



STOCKTON PORT DISTRICT

Board of Port Commissioners

October 5, 2020

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on October 5, 2020, in Room 18 of the Port of Stockton Administration Building located at 2201 West Washington Street in Stockton, California.

COMMISSIONERS PRESENT: R. Jay Allen, Vice Chairman
Anthony Barkett
Elizabeth (Liz) Blanchard
Gary Christopherson, Chairman
*Michael Patrick Duffy
Stephen Griffen
William R. Trezza

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: None

OTHERS PRESENT: Richard Aschieris, Port Director
Steven A. Herum, Port Counsel
Melanie Rodriguez, Secretary to the Board
Daniel Smith, Principal with The Tioga Group, Inc.

*Commissioner Duffy arrived at 3:38 p.m. during Agenda Item #5.

A quorum being present, the meeting was called to order by Chairman Gary Christopherson at 3:30 p.m. Chairman Christopherson presided and Melanie Rodriguez, Secretary to the Board, acted as Secretary for the meeting.

CONSENT CALENDAR

In compliance with Port Policy Statement #003, the Consent Calendar items of business, having been provided to each member of the Board prior to this meeting, the Commissioners present acted upon all Consent Calendar items of business under one vote.

Commissioner Griffen moved, to adopt the following resolutions:

MINUTES OF SEPTEMBER 21, 2020 MEETING

Resolution #8188: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 21st day of September 2020, as the same are endorsed on Page No. 071 to Page No. 074, inclusive, of Minutes Book No. 62, be and they are hereby approved.

AUTHORIZE THE PORT DIRECTOR TO PURCHASE OIL SPILL RESPONSE EQUIPMENT FOR A TOTAL COST NOT-TO-EXCEED \$35,000 USING THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OIL SPILL RESPONSE EQUIPMENT GRANT

Resolution #8189: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized, empowered and directed to purchase oil spill response equipment for a total not-to-exceed \$35,000.00 (Thirty-Five Thousand and no/100 dollars) paid 100 percent (100%) with the State of California Department of Fish and Wildlife Oil Spill Response Equipment Grant; and

RESOLVED FURTHER, that the Port Director is authorized, empowered and directed to ensure that the provisions of this resolution are appropriately effected.

AUTHORIZE THE PORT DIRECTOR TO EXECUTE A MASTER PROFESSIONAL SERVICES AGREEMENT FOR DILLON & MURPHY CONSULTING CIVIL ENGINEERS FOR ON-CALL ENGINEERING FOR THE EAST AND WEST COMPLEX UTILITY SYSTEMS FOR A NOT-TO-EXCEED AMOUNT OF \$300,000

Resolution #8190: RESOLVED, by the Stockton Port District Board of Commissioners that the Port Director is hereby authorized, empowered and directed to execute a Master Professional Services Agreement (MSPA) with the engineering firm of Dillon & Murphy for on-call engineering for the East and West Complexes utility systems, for a total amount not-to-exceed \$300,000.00 (Three Hundred Thousand and no/100 dollars); and

RESOLVED FURTHER, that the Port Director is authorized, empowered and directed to ensure that the provisions of this resolution are appropriately effected

Resolutions #8188, #8189 and #8190 were passed by the following vote:

COMMISSIONERS IN FAVOR:

Allen, Barkett, Blanchard, Christopherson,
Griffen, Trezza

COMMISSIONERS AGAINST: None
COMMISSIONERS ABSTAINING: None
COMMISSIONERS ABSENT: None
COMMISSIONERS EXCUSED: Duffy

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

Chairman Christopherson acknowledged that there were no items removed from the Consent Calendar.

STATUS UPDATE ON THE PORT'S STRATEGIC PLAN AND CONSIDERATION AND POSSIBLE APPROVAL AUTHORIZING THE PORT DIRECTOR TO SELECT THE TIOGA GROUP, INC. FOR CONSULTING SERVICES FOR THE CREATION OF THE PORT'S STRATEGIC PLAN FOR A NOT-TO-EXCEED AMOUNT OF \$174,400

The Strategic Plan materials were provided to each member of the Board prior to this meeting.

Mr. Daniel Smith, a Principal with The Tioga Group, Inc. was introduced to the Commission. Mr. Smith shared the process that would be used by The Tioga Group, Inc. for the completion of the Port's Strategic Plan. Mr. Smith stated that The Tioga Group, Inc. would provide updates on the Strategic Plan as requested by the Commission. He also shared that the Strategic Plan should be completed by June 30, 2021.

Chairman Christopherson acknowledged the emailed comments as received at 4:09 p.m. from Mary Elizabeth with the Delta-Sierra Group:

“The Strategic Plan information referenced the Basic Data for the Port's Strategic Plan presented May 2020 to the Commission as a background to the current proposed action: possible approval authorizing the Port Director to select the Tioga Group, Inc. for consulting services for the creation of the Port's Strategic Plan. The information does not specifically include a community outreach effort since stakeholders are not defined and may be limited to financial stakeholders the focus of the Strategic Plan. Every Port planning effort should involve the community. Will the Port include the community as a stakeholder in the Strategic Plan development process?”

Commissioner Barkett moved, to adopt the following resolution:

Resolution # 8191: RESOLVED, by the Stockton Port District Board of Commissioners that the Port Director is hereby authorized, empowered and directed to execute a contract with the consulting firm The Tioga Group, Inc., for the creation of the Port's Strategic Plan, for a total amount not-to-exceed \$174,400.00

(One Hundred Seventy-Four Thousand Four Hundred and no/100 dollars);
and

RESOLVED FURTHER, that the Port Director is authorized, empowered
and directed to ensure that the provisions of this resolution are appropriately
effected

Resolution #8191 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Allen, Barkett, Blanchard, Christopherson, Duffy, Griffen, Trezza
COMMISSIONERS AGAINST:	None
COMMISSIONERS ABSTAINING:	None
COMMISSIONERS ABSENT:	None
COMMISSIONERS EXCUSED:	None

COMMITTEE REPORTS

Chairman Christopherson acknowledged that there were no Committee Reports.

PORT DIRECTOR'S COMMENTS

Port Director Aschieris provided an executive summary of recent Port activities.

- Current calendar year-to-date shipping reflects 179 ships. Shipping activity for the same period in 2019 reported 186 ships. Since the last Commission meeting, 9 ships have called at the Port.
- Current calendar year-to-date tonnage totaled 2,869,661 metric tons. Tonnage for the same period in 2019 totaled 3,528,161 metric tons. Since the last Commission meeting, 129,800 metric tons of cement/slag from Vietnam, Mexico and Japan, food grade oils from Malaysia, sulfuric acid from Japan, fertilizer from Russia, anhydrous ammonia from Trinidad and project cargo from India have been handled.
- The Port was recently awarded \$10 million for the annual dredging of the Stockton Deep Water Ship Channel. Port Director Aschieris thanked Environmental and Public Relations Director Wingfield and his staff for their work on this year's dredging award.
- The Port was awarded the Certificate of Achievement by the Government Finance Officers Association for the Port's comprehensive annual financial report (CAFR) for the fiscal year

ended June 30, 2019. This marks the 20th consecutive year that the Port has been awarded the Certificate of Achievement. Thanks were given to Director of Finance Bowling and her staff for their work on the CAFR.

- The Fyffe Avenue Grade Separation Project utility relocation is scheduled to begin.

COMMISSION COMMENTS

Commissioner Griffen shared that he was pleased that all of the Commissioners would be involved with the completion of the Port's Strategic Plan.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

The following emailed comment was provided to the Commissioners for consideration related to this item:

Emailed Comment as received from Mary Elizabeth at 4:09 p.m. with the Delta-Sierra Group:

“Consent Item: Comments on 8.17.2020 Minutes approved 9.21.2020: The Port of Stockton "Commissioner Duffy shared that the Port should look to upgrade the Commission meeting capabilities for those that attend/view the meetings off-site. Commissioner Barkett seconded those comments." Yet meeting audio is only available online with no call in audio which creates a barrier to disadvantaged community members without internet access.”

Emailed Comment as received from Mary Elizabeth at 4:09 p.m. with the Delta-Sierra Group:

“Notice of Amendment to Lease Terms for BEST Logistics, Inc located at 340 Port Road 22, Stockton CA on 26 acres with 3 warehouses total 530,752 sq feet did not disclose whether or not any of the CARB lease modification requests that will improve community air quality has been included for the Commissioner's consideration.

The DSG and other community partners are eagerly awaiting the disclosure of the Port's plan for improving community outreach efforts. According to the Port of Stockton's 9.15.2020 letter in response to CARB's 8.24.2020 letter, the Port has implemented the community outreach plan with the formation of an internal group comprised of the Port's community outreach experts, environmental managers and tenants to improve communication between the Port, business partners, and tenants.

A second engagement group, the Environmental Justice Task Force, is currently being formed. The DSG requests to be a part of the Environmental Justice Task Force as we have long been requesting that community outreach be a part of any project consideration. When will the outreach plan be available for public review? When will

this Environmental Justice Task Force begin meeting? What is the purpose and responsibilities for Task Force Members?

Thank you.”

CLOSED SESSION PURSUANT TO GOVERNMENT CODE §54957.6 DISCUSSION OF PERSONNEL MATTER: ANNUAL PERFORMANCE REVIEW OF THE PORT DIRECTOR

At 3:58 p.m. Chairman Christopherson announced that, in accordance with the Ralph M. Brown Act, an executive session would be conducted by the Board of Commissioners pursuant to Government Code §54957.6. The general public and other Port staff was excused from the meeting, and the closed session commenced at 4:00 p.m. Port Director Aschieris and Attorney Herum remained for a portion of the executive session.

At 5:29 p.m., Chairman Christopherson re-opened the meeting in public session. He reported that the Port Commission conferred with legal counsel and took no formal, reportable action during the closed session.

CONSIDERATION AND POSSIBLE ACTION REGARDING AMENDED EMPLOYMENT AGREEMENT OF THE PORT DIRECTOR

On August 17, 2020, an Ad Hoc Review Committee comprised of Vice Chairman Allen and Commissioners Duffy and Trezza met to conduct a performance review of Port Director Aschieris.

Chairman Christopherson recommended the following for Port Director Aschieris’ employment agreement: annual base salary of \$268,000.00, performance incentive of \$50,000.00 which was previously announced during the properly notice Port of Stockton Board of Port Commissioners meeting of September 21, 2020 and a deferred compensation contribution of the annual maximum amount allowed by law in equal monthly contributions.

Commissioner Allen moved to adopt the following resolution:

Resolution #8192:

WHEREAS, in accordance with the provisions of the California Harbors and Navigation Code Section 6240 and following, the Board of Commissioners of the Stockton Port District (Port Commission) and Richard Aschieris (Port Director Aschieris) entered into an Employment Agreement on February 14, 2000, (Employment Agreement), which has been renewed and amended annually, the last being the Amended Employment Agreement for Port Director dated the 4th day of November 2019 and effective as of July 1, 2019; and

WHEREAS, on October 5, 2020, the Port Commission completed a performance evaluation of Port Director Aschieris; now, therefore be it

RESOLVED, that the Port Commission and Port Director Aschieris renew, amend and completely supersede the Amended Employment Agreement for Port Director dated November 4, 2019 with the Employment Agreement for Port Director dated the 5th day of October 2020 and effective as of July 1, 2020; and,

RESOLVED FURTHER, by the Port Commission that the Employment Agreement for the Port Director dated the 5th day of October 2020 and effective as of July 1, 2020 shall delineate provisions for an annual base salary of \$268,000.00 (Two Hundred Sixty-Eight Thousand and 00/100 dollars), a performance incentive of \$50,000 (Fifty Thousand and 00/100 dollars) and contribute the annual maximum amount allowed by law in equal monthly contributions to the Port's Deferred Compensation Plan for the account of Employee in recognition of his performance and leadership; and

RESOLVED FURTHER, that on behalf of the Stockton Port District Board of Commissioners, the Chairman of the Port Commission is hereby authorized and directed to execute said Employment Agreement for Port Director dated the 5th day of October 2020 and effective as of July 1, 2020.

Resolution #8192 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Allen, Barkett, Christopherson, Duffy, Griffen, Trezza
COMMISSIONERS AGAINST:	None
COMMISSIONERS ABSTAINING:	None
COMMISSIONERS ABSENT:	None
COMMISSIONERS EXCUSED:	Blanchard

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 5:33 p.m. by Chairman Christopherson.

Melanie Rodriguez
Secretary to the Board

Chairman Gary Christopherson