

RESOLUTION NO. 2020 – 3873

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CITY OF MIAMI SPRINGS COUNTRY CLUB FOOD AND BEVERAGE CONCESSIONAIRE AGREEMENT WITH HRS MGMT GROUP, LLC; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 29, 2019, the City of Miami Springs (the “City”) Council adopted Resolution No. 2019-3839, approving a Food and Beverage Concessionaire Agreement related to the Miami Springs Golf and Country Club (the “Agreement”) with HRS MGMT GROUP, LLC (the “Concessionaire”); and

WHEREAS, among other things, the Agreement provides for Concessionaire to make a total of \$216,000.00 in Annual Revenue Payments during the initial five year term of the Agreement, with the first monthly payment due January 1, 2020 following a six-month abatement period that began July 1, 2019; and

WHEREAS, to date, the Concessionaire has made the January and February 2020 payments to the City, but has failed to make the payments due for March, April, May, June, July, and August 2020; and

WHEREAS, because of the unprecedented difficulties, uncertainty, and health and safety concerns caused by the novel coronavirus/COVID-19, the City has agreed to i) waive \$4,000.00 in past due payments for the months of March and April 2020; ii) waive the late fees and interest due on the past due payments for March 2020 through and including August 2020; and iii) amortize \$9,000.00 in past due payments from May 2020 through and including August 2020 over the remaining term of the Agreement, resulting in a total of \$212,000.00 in Annual Revenue Payments over the course of the initial five year term of the Agreement; and

WHEREAS, the City and Concessionaire have mutually agreed to modify the terms of the Agreement in accordance with the terms and conditions set forth in the First Amendment to the Agreement attached hereto as Exhibit “A” (the “First Amendment”); and

WHEREAS, the City Council approves of the First Amendment and authorizes the City Manager to execute the First Amendment on behalf of the City; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Approval. The City Council approves the First Amendment with the Concessionaire in substantially the form attached hereto as Exhibit "A."

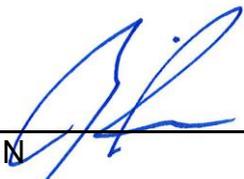
Section 3. Authorization. The City Council hereby authorizes the City Manager to execute the First Amendment, in substantially the form attached hereto as Exhibit "A," subject to the approval of the City Attorney as to form, content, and legal sufficiency.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Councilwoman Mitchell and upon being put to a vote, the vote was as follows:

| | |
|------------------------------------|------------|
| Vice Mayor Walter Fajet | <u>YES</u> |
| Councilman Bob Best | <u>YES</u> |
| Councilwoman Maria Puente Mitchell | <u>YES</u> |
| Councilman Jaime Petralanda | <u>YES</u> |
| Mayor Billy Bain | <u>YES</u> |

PASSED AND ADOPTED this 24th day of August, 2020.



BILLY BAIN
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

A handwritten signature in blue ink, appearing to read "Hayden", written over a horizontal line.

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY