lago: Thank you for getting this done. It's been a long time coming. I also want to commend you on your landscaping, we have a lot of work to do still.

Mr. Lamontes: We understand. Yes.

Mayor Lago: We have a lot of work to do. As you know, the city has kept up their end of the bargain. As you drive down Ponce, you'll see all the landscaping, not all, but working the landscaping that has been there, we're working, we're continuing to work today. We were working

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in the rain yesterday; we were removing the landscaping on Ponce; we are elevating our quality. So, there are certain things – I drive by your project every day, 4:45 in the morning, on the way to the gym. I have a firsthand experience of the progress we’re making. I haven’t seen much progress in the last few weeks. So, I need you to get it going, especially in that area, as you know, the Collection, we just finished the building, they relandscaped all that area, all your landscaping across the street from that has been the same for 15 years, it’s all dead twigs. I want to know when we are going to get that changed and get that going. I think it’s important.

Mr. Lamontes: And we’re working with our landscaper to try to get some issues resolved before we finish up the project, but yes, this is part of our long-term plan, and we are going to keep working on it.

Mayor Lago: Looking a lot better. I want to say thank you for that, I just wanted you to know that I’m there every day.

Mr. Lamontes: I know. I appreciate it.

Mayor Lago: If you’d like to do a third site visit, we can do third site visit. We can look, we can kind of – these certain areas that I think are important. I welcome my colleagues to come and join me on these site visits, because at the end of the day, when you elevate your quality, the city elevates their quality, the benefactors are the residents and the business community.

Mr. Lamontes: Yes.

Mayor Lago: That’s what we’re trying to do here, lead by example.

Mr. Lamontes: Yes – and its always good to get another set of eyes.

Mayor Lago: You tell me when you like, and I can see you there in two weeks.

Mr. Lamontes: I’m open, next two weeks. How about after the tree lighting on November 17th.

Mayor Lago: I look forward to it. Thank you, sir.

Mr. Lamontes: Thank you. I appreciate it.

Mayor Lago: Thank you. Great job. And by the way, I also wanted to commend you; I went by the Biltmore, the Biltmore is looking much nicer, certain areas of it. Also, our public buildings, I know you’re starting to pay a lot of attention to that. We are working on the sidewalks and maintaining our assets, so thank you for that. Great job.

