

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2015-**

A RESOLUTION AUTHORIZING ENTERING INTO A SECOND AMENDMENT TO LEASE WITH CORAL GABLES CINEMATEQUE, INC. TO REPLACE THE HVAC SYSTEM IN EXCHANGE FOR IN-KIND SERVICES WITH REGARD TO CITY OWNED PROPERTY LOCATED AT 260 ARAGON AVENUE, CORAL GABLES, FLORIDA.

**WHEREAS**, pursuant to Ordinance No. 2010-24, the City and Coral Gables Cinemateque, Inc. ( "Tenant") entered into an Amended and Restated Lease dated September 28, 2010, of the lease dated November 10, 2008 (the "Original Lease Agreement") approved per ordinance 2008-16, with regard to City property located at 260 Aragon Avenue, Coral Gables, FL (the "Lease"); and

**WHEREAS**, Tenant has requested that the City replace the non-functioning HVAC air conditioning unit that Tenant has indicated, despite its acceptance of the original unit, has never been in great operating condition from the date they took possession; and

**WHEREAS**, the City has obtained quotes for such replacement from reputable air conditioning companies that place the cost at up to \$50,000; and

**WHEREAS**, in exchange, the Tenant has offered to provide \$10,000 per year for the remaining term of the lease that is set to expire September 30, 2020 that it gives to the City pursuant to the Lease, to be applied towards City functions at the Coral Gables Cinema with minimal impact on its day-to-day operations, to assist the City in digitizing its film archives and to provide cinema-related activities such as outdoor screenings; and

**WHEREAS**, on October 21, 2015, the proposed amendment terms were presented to the Property Advisory Board, which voted unanimously to recommend approval with the condition that there be a quantifiable list of services and benefits provided by Tenant for an amount equal to or greater than the City's investment in the HVAC system; and

**WHEREAS**, the City Commission finds that it is in the interest of the City to replace this air conditioning unit and to obtain an increased credit.

**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 Resolution upon the adoption hereof.

**SECTION 2.** That the Amendment to the Lease (the "Amendment") is hereby approved in substantially the form attached hereto as Exhibit "A."

**SECTION 3.** That the City Commission does hereby authorize the City Manager to execute the Amendment with such modifications to the form attached hereto as Exhibit "A"

as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this resolution.

**SECTION 4.** That this resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH OF OCTOBER, A.D., 2015.

(Moved: / Seconded: )

(Yeas: / Nays: )

(Vote: )

(Agenda Item: )

APPROVED:

JAMES C. CASON  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

WALTER J. FOEMAN  
CITY CLERK

CRAIG E. LEEN  
CITY ATTORNEY