

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2024-96

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE CITY MANAGER TO APPROVE AND ISSUE A REIMBURSEMENT TO ACTORS' PLAYHOUSE PRODUCTIONS, INC. FOR THE LABOR AND MATERIALS NECESSARY TO INSTALL A NEW ADA-COMPLIANT RAMP AND RAILINGS TO ACCESS THE SECOND FLOOR STAGE AREA AT THE CITY-OWNED PROPERTY KNOWN AS THE MIRACLE THEATER LOCATED AT 280 MIRACLE MILE, CORAL GABLES, FL 33134 IN AN AMOUNT TO BE APPROVED BY THE CITY COMMISSION AT A SUBSEQUENT COMMISSION MEETING

WHEREAS, pursuant to Resolution No. 28739, the City of Coral Gables (the "Landlord") entered into a Management Agreement/Lease, dated April 13, 1995, with Actors' Playhouse Productions, Inc. (the "Tenant") for the city-owned premises at 280 Miracle Mile, Coral Gables, Florida, commonly referred to as the "Miracle Theater" (the "Theater"); and

WHEREAS, on September 13, 2011, pursuant to Resolution No. 2011-215, Landlord and Tenant entered into an Amended and Restated Agreement which was Amended on February 5, 2013, pursuant to Resolution No. 2013-18, and further amended on January 28, 2015, pursuant to Resolution No. 2015-06, on March 11, 2016, pursuant to Resolution 2015-258, on March 9, 2021, pursuant to Resolution 2021-41, on March 14, 2023, pursuant to Resolution 2023-50 (collectively the "Agreement"); and

WHEREAS, on April 12, 2024, the Tenant brought to the Landlord's attention that a certain ADA compliant wheelchair lift on the second-floor stage area of the Theater is obsolete, difficult to repair due to a lack of replacement parts, its size being inadequate to accommodate wheelchairs of a certain size; and

WHEREAS, Landlord will be conducting a Capital Improvements Division project to replace the existing Theater HVAC chiller system that will require the Tenant to cease operations for an estimated ninety (90) days (August 5- November 6, 2024); and

WHEREAS, the Tenant requested that the Landlord reimburse the Tenant for the labor and materials cost associated with installing a new ADA compliant ramp and railings to replace the obsolete wheelchair lift on the second-floor stage area of the Theater to be conducted during the ninety (90) days that Theater operations will cease for the construction associated with the chiller replacement project; and

WHEREAS, Section 6.6 of the September 13, 2011, Amended and Restated Agreement provides that “any repairs, changes, or alterations that now or in the future concern the operation of the Theater or are otherwise applicable to theaters in general, or as may be required to accommodate handicapped or otherwise impaired individuals, shall be the sole responsibility of the Tenant;” and

WHEREAS, the Tenant is a non-profit organization with limited resources to cover the cost of the installation; and

WHEREAS, the City Commission, without waiving any of the City’s rights under the Agreement, finds that the installation of the ADA compliant ramp and railings to replace the obsolete wheelchair lift on the second-floor stage area of the Theater serves an important public purpose at this historic City property enhancing the safety and wellbeing of handicapped patrons; and

WHEREAS, Tenant has provided evidence of a single proposal for the labor and material associated with the installation of the ADA compliant ramp and railings and the City Commission desires for Tenant to obtain at least two additional proposals prior to the City Commission approving the maximum amount of the reimbursement.

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

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. The City Commission does hereby authorize the City Manager to reimburse the Tenant for the labor and materials cost associated with installing a new ADA compliant ramp and railings subject to Tenant obtaining two additional proposals for such installation and the City Commission approving the maximum amount of reimbursement.

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

PASSED AND ADOPTED THIS SEVENTH DAY OF MAY, A.D., 2024.

(Moved: Menendez / Seconded: Fernandez)


(Yeas: Castro, Fernandez, Menendez)

(Nays: Anderson, Lago)

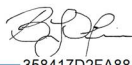
(Unanimous: 3-2)

(Agenda Item: F-16)

APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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CRISTINA M. SUÀREZ
CITY ATTORNEY