



City of Coral Gables
CITY COMMISSION MEETING
January 26, 2021

ITEM TITLE:

Resolution. A Resolution of the City Commission authorizing entering into a Second Amendment to Lease with Robert Maguire dba Granada Snack Shop (Burger Bob's), with regard to the City-owned premises at 2001 Granada Blvd., Coral Gables, Florida, 33134 granting rent deferment for rent due (\$20,280.26) until the end of the Lease Term (8/31/2021), waiving any late charges, fees, and penalties provided for in the Lease during the deferment period, and providing for a reduction in rent (11/01/20-08/31/21).

DEPARTMENT HEAD RECOMMENDATION:

Approval

BRIEF HISTORY:

Robert Maguire dba Granada Snack Shop (Burger Bob's) (the "Tenant") leased the premises at 2001 Granada Blvd., Coral Gables, FL 33134 from the City of Coral Gables (the "Landlord") by virtue of a Concession Agreement dated October 2, 2003, authorized by Resolution No. 2003-150 on August 26, 2003. This Agreement was extended on a month-to-month basis on July 15, 2008 pursuant to Resolution No. 2008-111; Resolution No. 2008-200 passed and adopted November 18, 2008; Resolution No. 2009-251 passed and adopted on September 8, 2009; Resolution No. 2010-158 passed and adopted on August 24, 2010; and Resolution No. 2014-162 passed and adopted on August 26, 2014. On October 9, 2018, pursuant to Resolution No. 2018-263, Landlord and Tenant entered into a Lease (the "Lease") for a period of three years (09/01/2018-08/31/2021).

Due to the COVID-19 pandemic health crisis (the "COVID-19 crisis"), the Governor of the State of Florida, and the Mayor of Miami -Dade County by Executive Orders, declared a State of Emergency for the State of Florida and Miami-Dade County directing the temporary closure and/or reduced operation of certain businesses including restaurants and golf courses. The COVID-19 crisis emergency orders caused the Tenant experience significant business interruption and unprecedented financial losses and it was therefore unable to pay rent as pursuant to Section IV of the Lease. As a result, on June 22, 2020, Landlord and Tenant entered into a First Amendment to Lease for Rent Deferment (the "Amendment") pursuant to Resolution 2020-163.

Subsequently, the COVID-19 crisis "safer-at-home" mandates, designed to protect the senior citizen high risk population who represent a significant portion of the restaurant's clientele, caused the Tenant to experience continued reductions in its clientele. As a result, the Tenant has continued to experience reduced revenues and financial losses thus preventing its ability to comply with the terms set forth in the both the Lease and the Amendment. In addition, the Landlord understands that availing itself of legal remedies

pursuant to the Lease and choosing to evict the Tenant would result in an empty restaurant space that is unlikely to be re-rented during the COVID-19 crisis.

Therefore, the Landlord is requesting that the City Commission approve entering into a Second Amendment to the Lease granting the Tenant rent deferment for rent due for the months of April, May, July, August, September, and October 2020, in the total amount of \$20,280.26 (the “Deferred Rent”), and waiving any late charges, fees, and penalties provided for in the Lease during the deferment period. The Tenant will pay the deferred rent (\$20,280.26) by the end of the Lease term (08/31/2021) and the Landlord will accept payments toward the deferred rent balance earlier than end the Lease term if the Tenant chooses to make those payments.

The Second Amendment to Lease will also provide the Tenant with a reduction in rent (11/01/20-08/31/21), during which the Tenant will pay the Landlord monthly rent pursuant to Section IV of the Lease as follows:

Payment Date	Rent Due	Maintenance & Insurance	Sales Tax	Total Rent Payment Due
November 1, 2020	\$1,000.00	\$184.24	\$76.98	\$1,261.22
December 1, 2020	\$1,000.00	\$184.24	\$76.98	\$1,261.22
January 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
February 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
March 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
April 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
May 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
June 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
July 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22
August 1, 2021	\$1,000.00	\$184.24	\$76.98	\$1,261.22

LEGISLATIVE ACTION:

Date.	Resolution/Ordinance No.	Comments
8/26/14	Resolution No. 2014-162	Lease Renewal Approval
8/24/2010	Resolution No. 2010-158	Three year with one-year option
9/8/09	Resolution No. 2009-251	One Year Renewal
11/18/08	Resolution No. 2008-200	One Year Renewal
7/15/08	Resolution No. 2008-111	Changed Lease to Month to Month
8/26/03	Resolution No. 2003-150	Authorization to enter into 3 year lease with 2 renewal terms
10/9/18	Resolution No. 2018-263	Three-year Lease Agreement with a one-year renewal term
06/09/20	Resolution No. 2020-163	First Amendment to Lease

FINANCIAL INFORMATION: (If Applicable)

No.	Amount	Source of Funds
N/A		

ATTACHMENT(S):

- 1. Draft Resolution**
- 2. Second Amendment to Lease Agreement**