

**PORT COMMISSION MINUTES**  
**JUNE 17, 2010**

Be it remembered that a regular meeting of the Port Commission of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City at 5:30 o'clock p.m., it being the third Thursday in June, 2010, and the same being the time, date, and place fixed for holding said meeting.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission President Phil Kies (via telephone), Vice President James Hancock, Commissioners, Vernon Ehlers, Danny Hansen, Rod Rishel, Charles Purchner, Barney Hill, Harbormaster Michael White, and Deputy City Clerk Stacey Dahl.

Absent the meeting were Commission Secretary Barbara Reed and Commissioner David Marks.

There being a quorum present and sufficient to transact the business of the Port Commission, the following proceedings were had and done.

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The meeting was called to order by Vice President James Hancock and there were no amendments to the agenda.

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Commissioner Ehlers made motion seconded by Commissioner Hansen and unanimously carried to approve the Port Commission regular minutes of May 20, 2010, as submitted.

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Commission President Phil Kies attempted to attend the meeting via telephone, but was unable to get adequate telephone reception.

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The commission recognized Mr. Ron Robertson, Project Manager, Broaddus and Associates. Mr. Robertson submitted project updates as follows:

# PORT COMMISSION MINUTES

## JUNE 17, 2010



Long Beach Port Commission  
Phil Kies, President

June 17, 2010

RE: Project Updates

1. Harbor Master Building:

Awarded to H. Gordon Myrick on 8-19-2009, Current contract amount is \$1,090,000.00. Harbor Master Building project is 95% complete and on schedule to be completed in July 2010. Budget Funding Analysis and Field Report are attached.

- Pending change orders;
  - i. Sewer, water and electrical for location North of Harbormaster building. Work completed.
  - ii. Connections for phone and cable provided to the west side to accommodate routing under the boat launch ramp. Work Completed.
  - iii. Provide stub-out to supply sewer to the east side of the roadway. Stud-out installed.
  - iv. Three Electrical outlets in breeze way upstairs. Work Completed.
  - v. Four electrical outlets downstairs. Pending approval.
- The Commissioners decided to place the bait trailer on the East side of the road during the May meeting. See attached sketch and cost estimate. This information will be forwarded to MEMA/FEMA for approval if it is the desire of the Port Commission.
- Contents budget is comprised of \$12,500 from insurance and \$8,500 FEMA funded. The insurance must be depleted before FEMA funding will contribute. The Security System and Ice Maker were omitted from the original contents list given to FEMA. Total installed Cost for a Security System will be approximately \$10,000 and the Ice Maker will be approximately \$5,000. Need list of items needed with cost estimate. See attached original contents list.
- Received second quote on the Security Camera System from ADT. ADT quote did not provide for electrical installation or large screen TV. Total installed Cost will be approximately \$10,000.

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2. Harbor Dredging:

Letter has been sent to MEMA/FEMA requesting reimbursement of costs associated with the dredging project. Waiting on Response from MEMA. Total cost of everything was \$232,482. FEMA funding will be from \$218,889 to a low of \$194,721. Tidelands Grant will contribute approximately \$13,600 (Maintenance) to \$37,800. A construction cost funding analysis is attached.

3. Harbor Pier #2 and Pier #4 revisions. Final Engineering drawings and the bid package were submitted May 7<sup>th</sup> to MEMA/FEMA for review and approval prior to advertising for bids. Estimate for contract award August 2010. Waiting on response from MEMA.

4. Letter was sent to State Insurance Commissioner requesting waiver on Excess Flood Insurance. No response received yet.

5. Port Commission needs to acquire Insurance for Harbormaster Building.

\$725,000 Wind Coverage  
\$500,000 Flood  
\$280,000 Property  
\$30,000 Contents

6. As requested, a meeting was held concerning the design coordination of the new restaurant and "BIG" bulkhead projects with all stakeholders on 05/21/2010. Permit requirements and design concepts were discussed. Meeting was productive and the two engineering firms are now communicating with each other. Each project will request a separate CORP permit.

7. Met with DMR Grant Coordinator 06/16/10. BIG Grant approved 10/26/2009 conditional on acquiring CORP Permit. If BIG Project Permit not approved by Sept. 2010 the Grant will be canceled. As soon as Permit is approved AGR can be officially contracted to proceed with design.

\$965,000 U.S. Fish and Wildlife Service (Federal Grant)  
\$483,000 Tidelands (State Grant)  
\$1,448,000 Total "BIG" Project

Please contact me at your convenience with any questions.

Best Regards,



Ron Robertson, P. E.  
Project Manager

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**Harbormaster Building  
Budget Funding Analysis**

May 20, 2010

	<u>FEMA PA Funding</u>	<u>Insurance Funded</u>	<u>Tidelands Funded</u>
Superstructure & ADA portion	467,933		
Building and bathrooms	277,335	60,000	
Bulkhead and fill			173,469
Concrete over Basement (brick pavers)			7,158
Hardi Plank Siding			3,413
Metal roof			6,906
CO-1 Rock Fill			46,688
CO-2 Catwalk west end + SHW revision			30,546
CO-3 Sewer, Water and Electrical for North			1,800
CO-4 Connections for Phone and Cable	1,200		
CO-5 Sewer stub-out for east side	950		
CO-6 Add Electrical outlets			1,000
Bulkhead Engineering			15,000
<b>TOTALS</b>	<b>\$ 747,418</b>	<b>\$ 60,000</b>	<b>\$ 285,980</b>
Bait Shop	70,000		
Contents	8,500	12,500	
Antenna			

# PORT COMMISSION MINUTES JUNE 17, 2010

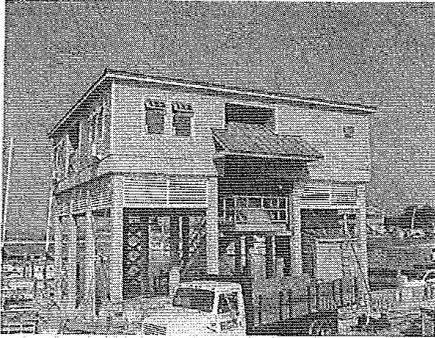


## Project Manager's Field Report

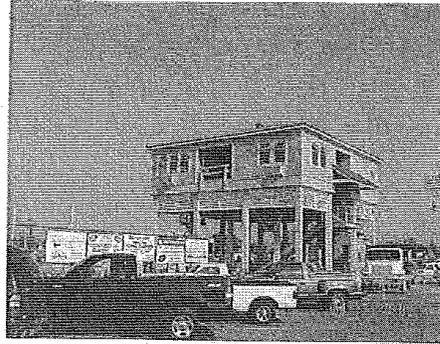
2510 14<sup>th</sup> Street, Suite 810 Gulfport, MS 39501 ph 228.314.1260 fax 228.314.1265

PROJECT: Harbor Master Building

REPORT #: 023



View of the East side of the facility.



View of the South side of the facility.

DATE/TIME: Thursday, June 10, 2010 @8:30 AM  
CONTRACTOR: H. Gordon, Myrick Inc.  
B&A FIELD REP: Matt Cabral  
B&A PROJECT MANAGER: Ron Robertson  
B&A PROGRAM MANAGER: Adam Dial

WEATHER: Sunny

### Project Status

Project Start Date: September 18, 2009  
Project Completion: July 26, 2010  
Project % complete 95 %

### Work In Progress 06/11 - 06/17

- 1) Installation of the siding continues.
- 2) Painters on site painting the wooden louvers, office walls and ceilings, the metal doors and framing and applying a second coat to the plywood ceilings.
- 3) Elevator install continues.
- 4) Wood trim is installed around the windows.
- 5) Painters applying a clear coat sealer on the window trim.
- 6) Wall covering has been applied to the Male and Female restrooms.
- 7) Constructed the wall in front of the elevator opening.

### Week Look ahead 06/18 - 06/24

- 1) Complete the siding install.
- 2) Tape and apply joint compound to the wall in the elevator room.
- 3) Begin installation of the exterior lighting.

Matt Cabral • Broaddus & Associates • [mcabral@broaddusassociates.com](mailto:mcabral@broaddusassociates.com) • Gulfport, MS

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### Milestones

The wall covering is complete in the restrooms.  
Louvers have been installed.

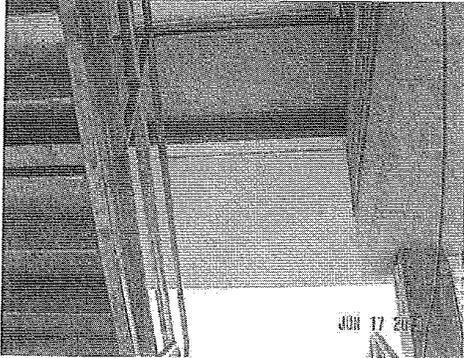
### Action Items

None

### Concerns/Outstanding Issues:

None

Additional Photos Attached: Yes/No



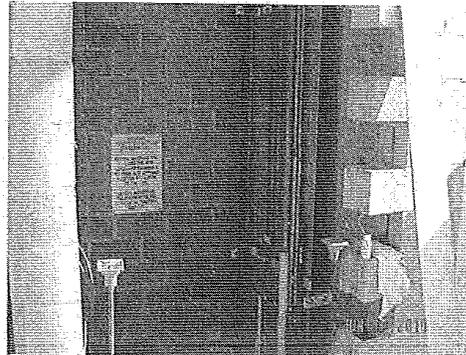
This view of the final ceiling color under the overhang.



Painter is caulking the louvers and prepping them for paint.

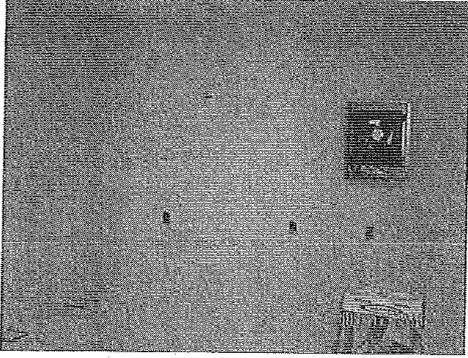


New wall constructed in front of the elevator shaft.

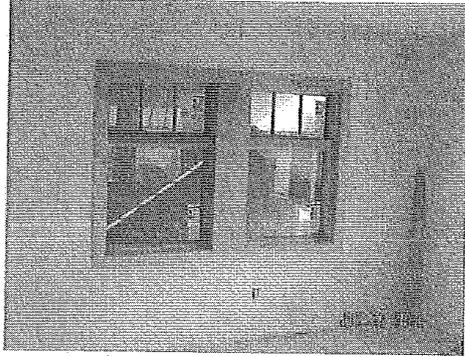


A view of the lift components installed in the elevator shaft.

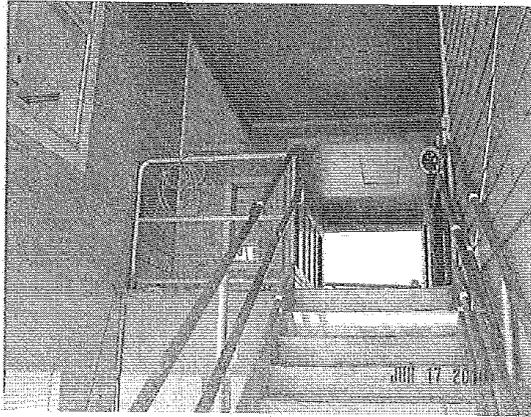
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View of the wall covering in the restrooms.



View of the trim work around the windows.



View of the Breeze way from the first landing of the stairwell.

Matthew J. Cabral Senior Construction Representative

Matt Cabral • Broaddus & Associates • [mcabral@broaddusassociates.com](mailto:mcabral@broaddusassociates.com) • Gulfport, MS

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FEDERAL EMERGENCY MANAGEMENT AGENCY PROJECT WORKSHEET - Cost Estimate Continuation Sheet					O.M.B. No. 3087-0161 Expires April 30, 2001	
DECLARATION NO.		PROJECT NO.	FIPS NO.	DATE	CATEGORY	
FEMA- 1604-DR- MS		LB-102E	047-UDKVR-00	3/07/06	E	
APPLICANT Long Beach Port Commission			COUNTY Harrison			
PROJECT COST						
ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST	
1	9009	Metal deck	1/EA	308.00	308.00	
2	9009	Wood desk	2/EA	117.00	234.00	
3	9009	Swivel chair	3/EA	109.00	327.00	
4	9009	Regular chair	4/EA	43.00	172.00	
5	9009	Filing cabinets, 48" high, 4-drawer	6/EA	140.00	840.00	
6	9009	Window heat/air conditioning unit, 15,000 BTU	2/EA	389.00	778.00	
7	9009	1.5 inch suction pumps, bilge	2/EA	25.00	50.00	
8	9009	Fire extinguishers, ABC, Kidde, commercial	20/EA	30.00	600.00	
9	9009	Fire extinguisher boxes/lids	20/EA	26.00	520.00	
10	9009	Garbage cans	24/EA	10.00	240.00	
11	9009	Trash cans 32-gallon	5/EA	25.00	125.00	
12	9009	Vacuum lift station to empty boat sumps	1/LS	4,815.00	4,815.00	
13	9009	Candy, chips in storage area	1/LS	200.00	200.00	
14	9009	Fishing tackle, 4 rods/reels at \$40 each set	1/LS	160.00	160.00	
15	9009	3x5 work table	1/EA	250.00	250.00	
16	9009	Shovels	3/EA	26.00	78.00	
17	9009	Rakes	2/EA	29.00	58.00	
18	9009	8' hook, boat hook	1/EA	10.00	10.00	
19	9009	Scoop net	2/EA	12.00	24.00	
20	9009	Soft drinks, 40 cases @ 6.00/case	1/LS	240.00	240.00	
21	9009	Dock cart	5/EA	200.00	1,000.00	
22	9009	Picnic tables, 3'x5'	3/EA	550.00	1,650.00	
23	9009	Fishing bench, park type bench with back	20/EA	375.00	7,500.00	
24	9009	Paper products; toilet paper, dispensers (2), paper towels	1/LS	75.00	75.00	
25	9009	Boat paddle	1/EA	10.00	10.00	
26	9009	Water fountain	1/EA	465.00	465.00	
27	9009	Flag pole and flags	1/EA	250.00	250.00	
			/			
C						
D						
	308*	+	+	+	+	+
	234*	+	+	+	+	+
	327*	+	+	+	+	+
	172*	+	+	+	+	+
	840*	+	+	+	+	+
	778*	+	+	+	+	+
	50*	+	+	+	+	+
	600*	+	+	+	+	+
	520*	+	+	+	+	+
	240*	+	+	+	+	+
	125*	+	+	+	+	+
	4,815*	+	+	+	+	+
	200*	+	+	+	+	+
	160*	+	+	+	+	+
	250*	+	+	+	+	+
	78*	+	+	+	+	+
	33*	+	+	+	+	+
	10*	+	+	+	+	+
	24*	+	+	+	+	+
	240*	+	+	+	+	+
	1,000*	+	+	+	+	+
	1,650*	+	+	+	+	+
	7,500*	+	+	+	+	+
	75*	+	+	+	+	+
	10*	+	+	+	+	+
	465*	+	+	+	+	+
	250*	+	+	+	+	+
	20,999*	+	+	+	+	+
						✓
						\$20,999.00

PREP  
FEMA F

**PORT COMMISSION MINUTES  
JUNE 17, 2010**

<u>Long Beach Harbor Dredging Project</u>		May 20, 2010
<b>Cost Funding Analysis</b>		
<b><u>Dredging Phase-1</u></b>		Total Cost \$27,593
Note: Mobilization is an actual cost on dredging projects. The unit cost for Phase-1 must have had mobilization expenses included. For this analysis the expenses above the unit cost of Phase-2 will be applied to Mobilization charges for Phase-1 (\$2,220).		
Dredged Material removed; 525 CY less 7.5%	486 CY	\$ 28.75 \$ 13,973
Bathymetric Survey	1	L.S. 11,400
Mobilization	1	L.S. 2,220
<b>TOTAL PHASE-1</b>		<b>\$ 27,593</b>
<u>Tidelands Cost Share</u>		
Best Case Scenario	Worst Case Scenario	
0	\$13,620	
<b><u>Debris Removal</u></b>		Total Cost \$10,548
Actual Cubic Yards Debris Removed	879 CY	\$ 12.00 \$ 10,548
<u>Tidelands Cost Share</u>		
Best Case Scenario	Worst Case Scenario	
0	\$10,584	
<b><u>Dredging Phase-2</u></b>		Total Cost \$194,341
Dredged Material removed; 6,306 CY less 7.5%	5,833 CY	\$ 28.75 \$ 167,699
Bathymetric Survey	1	L.S. 8,050
Mobilization	1	L.S. 5,000
<b>TOTAL PHASE-2</b>		<b>\$ 180,749</b>
<u>Tidelands Cost Share</u>		
Best Case Scenario	Worst Case Scenario	
\$13,600	\$13,600	
<b><u>Grand Total PW 10680 - Best Case Scenario</u></b>		<b>\$ 218,889</b>
<u>Tidelands Cost Share</u>		
Best Case Scenario	Worst Case Scenario	FEMA
\$13,600	\$37,800	\$ 194,721

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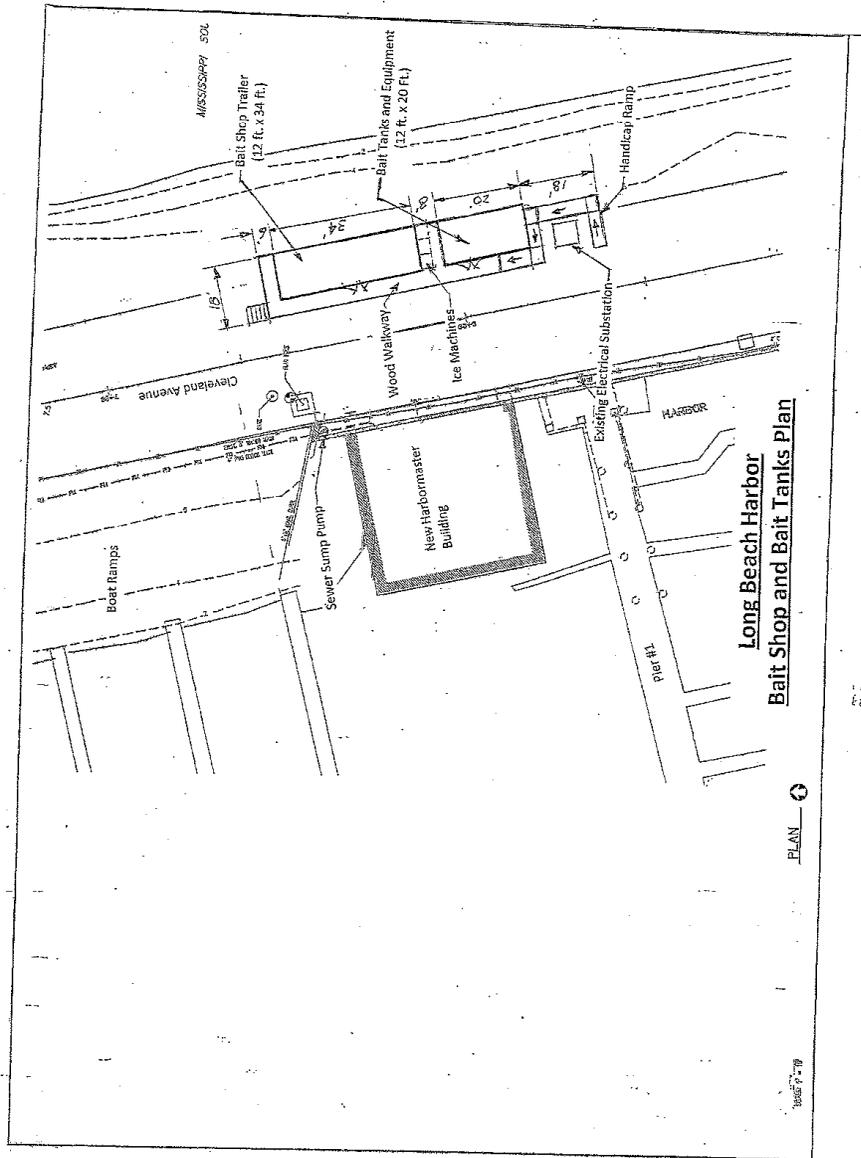
Friday, May 21, 2010

### Long Beach Port Commission Project Meeting Meeting Minutes

**Purpose:** Coordinate engineering efforts for the New Blue Ridge LLC Building in the Harbor and the Port's project for a new Bulkhead and boat docking piers.

1. MDR Permits – Bulkhead permit by David B. – building permit by JBHM
  - Environmental statements as req'd for permits
  - Local Building Permits –by J. Levens.
2. Design Concepts
  - Bulkhead and Dead man requirements, access for tie backs; Michael C. will generate design req'mts and share information with Tom S.
  - Building foundation and Pilings, Floor slab – Tom S. will generate design and decide if bulkhead lateral loads can be added to his design,
  - Sidewalks 8-feet wide - design by Michael C
  - Piers design by Michael C
3. Requirements for information to be shared? Design loads for bulkhead and permit information.
4. Design Schedules of both projects?
  - Building - JBHM will provide
  - Bulkhead- Michael C. and David B. will provide
5. Construction Schedules? At a later date.
6. Next Action Steps
  - David B. will share copies of final MDR permit by Friday 05/29/2010.
  - David B. will research BIG requirements for contracting engineering work.
  - Jimmie L. and David B. will provide information next week on existing underground utilities with all concerned.
  - Audri N. will send site plan to everyone concerned
  - Michael C. will contact Tom S. next week and share lateral loads required for bulkhead.
  - Barbara will assist in researching BIG Grant procedures.
  - David and Michael will generate engineering contract next week in accordance with BIG grant procedures and provide for Port Commission review.

**PORT COMMISSION MINUTES  
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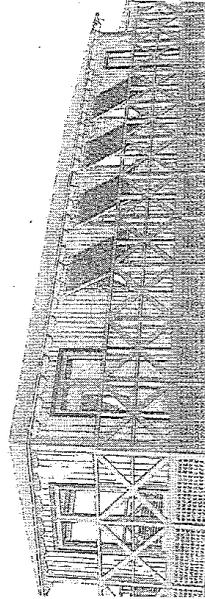
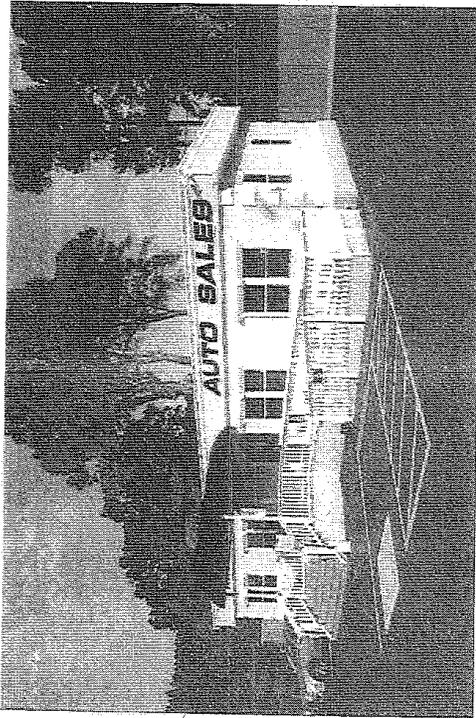
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**PRELIMINARY COST ESTIMATE**  
**BAIT SHOP and HOLDING TANKS**  
 Long Beach Small Craft Harbor

June 17, 2010

Item	COST
1 Bait Shop (12' x 34')	\$ 30,000
2 Tank Enclosure (12' x 20')	\$ 15,000
3 Foundation	\$ 5,000
4 Sewer & Water	\$ 3,000
5 Electrical	\$ 5,000
6 Walk Way and Ramp	\$ 11,000
<b>TOTAL COST</b>	
	<b>\$ 69,000</b>

Prepared by Ron Robertson



After considerable discussion, Commissioner Rishel made motion seconded by Commissioner Purchner and unanimously carried authorizing Mr. Robertson to submit the scope and details of the bait shop trailer to FEMA as depicted in the aforesaid illustration.

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There came on for consideration Tidelands; whereupon Commissioner Purchner made motion seconded by Commissioner Hill and unanimously

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carried to approve and spread the Tidelands Request for Funding FY 2012 as follows:



**MISSISSIPPI TIDELANDS TRUST FUND PROGRAM  
Request for Funding FY2012 (Form TTF-2, Page 1 of 1)**

**APPLICATION SUMMARY**

Title of Project: 2012 Harbor Improvements  
Requesting Agency: Long Beach Port Commission  
Funding Requested: \$1,750,000

<i>Official Use Only</i>
Project No. _____
Submittal No. _____

**Instructions - Applicant:** Summarize your Tidelands Application below. Give additional detail from TTF-1 Section 7 and include how the project will meet the requirements of the Public Trust Tidelands Act and the potential benefits that would be derived from receipt of Tidelands Trust Funds.

1. Upgrade the Harbor to meet Clean Marina standards - \$300,000
2. Deepen one boat launch - \$100,000
3. Extend southeast fishing pier - \$150,000
4. Construct bulkhead along northern shore - \$1,200,000

Total Grant Application - \$1,750,000

This project will enhance the Harbor's facilities to meet Clean Marina standards, will improve the public's access to coastal waters and Tidelands fishing areas, and will fund a portion of a B.I.G. project which will expand the Harbor's facilities (piers, bathrooms, etc.).

# PORT COMMISSION MINUTES

## JUNE 17, 2010



### MISSISSIPPI TIDELANDS TRUST FUND PROGRAM Request for Funding FY2012 (Form TTF-1, Page 1 of 2)

<b>Official Use Only</b>
Project No. _____
Submittal No. _____

Application Type (Check one)     Public Access Project     Management Project

<b>1</b> Title of Project (Indicate phase): 2012 Harbor Improvements	<b>2</b> Requesting Agency: City of Long Beach  <b>2.1</b> Date of Request: 6/15/2010	<b>3</b> Funding Requested: \$ 1,750,000  <b>3.1</b> Matching Funds: \$ 0 (excludes previous funding through the Tidelands Trust Fund)	<b>3.3</b> Total project Funds: \$ 1,750,000
<b>1.1</b> Location of Project: Long Beach Smalcraft Harbor	<b>5</b> Project Manager: David Ball, P.E. <b>5.1</b> Phone: 228-863-0667 <b>5.2</b> Fax: 228-863-5232 <b>5.3</b> Address: A. Garner Russell & Assoc. P.O. Box 1677, Gulfport, MS 39502 <b>E-mail Address:</b> davidball@cableone.net		
<b>4</b> Requesting Agency Representative: William Skellie, Jr., Mayor <b>4.1</b> Phone: 228-863-1556 <b>4.2</b> Fax: 228-865-0822 <b>4.3</b> Address: P.O. Box 929 Long Beach, MS <b>E-mail Address:</b> mayor@cityoflongbeach.ms.com			
<b>6</b> Applicant Priority: 1 <sup>st</sup> _____ 2 <sup>nd</sup> _____ 3 <sup>rd</sup> _____ Other _____			
<b>7</b> Project Description/Overview: Construct several improvements to the Harbor aimed at enhancing the functionality and level of services: 1. Upgrade the Harbor to meet Clean Marina standards - \$300,000; 2. Deepen one boat launch - \$100,000; 3. Extend southeast fishing pier - \$150,000; 4. Construct bulkhead along northern shore - \$1,200,000			
<b>8</b> Project Goals/Objectives: Enhance the Harbor's environmental safety and friendliness; improve access to coastal waters and Tidelands fishing areas; provide more public access to the Harbor; continued safe use of the Harbor.	<b>9</b> Project Benefits: Continued safe use of harbor facilities Allows for future expansion of boat slip facilities Enhanced public access to waters and fishing areas		
<b>10</b> Summary of Project Tasks: 1. Complete detailed engineering design, plans, and project manual. 2. Obtain necessary environmental permits. 3. Receive construction bids and complete projects.	<b>11</b> Project Timetable/Milestones: Final Design and bid documents - Upon committing of FY11 Grant Funds <b>11.1</b> If this project has been funded previously through Tidelands Trust Fund indicate which fiscal years.    N/A		

(Attach additional sheets if necessary. Total packet should not exceed 5 pages.)

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**MISSISSIPPI TIDELANDS TRUST FUND PROGRAM  
Request for Funding FY2010 (Form TTF-1, Page 2 of 2)**

<p><sup>1</sup> Title of Project: 2012 Harbor Improvements</p>	<p><sup>2</sup> Requesting Agency: City of Long Beach</p>	<p><sup>3</sup> Amount Requested: \$1,750,000</p>	<p><sup>5</sup> Project Manager: David Ball, P.E.</p>
<p><sup>12</sup> Categorize the benefits listed in #9 (more than one may apply):</p> <p><input checked="" type="checkbox"/> Environmental  <input checked="" type="checkbox"/> Economic  <input checked="" type="checkbox"/> Safety  <input checked="" type="checkbox"/> Public  <input type="checkbox"/> Other (Identify)</p>	<p><sup>13</sup> Project Category (more than one may apply):</p> <p><input type="checkbox"/> Conservation  <input type="checkbox"/> Reclamation  <input checked="" type="checkbox"/> Preservation  <input type="checkbox"/> Acquisition  <input type="checkbox"/> Education  <input checked="" type="checkbox"/> Public Access  <input checked="" type="checkbox"/> Public Improvement  <input type="checkbox"/> Other (Identify)</p>	<p><sup>14</sup> Have other State or Federal funding sources been identified for the project?</p> <p align="center"><input type="radio"/> Yes  <input checked="" type="radio"/> No</p> <p>If Yes, identify:</p>	<p><sup>15</sup> Current status of Architectural/Engineering plans &amp; specifications for this project (if applicable): (Check one from each group)</p> <p>Grp 1. <input type="radio"/> Completed  <input checked="" type="radio"/> In Progress  <input type="radio"/> Ready to Bid  <input type="radio"/> Other (Identify)</p> <p>Grp 2. <input type="radio"/> Paid For  <input type="radio"/> Funds Budgeted  <input checked="" type="radio"/> Funds Not Budgeted</p>
<p><sup>16</sup> Identify the constituency or interest group(s) which this project will serve: The Public, with emphasis on the residents of South Mississippi</p>	<p><sup>17</sup> Identify the service that this project will provide to the group identified in #16. Continued safe use of the Harbor</p>	<p><sup>18</sup> Will this project enhance an existing water-dependent activity? Identify the activity. Recreational boating and fishing</p>	<p><sup>19</sup> Project Priority:</p> <p><input checked="" type="radio"/> Immediate/short-term  <input type="radio"/> Deferred/long-term</p>
<p><sup>20</sup> In what way does this project meet the goals and objectives of the Mississippi Coastal Program?</p>		<p><sup>21</sup> Does this project coordinate with other existing or planned projects? Identify the project(s).</p>	
<p><sup>22</sup> Will this project involve impacting, filling, or dredging coastal wetlands? <input checked="" type="radio"/> Yes <input type="radio"/> No If yes, what acreage: To be determined, following a detailed analysis</p>		<p><sup>23</sup> Attach project schematics or drawings as appropriate.</p>	
<p><sup>24</sup> Signature of Requesting Agency Representative:  (Please use blue ink)</p>			

(Attach additional sheets if necessary. Total packet should not exceed 5 pages.)

4/2010

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There came on for discussion live aboard vessels in the harbor. Harbormaster Michael White submitted the following Addendum to Berthing Agreement for review and discussion in words and figures as follows:

# PORT COMMISSION MINUTES

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### Addendum to Berthing Agreement

This Addendum is incorporated into that certain Berthing Agreement executed \_\_\_\_\_, 20\_\_ by and between the Long Beach Port Commission ("The Commission") and \_\_\_\_\_ ("Boat Owner"). Unless expressly inconsistent with this Addendum, the Berthing Agreement and all of its terms and conditions shall remain in full force and effect and shall apply fully to this Addendum.

**Living Aboard.** The Commission hereby consents to the individuals identified in Exhibit A living aboard the Vessel identified in the Berthing Agreement, subject to the terms of this Addendum and the terms of the Berthing Agreement. Boat Owner understands and agrees that living aboard is a privilege granted at the Commission's option which may be revoked by the Commission at its discretion, as provided below. The Commission reserves the right to restrict the number of individuals who may live aboard a vessel and set a minimum vessel size which may be considered for the purpose of living aboard.

**Living Aboard Does Not Give Rise to Residential Landlord Tenant Relationship/Right to Terminate Addendum or Berthing Agreement With or Without Cause.** It is understood and agreed that the Berthing Agreement and this Addendum thereto collectively constitute a commercial contract only, and that living aboard the Vessel neither converts this commercial contracting into a residential lease, nor gives rise to any residential tenant rights whatever. Boat Owner represents and warrants that he or she, and all persons identified in Exhibit A hereto, will have available to them for their immediate use a dwelling or other abode in which they can reside, in the event this Addendum or Berthing Agreement is terminated. It is further understood and agreed that both this Addendum and Berthing Agreement may be terminated by either party *with or without cause*, by simply providing 30 days advance notice to the other party, in the manner described in the Berthing Agreement. Boat Owner further understands and agrees that in addition to the Commission's right to terminate this Addendum and/or the Berthing Agreement by providing 30 days advance notice, either may also be terminated immediately by the Commission in the event of any breach by the Boat Owner of the terms or conditions of the Berthing Agreement or this Addendum.

**Fees.** In consideration of the Commission's grant of permission to live aboard the Vessel, the commission shall charge and invoice on a monthly basis, and the Boat Owner shall pay the fees set forth in Exhibit A hereto (the "Live Aboard Fees"). Such Live Aboard Fees are in addition to

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any and all other fees and charges due by the Boat Owner to the Commission under the Berthing Agreement or otherwise. The Commission may increase or decrease the Live Aboard Fees by providing 30 days advance written notice to the Boat Owner. Live Aboard Fees are due and payable at the same time as the fees due payable under the Berthing Agreement.

**Children.** Boat Owner represents the individuals designated to live aboard the Vessel in Exhibit A are adults, and the Boat Owner represents and warrants that no person under the age of 18 shall be permitted to resign on the Vessel.

**Sanitary Facilities.** Unless the Vessel is equipped with a holding tank(s) specifically designed for marine use that is entirely functional in all respects and configured so that waste cannot be discharged overboard, all persons living aboard the Vessel shall utilize the sanitary facilities maintained by the Commission. The discharge of sewer or other contaminants prohibited by law shall be cause for immediate termination of this Addendum and Berthing Agreement. If a holding tank is used, the Commission reserves the right to require the Boat Owner to periodically deposit into holding tank(s) a dye tablet. A Sanitary Pump Out facility is located at the fuel dock and a record is kept on Vessel usage.

**Conduct.** Persons living aboard a Vessel shall at all times behave in a courteous, respectful, decorous and neighborly manner, and shall comply with all noise abatement and other applicable laws and regulations, including those in the Berthing Agreement and incorporated Harbor Rules and Regulations. Violations of these standards, or any behavior which in the Commissions sole view creates a disturbance or interferes with the peaceful enjoyment or safety of the Harbors other occupants, shall be grounds for termination immediately of this Addendum and/or the Berthing Agreement.

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By signing below, the Boat Owner confirms he/she has read, understands and agrees to be bound by all of the above terms and conditions, as well as those appearing in the incorporated Berthing Agreement and Harbor Rules and Regulations.

Dated: \_\_\_\_\_, 20\_\_\_\_      \_\_\_\_\_  
Vessel Owner's Name Printed      Signature

Dated: \_\_\_\_\_, 20\_\_\_\_      \_\_\_\_\_  
Harbormaster

After considerable discussion, Commissioner Purchner made motion seconded by Commissioner Ehlers and unanimously carried to approve the aforesaid Addendum to Berthing Agreement, with the following inserts/modifications:

- Minimum vessel size – thirty two (32) feet
- Exhibit A fee structure - \$7.00 per foot
- Exhibit A fee structure - \$40.00 for utilities
- Exhibit A fee structure - \$30.00 per A/C unit
- \$400.00 refundable deposit
- Maximum of twenty (20) live aboard vessels

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It was further ordered that the aforesaid Addendum and rates will be effective July 15, 2010.

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There was no action taken regarding the Boating Infrastructure Grant (BIG).

\*\*\*\*\*

Commissioner Purchner made motion seconded by Commissioner Hansen and unanimously carried to approve payment of invoices as listed on Docket of Claims #HBR060110 and #HBR061510.

\*\*\*\*\*

The commission recognized Mr. Michael White for the harbormaster's report. Mr. White apprised the commission on the status of slip rental due to the influx of "vessels of opportunity" as a result of the BP oil spill. Mr. White has been in contact with the police department to assist with traffic control and parking at the harbor. Mr. White further apprised the commission on several procedures in place should the harbor be threatened by the oil spill.

\*\*\*\*\*

There was no Port Attorney's report due to his absence.

\*\*\*\*\*

The commission recognized Mr. Steve Pucheu, Steve's Marina Restaurant, Mr. Hayes Johnson, Attorney at Law, and Mr. David Fayard, slip lessee and Long Beach resident. Brief discussion was held in which Mr. Johnson informed the commission that a formal plan to rebuild a restaurant will be presented to the commission soon and that Mr. David Fayard is an investor in this project.

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There being no further business to come before the commission at this time, Commissioner Ehlers made motion seconded by Commissioner Purchner and unanimously carried to adjourn until the next regular meeting in due course.

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APPROVED:

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PHIL KIES, PRESIDENT

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DATE

ATTEST:

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STACEY DAHL, DEPUTY CITY CLERK