

**CITY OF CORAL GABLES, FLORIDA**

**EMERGENCY ORDINANCE NO. 2010-04**

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION AUTHORIZING THE NEGOTIATION AND EXECUTION OF LEASE AGREEMENT WITH WINE & FASHION FLORENCE CAFÉ, CORP., AT 220 ARAGON AVENUE, CORAL GABLES, FLORIDA; AUTHORIZING PURSUANT TO ARTICLE III, DIVISION 12 (PURCHASE, SALE OR LEASE OF PUBLIC PROPERTY), SECTION 2-2011 OF THE CITY CODE, TO WAIVE THE APPLICATION OF THE PROVISIONS OF DIVISION 12 TO THIS TRANSACTION; FURTHER PROVIDING FOR WAIVER OF REQUIREMENT THAT SAID ORDINANCE BE READ ON TWO SEPARATE DAYS PURSUANT TO SECTION 13 OF THE CITY OF CORAL GABLES CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has constructed a parking garage at 250 Aragon Avenue, which includes ground floor retail; and

**WHEREAS**, the premises at 220 Aragon Avenue, formerly leased by Preston Scott, is now vacant; and

**WHEREAS**, Wine & Fashion Florence Café, Corp. (the “Proposed Tenant”) has a short time for construction in order to open on its approximate target date in August 2010; and

**WHEREAS**, the Proposed Tenant represents a group of Tuscan artisans who have had the support of the Beacon Council and the Coral Gables Chamber of Commerce, and the proposed tenant will build out the premises with high quality Tuscan materials;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That the City Commission does hereby authorize the City Manager to negotiate and, subject to staff’s review of Prospective Tenant’s funding, sign a lease agreement with such modifications from the terms set forth in the Draft Lease as may be approved by the City Manager and City Attorney.

**SECTION 3.** That in accordance with the City Code Section 6-4(a)(4), the City Commission authorizes the issuance of a liquor license to the Proposed Tenant, which is a non-restaurant facility pursuant to the City Code, provided that the Proposed Tenant meets all other County and State requirements in addition to the requirements of City Code Section 6-4(b), subject to such appropriate conditions and safeguards as may be required by the City Commission to protect the public health, safety and welfare.

**SECTION 4.** That in accordance with Division 12, Section 2-2011 of the Procurement Code, the City Commission does hereby waive the application of the provisions of Division 12 to this transaction upon at least a four-fifths vote, as such waiver is in the public interest due to the timeline established by the proposed tenant. In addition, such timeline is declared an emergency so that the second reading of the Ordinance is hereby waived.

**SECTION 5.** That the City Commission does hereby amend the 2009-2010 Annual Budget and authorizes the appropriation of funds in the amount of twenty thousand seven hundred eighty one dollars and fourteen cents (\$20,781.14) for the payment of the brokerage fee for procurement of the Proposed Tenant, and authorizes to amend the estimated revenues from rental proceeds in the amount of twenty thousand seven hundred eighty one dollars and fourteen cents (\$20,781.14).

**SECTION 6.** That this ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF MARCH, A.D., 2010.

(Moved: Kerdyk / Seconded: Withers)

(Yea: Withers, Anderson, Kerdyk, Slesnick)

(Majority: (4-0) Vote)

(Absent: Cabrera)

(Non-Agenda Item)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER L. POEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY