

**ST. PETERSBURG CITY COUNCIL
CONSENT AGENDA
Meeting of July 9, 2009**

TO: The Honorable Chair and Members of City Council

SUBJECT: Approving the termination of the existing lease between the City of St. Petersburg, Florida ("City") and Deborah Brown and David Dahms d/b/a Peppers on The Pier ("Tenant") for Space No. 1008 at The Pier dated March 1, 2009; Authorizing the Mayor or his designee to execute a new Lease Agreement for Space No. 1005 at The Pier for a two (2) year Term commencing June 1, 2009 and expiring May 31, 2011; and providing an effective date.

EXPLANATION: Attached, for your review, are Article 1 and Exhibit A of The Pier Lease Agreement between the City of St. Petersburg and Deborah Brown and David Dahms d/b/a Peppers on The Pier, a Tenant at The Pier since October 20, 2000, for Space No. 1005. Article 1 sets forth the general business points of the Lease, which rental rates have been adjusted to reflect current market conditions at The Pier. The Tenant has requested that the City approve the Lease with a two (2) year Term commencing June 1, 2009 and expiring on May 31, 2011. This adjustment will terminate and replace Tenant's existing lease previously set to expire on February 28, 2010.

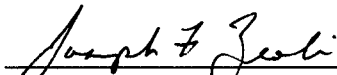
RECOMMENDATION: Based upon the above information, Pier Management recommends, and Administration concurs, that City Council approve the termination of the existing lease between the City of St. Petersburg, Florida ("City") and Deborah Brown and David Dahms d/b/a Peppers on The Pier ("Tenant") for Space No. 1008 at The Pier dated March 1, 2009 and authorize the Mayor, or his designee, to execute a new Lease Agreement between the City and Tenant providing for a two (2) year Term commencing June 1, 2009 and expiring May 31, 2011, for Space No. 1005.

COST/FUNDING/ASSESSMENT INFORMATION: Not Applicable.

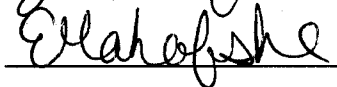
ATTACHMENTS: Article I, Exhibit A and Resolution.

APPROVALS:

Administration:



Budget:



PIER LEASE

THIS LEASE is made as of the _____ day of _____, 2009, between the City of St. Petersburg, ("Landlord"), a Florida municipal corporation, and Deborah Brown and David Dahms d/b/a Peppers on The Pier ("Tenant"), whose address is 5217 – 16th Avenue North, St. Petersburg, FL 33710.

ARTICLE 1

BASIC PROVISIONS

A. Tenant's Trade Name: Peppers on The Pier

B. Center: The building and related structures and improvements which are commonly known as "The Pier," as further defined in Article 2.

Address: 800 Second Avenue N.E., Suite 3002
St. Petersburg, FL 33701-3503

C. Premises: Space No. 1005 at the Center, consisting of approximately three hundred eleven (311) rentable square feet, the approximate location of which is shown on Exhibit A hereto. The Premises shall include the personal property and equipment listed in Exhibit B hereto, the title to which is held by Landlord. The Premises shall not include the roof or exterior walls of the building or buildings of which the Premises form a part, the underlying real property or submerged land beneath the Premises, or Common Areas, except as may be hereinafter specifically set forth.

D. Commencement Date: June 1, 2009

E. Expiration Date: May 31, 2011

F. Permitted Use: The retail sale of gourmet hot sauces and related pepper items, gourmet food products, condiments and food accessory items. Tenant shall not use or permit the use of the Premises for any other use or purpose than that set forth herein

G. Minimum Base Rent:

June 1, 2009 through May 31, 2011 = \$800.00 per month

H. Percentage Rent:

June 1, 2009 through May 31, 2011, six percent (6%) of annual Gross Sales exceeding an annual Breakpoint of One Hundred Seventy-Five Thousand Dollars (\$175,000.00).

I. Monthly Share of Common Area Costs:
June 1, 2009 through May 31, 2011 = \$200.00 per month

J. Monthly Share of Taxes: N/A

K. Monthly Share of Utilities:
June 1, 2009 through May 31, 2011 = \$150.00 per month

L. Monthly Promotion Fund Charge:
May 1, 2009 through May 31, 2011 = \$100.00 per month

M. Construction Related Charges: N/A

N. Security Deposit: \$776.25 (On file)

O. Non-Compete Area: The area within a ten (10) mile radius of the Center.

P. Personal Guarantee: N/A

Q. Rent Payment Address: Tenant shall forward all Rent, insurance certificates and Gross Sales reports to the Manager at the address for the Center set forth in this Article 1, Attention: Management Office, or at such other address or addresses as Landlord shall designate in writing.

R. Rent Shall Be Payable To: The City of St. Petersburg #59-6000424, or such other entity as Landlord shall designate from time to time in writing.

S. Prior Lease Terminated: The prior lease between Landlord and Tenant for Space No. 1008 at the Center dated March 1, 2009 is terminated.

The foregoing provisions shall be interpreted and applied in accordance with the other provisions of this Lease set forth below. The terms in this Article 1, and the terms defined in Article 2, shall have the meanings specified therefor, herein or therein, when used as capitalized terms in other provisions of this Lease.

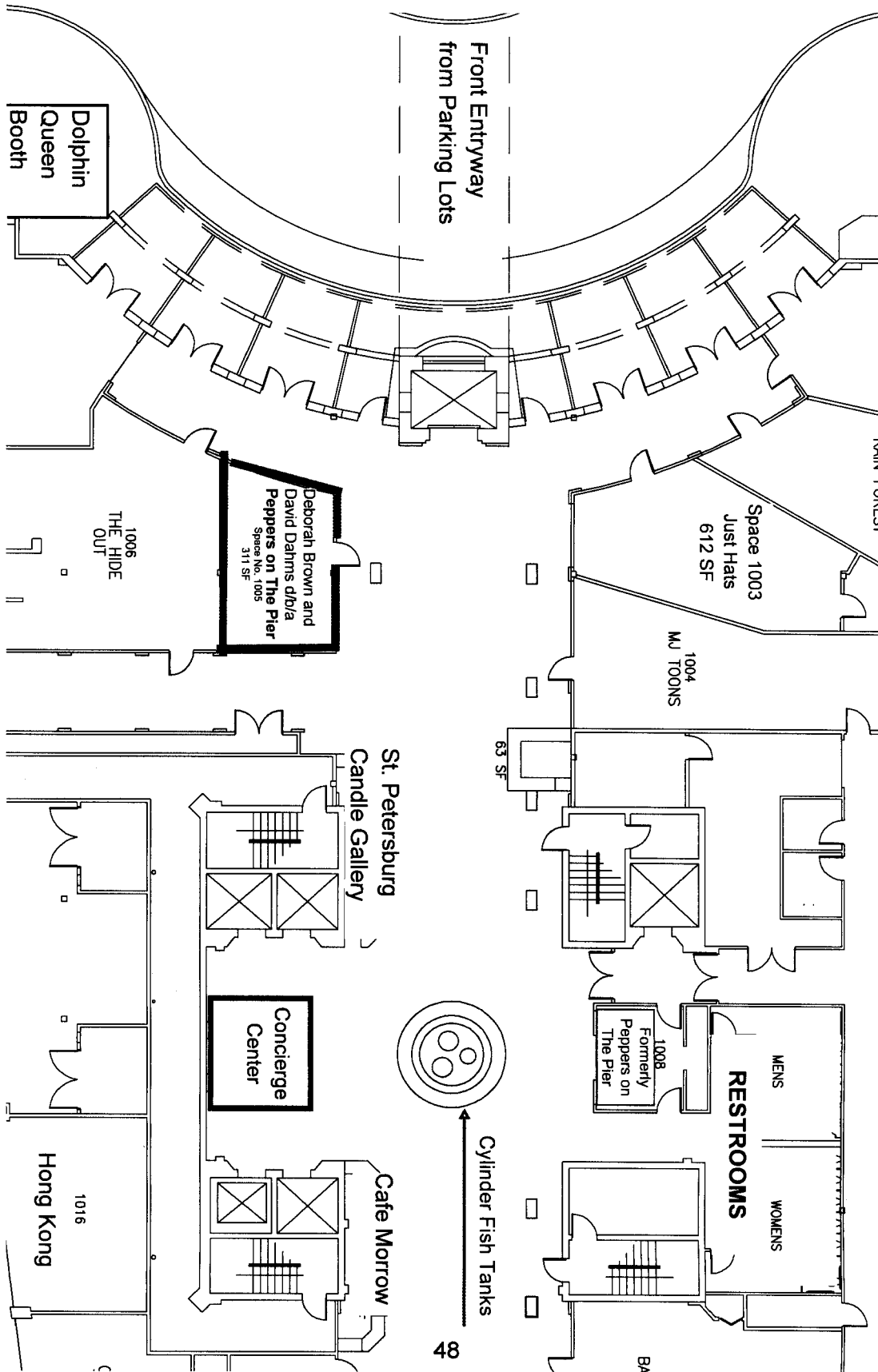
ARTICLE 2

DEFINITIONS

A. "Center" shall mean the building and related structures and improvements which are commonly known as "The Pier" and in which the Premises are located and any other buildings or structures owned or ground leased by Landlord from time to time and operated in conjunction therewith, whether or not shown on Exhibit A hereto, together with the Common Areas, and all parcels or tracts of land owned or ground leased by Landlord from time to time on which all or any portion of the foregoing items are located and any fixtures, Systems and Equipment, furniture and other personal property and equipment owned or leased by Landlord located thereon or therein and used in connection therewith.

EXHIBIT A

Deborah Brown and David Dahms d/b/a Peppers on The Pier



Resolution No. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A NEW LEASE BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND DEBORAH BROWN AND DAVID DAHMS D/B/A PEPPERS ON THE PIER ("TENANT"), FOR SPACE NO. 1005 AT THE PIER FOR A TWO (2) YEAR TERM COMMENCING ON JUNE 1, 2009, AND EXPIRING MAY 31, 2011; APPROVING THE TERMINATION OF TENANT'S EXISTING LEASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Tenant wish to enter into a new lease for Space No. 1005 at the Pier for a two (2) year term commencing on June 1, 2009, and expiring May 31, 2011 ("Lease"); and

WHEREAS, the Lease replaces and terminates Tenant's existing lease for Space No. 1008 at The Pier, dated March 1, 2009; and

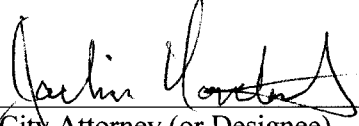
WHEREAS, Tenant has agreed to the terms and conditions contained in the Lease.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute the new lease between the City of St. Petersburg, Florida and Deborah Brown and David Dahms d/b/a Peppers on The Pier for Space No. 1005 at the Pier for a two (2) year term commencing on June 1, 2009, and expiring May 31, 2011.

BE IT FURTHER RESOLVED that the termination of Tenant's existing lease for Space No. 1008 at The Pier, dated March 1, 2009 is hereby approved.

This resolution shall become effective immediately upon its adoption.

APPROVED BY:



City Attorney (or Designee)



Downtown Enterprise Facilities Director