



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.18

9/15/2020

Subject:

Approval, Re: Three Year Extension (Amendment #7) to Lease Agreement with the Brevard Cultural Alliance (BCA)

Fiscal Impact:

\$1 per year, for a total of \$3.

Dept/Office:

Tourism Development Office

Requested Action:

It is requested that the Board to approve and authorize the Chair to execute Amendment #7 to the Lease Agreement between the BCA and Brevard County for office space located at Merritt Island Service Complex, 2575 North Courtenay Parkway, Merritt Island, Florida subject to County Attorney, Central Services and Risk Management approval. It is also requested that the Board authorize the County Manager to execute any necessary budget change requests.

This motion requires a super majority vote.

Summary Explanation and Background:

The Brevard Cultural Alliance (BCA) has leased space at the Viera Government Center since 2010, in early 2020, the BCA moved to leased space at the Merritt Island Service Complex. This request extends the current lease agreement three (3) years from October 1, 2020 through September 30, 2023 and requires that BCA continue to provide oversight for Art in Public Places, technical and advisory services on arts and cultural resources in Brevard County; and serve as a clearinghouse for arts and cultural resources to improve quality of life in Brevard County.

Clerk to the Board Instructions:

Please return a memo of the Board's action to Tourism Director and CAO.



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September 16, 2020

M E M O R A N D U M

TO: Peter Cranis, Tourist Development Office Director

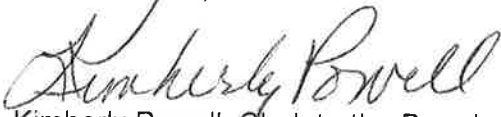
RE: Item F.18., Three Year Extension, Amendment No. 7, to Lease Agreement with the Brevard Cultural Alliance (BCA)

The Board of County Commissioners, in regular session on September 15, 2020, approved a three month extension for BCA lease for office space at the Merritt Island Service Complex located at 2575 North Courtenay Parkway, Merritt Island; and directed staff to do a thorough analysis on the feasibility of using the space for the Tourist Development Office, including answering any questions the Board may have, and providing the information to the Board prior to the ending of the three month extension.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Clerk to the Board

cc: County Attorney
County Manager

AMENDMENT NO. 7 TO LEASE AGREEMENT

THIS AGREEMENT is made and entered into this 15th day of September, 2020, by and between the following Parties: the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as "County" and the BREVARD CULTURAL ALLIANCE, INC., a Florida nonprofit corporation with IRS 501c3 status, hereafter referred to as "BCA".

RECITALS

WHEREAS, by Resolution No. 2010-229, the County authorized leasing office space to the BCA; and

WHEREAS, on October 26, 2010, the Parties entered into a Lease Agreement, hereinafter referred to as the "Agreement" for property located at 2725 Judge Fran Jamieson Way, Building C – Room 307, Viera, Florida for one dollar (\$1) per year. The Term of the Agreement was for a one-year period from October 1, 2010 to September 30, 2011, amended on October 4, 2011 to extend the Agreement to September 30, 2012, amended on October 9, 2012 to extend the Agreement to September 30, 2013, amended on October 8, 2013 to extend the Agreement to September 30, 2014, amended on October 21, 2014 to extend the Agreement to September 30, 2017, and amended on October 24, 2017 to extend the Agreement to September 30, 2020 and amended for the BCA office relocation to Merritt Island Service Complex, 2575 North Courtenay Parkway, Merritt Island, Florida on September 17, 2019; and,

WHEREAS, the Parties desire to extend the Brevard Cultural Alliance (BCA) office lease for a three (3) year term of October 1, 2020 through September 30, 2023.

NOW, THEREFORE, in consideration of the mutual promises herein, the Parties agree as follows:

1. The Recitals are true and correct and incorporated by this reference.
2. BCA shall have a lease on space in Merritt Island Service Complex, 2575 North Courtenay Parkway, Merritt Island, Florida for a three (3) year term of October 1, 2020 through September 30, 2023. All the terms and conditions of the Lease and its amendments, which are incorporated herein by reference, not inconsistent with the provisions of this Agreement, shall remain in full force and effect.
3. In return for the lease, the BCA agrees to continue providing the following services:
 - a. Oversight and management for the Art in Public Places Advisory Committee activities and the Art Installations Programs at the County Government Center and the Harry T. & Harriette V. Moore Justice Center; and

- b. Technical, promotional information and advisory services to residents, visitors, businesses, artists, arts and cultural organizations, and government agencies on the arts and cultural resources and programs in Brevard County; and
- c. Serve as a clearinghouse for arts and cultural resources and programs to improve the quality of life issues and reasonably result in encouraging participation of residents, visitors and industry in the cultural arts.
4. Each Party represents that the person signing on its behalf has been fully authorized by all required action to sign on behalf of and to bind that Party to the obligations stated herein.
5. In the event the property is not used or ceases to be used for its stated purpose, the lease term shall immediately cease, and the County shall have the right to re-enter and repossess the property.

IN WITNESS WHEREOF, the Parties have set their hands and seals on the date first above written.

ATTEST:

By: 

Scott Ellis, Clerk

BREVARD COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

By: 

Bryan Andrew Lober, Chair

Date: September 15, 2020

As authorized by the Board on 9/15/20

Witness: 

By: 

BREVARD CULTURAL ALLIANCE, INC.


Printed Name: Jim L. Ridenour

Title: CHAIRMAN, BCA BOARD OF DIRECTORS

Witness: Kathy Engerran

Date: 8-31-2020

Reviewed for legal form and content:

 8-27-2020
Assistant County Attorney

		7/2020 to 6/2021	7/2021 to 6/2022	7/2022 to 6/2023	TOTAL	Square Feet
	Current Location Costs-Cocoa Village					
	Rent	\$ 97,079.51	\$ 99,991.89	\$ 102,991.64	\$ 300,063.04	6,127
	Utilities				\$ -	
	TOTALS	\$ 97,079.51	\$ 99,991.89	\$ 102,991.64	\$ 300,063.04	
	Relocations Costs -Merritt Island					
	Rent	\$ 37,755.28	\$ 37,755.28	\$ 37,755.28	\$ 113,265.85	6,302
	Utilities				\$ -	
	Lease breakage	\$ 32,359.84			\$ 32,359.84	
	Renovation/Relocation	\$ 62,000.00			\$ 62,000.00	
	TOTALS	\$ 132,115.12	\$ 37,755.28	\$ 37,755.28	\$ 207,625.69	
	SAVINGS	\$ (35,035.61)	\$ 62,236.61	\$ 65,236.36	\$ 92,437.35	
	Notes and assumptions:					
1	Lease breakage after August 1, 2020 is:	\$ 16,179.92				
2	Lease breakage after February 1, 2021 is:	\$ 8,332.66				
3	Renovations costs are an estimate					
4	The current TDO leases expires on June 30, 2022					
5	Square footage for Merritt Island is for up and downstairs					
6	Utility costs for both sites are similar					