

**PORT COMMISSION MINUTES
SEPTEMBER 15, 2011**

Be it remembered that a regular meeting of the Port Commission of the City of Long Beach, Mississippi, was begun and held at the City Hall, 201 Jeff Davis Avenue, in said City at 5:30 o'clock p.m., it being the third Thursday in September, 2011, 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, Commissioners David Marks, Danny Hansen, Barney Hill, Stan Snodgrass, Harbormaster Bill Angley, and Deputy City Clerk Stacey Dahl.

Absent the meeting were Vice President James Hancock, Secretary Barbara Reed, Commissioners Vernon Ehlers and Charles Purchner, and Port Attorney James C. Simpson, Jr.

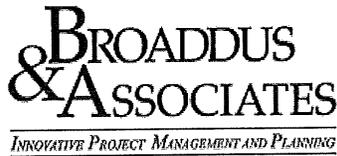
There being a quorum present and sufficient to transact the business of the Port Commission, the following proceedings were had and done.

The meeting was called to order and there were no amendments to the agenda.

Commissioner Hansen made motion seconded by Commissioner Marks and unanimously carried to approve the Port Regular Minutes of August 18, 2011, and the Special Meeting Minutes of August 30, 2011.

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

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Long Beach Port Commission
Phil Kies, President

September 15, 2011

RE: Project Updates:

1. **Bait Shop**
 - Trailer has been returned to vendor location in Mobile, AL. awaiting instructions from port commission.
 - Alternate location with budget attached.
 - INSTALLATION: Bid proposals are put on-hold until final trailer location approvals have been obtained.
 - **Need directive from port commission for the next action required for trailer location.**

2. **Alternate Project. Harbor Pier revisions.** KROL
 - AGR engineer, David Ball, is working directly with ~~Krol~~ Elect. on developing electrical scope of work.
 - Final FEMA Field Inspection of Katrina repairs PW# 5079 for close out was conducted ~~Aug~~ ^{Sept} August 8, 2011.
 - However, no work can begin on Phase-1 until Phase-2 has been approved by FEMA. This is per FEMA Guidelines for Alternate Projects.

3. **Bulkhead Project.** NTP
 - Final FEMA inspection for PW 5079 was completed; ~~NPT~~ ^{NTP} could be issued now for the new bulkhead. This assumes final written communication from FEMA will be received soon as to harbor repair project close-out.
 - **Need directive/approval to proceed with any additional work scope design work.**

4. **CIAP – Harbor Expansion Planning.**
 - Request for Qualifications (RFQ) for Engineering was advertised in Gulfport, New Orleans, Mobile, Jackson and Houston newspapers last week and this week.
 - We have had inquiries from 7 engineering firms as of this date.
 - **Recommendation port commission appoint a five man review panel to screen applicants.**

Please contact me at your convenience with any questions.

Best Regards,

Ron Robertson, P. E.
Project Manager

Port Commission Monthly Project Update
Prepared by Ron Robertson, P. E.

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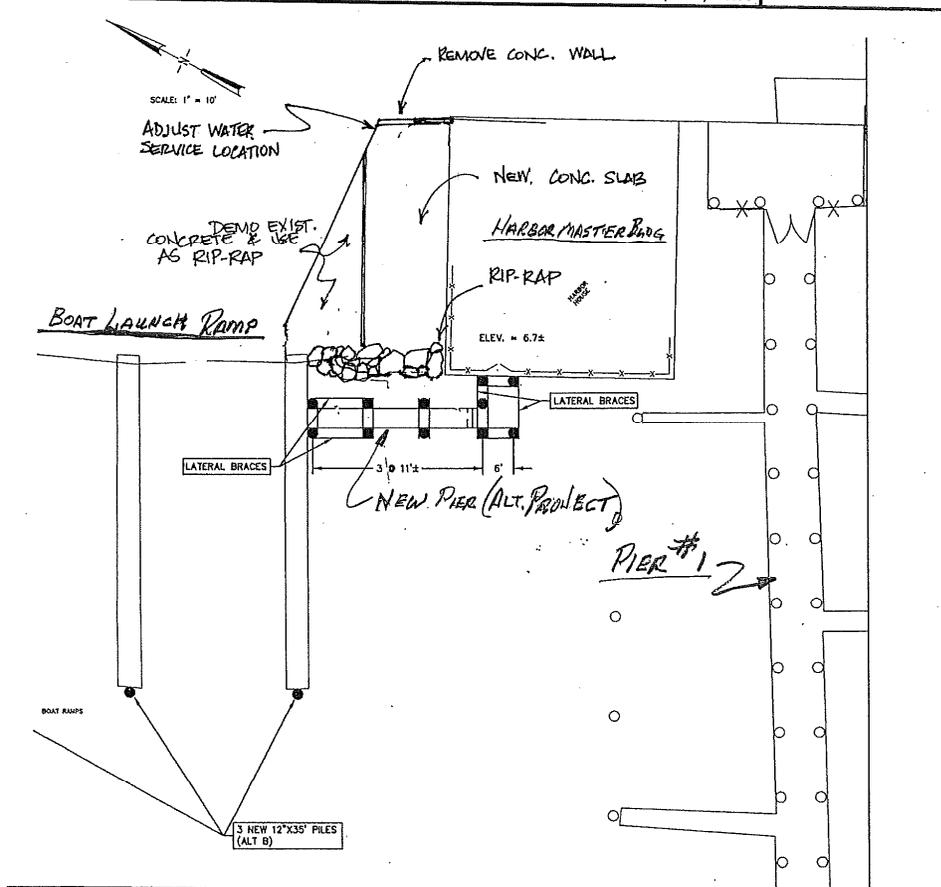
Revised COST ESTIMATE		
BAIT SHOP and HOLDING TANK ENCLOSEURE		
Long Beach Small Craft Harbor		
September 15, 2010		
Item	Actual / Rev. Est.	Orig. Estimate
<u>Purchased Items</u>		
1 Bait Shop Trailer (10' x 36')	\$ 29,900	\$ 30,000
2 Ice Machine	\$ 4,977	\$ 5,900
3 Security System	\$ 9,857	\$ 10,000
4 Signs	\$ 600	\$ 1,200
5 Trailer Setup/anchor system	\$ 2,250	\$ 1,900
6 Hand rails and ADA Ramp	\$ 500	\$ 1,800
Sub Total	\$ 48,084	\$ 50,800
<u>Bid Package Items</u>		
7 Bait Tank Enclosure (14' x 14')	\$ 4,200	\$ 4,200
8 Sewer & Water	\$ 2,000	\$ 2,400
9 Electrical	\$ 25,000	\$ 4,800
10 Steps/hand rails to Dock and bait tanks	\$ 2,000	\$ 2,000
11 Storage Compartment	\$ 1,500	\$ 1,500
12 Install Four Signs	\$ 600	\$ 1,400
13 Outside lighting	\$ 1,500	\$ 1,000
14 Construction Contingency	\$ 5,945	\$ 3,405
15 Concrete Ramp	\$ 19,250	\$ -
Sub Total	\$ 61,995	\$ 20,705
Total Construction	\$ 110,079	\$ 71,505
14 Project Management	\$ 4,290	\$ 3,528
15 Engineering	\$ 12,000	\$ 6,766
TOTAL COST	\$ 126,369	\$ 81,799
	+ \$ 44,570	

Prepared by Ron Robertson

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LONG BEACH SMALLCRAFT HARBOR
Bait Shop Relocation
Sept. 15, 2011

ITEM	QUANTITY	UNIT PRICE	EXTENSION
DEMO. EXISTING CONCRETE	1 LS	\$ 1,250.00	\$ 1,250.00
INSTALL RIP-RAP	50 TON	\$ 50.00	\$ 2,500.00
#57 STONE BACKFILL	100 CY	\$ 35.00	\$ 3,500.00
CONCRETE SLAB	90 SY	\$ 100.00	\$ 9,000.00
UTILITY CONNECTIONS	1 LS	\$ 2,000.00	\$ 2,000.00
MISC. SITE IMPROV.	1 LS	\$ 1,000.00	\$ 1,000.00
TOTAL CONSTRUCTION COST			\$ 19,250.00



1. Demolish portions of the existing concrete aprons in the area and utilize them to construct a rip-rap "breakwater" at the western edge of the site...approximately in-line with the Harbormaster building sheetpile wall. Additional rip-rap may be required from off-site sources.
2. Install geotextile fabric behind the rip-rap and install #57 stone (or similar) as backfill behind the rip-rap/fabric. This will serve as the foundation for a concrete slab.
3. Make appropriate utility connections for the trailer, including relocating the existing water service to an "out of the way" area.
4. Sawcut the concrete wall to enable trailer installation and pedestrian access.
5. Install a 12" concrete slab, with "turndown" walls to the existing concrete ramp areas to the north.

The commission recognized Mr. David Ball, City Engineer. After extensive discussion and input from Mr. Robertson and Mr. Ball regarding the bait shop location, Commissioner Kies made motion seconded by Commissioner Hansen and unanimously carried to rescind the motion made on August 30, 2011, in which the commission voted to locate the bait shop trailer north of the launching ramps on the west side of the fuel building. The motion further states and unanimously carries to locate the bait shop trailer north of the existing harbor house.

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Upon continued discussion regarding the bait shop trailer location, it was further ordered to direct Mr. Robertson to submit the request to FEMA for additional funds and to proceed with the bid package and bid process.

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Discussion was held regarding the Bulkhead Project on the aforesaid report; whereupon Commissioner Hansen made motion seconded by Commissioner Marks to direct the City Engineer to proceed with the contract for the bulkhead project.

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Mr. Robertson apprised the commission on a meeting with DMR regarding BIG and the Clean Marina Program. After discussion, Commissioner Marks made motion seconded by Commissioner Hansen and unanimously carried to direct the City Engineer and Broaddus and Associates to prepare the bid package for BIG Phase IV and a portion of Phase III.

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There came on for discussion CIAP – Harbor Expansion Planning; whereupon it was the consensus of the commission to appoint a review panel to screen the applicants that submit RFQ's for the project. The panel shall consist of Commissioners David Marks, Danny Hansen, Stan Snodgrass, Barbara Reed, and Harbormaster Bill Angley.

There was no action required or taken regarding Tidelands.

Commissioner Kies made motion seconded by Commissioner Hill and unanimously carried to spread the signed Amendment To Amended and Restated Lease Agreement by and between the Long Beach Port Commission and the City of Long Beach and DMF Properties, LLC upon the minutes of this meeting in words and figures as follows:

**PORT COMMISSION MINUTES
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**AMENDMENT TO AMENDED AND
RESTATED LEASE AGREEMENT**

THIS AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT (this "Lease") is made and entered into effective as of August 1, 2011 (the "Effective Date") by and between **the Long Beach Port Commission and the City of Long Beach** (hereinafter collectively referred to as "Lessor"); and **DMF Properties, LLC**, a Mississippi limited liability company (hereinafter referred to as "Lessee").

WHEREAS, Lessee entered into an Amended and Restated Lease Agreement Dated _____, and recorded in Book _____ at Page _____; and

WHEREAS, the parties wish to amend said lease for the purpose of adding an additional parcel of property thereto, to be used exclusively for parking, and to establish a rental amount there for;

NOW, FOR AND IN CONSIDERATION of the mutual covenants herein contained and for other good, lawful and valuable considerations given and received by each of the parties to be bound hereby, the said Amended and Restated Lease Agreement is hereby amended by addition of the following subparagraphs as indicated:

Section 1.2. Additional Lands. Lessor hereby further demises and leases to Lessee, and Lessee hereby takes from Lessor, that certain portion of land described fully by the survey and property description attached hereto as Exhibit "B" (hereinafter referred to as the "Additional Leased Premises"). The Additional Leased Premises consists of land area upon which a parking lot or area will be created and maintained by Lessee or its sub lessees for customers of the premises located on the Leased Premise, and for no other purpose.

2.1.1. Base Rent. Lessee shall also pay to Lessor as rent for the lands described in Exhibit B rent of FOUR HUNDRED SEVENTY SIX DOLLARS AND 43 /100 (\$476.43) per month (the Parking Area Rent), payable in advance on the first day of each month, which amount is calculated on the basis on \$0.30 per square foot per year for the number of square feet contained within in the survey area of the Leased Premises. The parking area rent shall be increased ten percent (10%) every five years during the term of the Lease at the same time and in the same manner as the base rent.

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Except as amended herein above the terms and conditions of the AMENDED AND RESTATED LEASE AGREEMENT remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this lease at:

LONG BEACH PORT COMMISSION

CITY OF LONG BEACH

By: Phil Kies
Phil Kies, President

By: William J. Skellie, Jr.
William J. Skellie, Jr., Mayor

Date of Execution 8/11/11

Date of Execution 8/11/11

DMF PROPERTIES, LLC, Lessee

By: Dan Fayard
Its: Duly Authorized Director/Officer

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before, the undersigned authority for said state and county, David Fayard Managing Member of **DMF Properties, LLC**, who acknowledged to me that he executed the foregoing instrument on the day and year therein stated, for and on behalf of said limited liability company, as its act and deed, after first being duly authorized so to do.

GIVEN under my hand and official seal of office on this the 15 day of Sept, 2011.

Stacey Dahl
Notary Public

My Commission Expires:



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STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned Notary, William J. Skellie, Jr., who after being duly sworn by me did state that he executed the above and foregoing document in his capacity as Mayor of the City of Long Beach, having been first duly authorized to do so by the Board of Aldermen of the City of Long Beach.

GIVEN under my hand and official seal of office on this the 11 day of August, 2011.

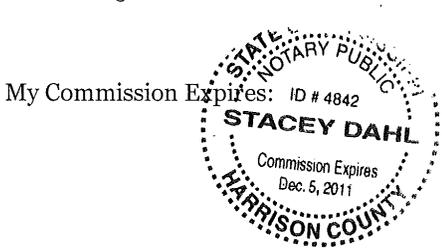


Stacey Dahl
Notary Public

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned Notary, Phil Kies, President of the Long Beach Port Commission, who after being duly sworn by me did state that he executed the above and foregoing document in his capacity as President of the Long Beach Port Commission, having been first duly authorized to do so by the Board of Commissioners of the Long Beach Port Commission

GIVEN under my hand and official seal of office on this the 11 day of August, 2011.



Stacey Dahl
Notary Public

Commissioner Hill made motion seconded by Commissioner Hansen and unanimously carried to approve payment of invoices as listed on Docket of Claims #HBR090611, as submitted.

Commissioner Hansen made motion seconded by Commissioner Marks and unanimously carried acknowledging receipt of August, 2011, revenue and expense reports.

There came on for discussion the Harbormaster's report as follows:

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Harbor Master Report

September 15, 2011

- Boat Launch Fender System
 - Not doing fuel pier till after construction is complete
- Propose we pay half of bill for piling set for Mr. Howe Hobbs in the amount of \$1180.00
- Petroleum engineer- No answer on problem with fuel station and since storm needs to be inspected and fixed
- Standard operation procedures need to be approved so that they may be turned in for approval by civil service and BOA
- Received ice machine awaiting installation
- Working on Clean Marina check list.
- Working on quotes for signage for clean marina and harbor rules
- Working on repairs to harbor after tropical storm lee
- Public works finished the drainage issue by Steve's
- Cable One done with installation and Protek will setup security system
- Repairs in progress from tropical storm lee
- Electrical panel at pier 2 needs to be fixed a worst case scenario estimate is 16,500
- Sign for Cruisen the Coast
- All employees are cpr and first aid certified
- Need approval for med bag and AED(trying for grant for AED)
- Approval of design for advertisement
- Working on electrical audit about 50% done
- Current Slip Occupancy 194 of 233
- August Income Collected \$17,606

After considerable discussion, action was taken as follows:

- Regarding the Pink Marine Construction invoice in the amount of \$2,280.00 which was the result of a damaged/defective piling by Mr. Howie Hobbs, slip lessee, Commissioner Marks made motion seconded by Commissioner Hill and unanimously carried to request Mr. Hobbs pay \$1200.00 for damages and Port funds in the amount of \$1,080.00 authorized to pay the balance.

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There was no further action taken regarding the aforesaid report.

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

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

APPROVED:

PHIL KIES, PRESIDENT

DATE

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK