

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-122

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING ENTERING INTO A FIRST AMENDMENT TO LEASE WITH SATCHMO BLUES BAR AND GRILL, INC. D/B/A FRITZ & FRANZ BIERHAUS, WITH REGARD TO THE CITY-OWNED PREMISES AT 60 MERRICK WAY, CORAL GABLES, FL, 33134 GRANTING A TWO-MONTH RENT DEFERMENT FOR RENT DUE ON MARCH 1, 2020 AND APRIL 1, 2020 (\$23,805.54) WAIVING ANY LATE CHARGES, FEES, AND PENALTIES PROVIDED FOR IN THE LEASE DURING THE DEFERMENT PERIOD, AND PROVIDING FOR A SIX-MONTH DEFERRED RENT REPAYMENT PLAN JUNE - NOVEMBER 2020.

WHEREAS, On June 24, 1997, Satchmo Blues Bar and Grill, Inc d/b/a Fritz & Franz Bierhaus (the “Tenant”) and the City of Coral Gables (the “Landlord”) entered into the original ten-year Lease for the premises at Garage #6 known as 60 Merrick Way, Coral Gables, FL 33134.; and

WHEREAS, in 2006, the tenant exercised a Lease renewal option; and

WHEREAS, on June 10, 2014, pursuant to Resolution No. 2014-103, Landlord and Tenant entered into a new Lease (the “Lease”) for a period of ten years (June 1, 2014 – May 31, 2024); and

WHEREAS, On March 9, 2020, the State of Florida Governor Ron DeSantis issued a State of Emergency related to the COVID-19 public health emergency; and

WHEREAS, Governor DeSantis’ order was followed by similar State of Emergency orders from Miami-Dade County Mayor Carlos Gimenez (“County Mayor”), and Coral Gables Mayor Raul Valdes-Fauli; and

WHEREAS, in addition to the state of emergency orders, since March 20, 2020, the County Mayor has issued additional emergency orders enacting closures/operational restrictions on non-essential businesses which included restaurants and entertainment venues; and

WHEREAS, on March 18, 2020, the Tenant notified the Landlord of its inability to pay rent for the months of March and April of 2020 and requested rent relief assistance; and

WHEREAS, due to the uncertainty created by the crisis, the Landlord was unable to assess the economic impacts of the COVID-19 public health emergency and the County Mayor’s emergency orders on the Tenant’s operations and revenue; and

WHEREAS, Landlord and Tenant wish to enter into a First Amendment to the Lease granting the Tenant a two-month rent deferment for rent due on March 1, 2020 and April 1, 2020, in the total amount of \$23,805.54 (the “Deferred Rent”) waiving any late charges, fees, and penalties provided for in the Lease during the deferment period; and

WHEREAS, the First Amendment to Lease will provide the Tenant with six-month Deferred Rent Repayment Plan (June - November 2020) during which the Tenant will pay the Landlord monthly rent pursuant to Section IV of the Lease (\$12,204.60) and will also make monthly installments (\$3,967.59) toward the Deferred Rent for a total monthly payment amount (\$16,172.19);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY 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 City Commission does hereby authorize the City Manager to execute the First Amendment to Lease, approved in substantially the form attached as Exhibit A, with such modifications to the form attached hereto as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Resolution.

SECTION 3. That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF JUNE, A.D., 2020.

(Moved: Lago / Seconded: Keon)

(Yeas: Unanimous Voice Vote)

(Agenda Item: E-2)

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED:


RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


MIRIAM SOLER RAMOS
CITY ATTORNEY