

**SPECIAL  
CITY COUNCIL MEETING  
December 30, 2009**

**APPROVED BY  
January 13, 2010  
CITY COUNCIL**

The City of Bradenton City Council met in special session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on December 30, 2009 at 9:00 a.m.

**Present:** Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Vice Mayor and Councilman Ward IV Bemis Smith and Councilman Ward V Harold E. Byrd, Jr.

**City Officials:** Carl Callahan, City Clerk and Treasurer; William Lisch, City Attorney; and J.J. Lewis Deputy Police Chief.

**Press:** The Herald and The Bradenton Times.

The meeting was called to order by Mayor Poston.

Mr. Callahan stated the special meeting was requested by the Bradenton Riverfront Partners (BRP) and the Art Center Manatee (ACM) before yearend due to possible ramifications due to the tax code changes, to facilitate a land swap transfer on the Riverfront previously known as the sand pile.

**Ed Vogler**, Vogler Ashton law firm, gave a brief overview of the land swap between BRP and ACM. ACM has approximately 20 years remaining on its current lease which has a predominantly east-west dimension. ACM will land swap this interest for a sublease from BRP with a predominantly north-south dimension. BRP desired to retain the ACM on the site in an effort to implement Realize Bradenton and create an arts and cultural district connecting the Players to ACM via an entertainment/retail boulevard. He requested a motion to authorize Mayor Poston to execute two agreements as follows:

1. Recognition Agreement – This primarily confirms that (i) the BRP lease was not in default, and (ii) ACM's occupancy would not be disturbed if BRP was somehow in default. He stated there was no impact on BRP rent which was fixed and unchanged. This recognition agreement was modeled after an executed agreement in connection with the initial Mainstreet at Bradenton apartments transaction.

2. Lease Termination Agreement – This agreement provides for termination of the direct COB-ACM lease relations which was then supplemented by the sublease afforded ACM.

**MOTION TO APPROVE the Recognition Agreement and Lease Termination Agreement between the Bradenton Riverfront Partners and the Art Center Manatee and authorize Mayor Poston to execute the agreements was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.**

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:15 a.m.

NOTE: This is not a verbatim record. An audio CD recording of the meeting is available for a fee upon request.