



STOCKTON PORT DISTRICT

Board of Port Commissioners

May 3, 2021

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on May 3, 2021, in Room 18 of the Port of Stockton Administration Building located at 2201 West Washington Street in Stockton, California.

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

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: None

OTHERS PRESENT: Richard Aschieris, Port Director
Steve Escobar, Senior Deputy Port Director
Michelle Bowling, Director of Finance
Jason Katindoy, Director of Maritime Operations
Katie Miller, Director of Human Resources and
Administrative Services
Jeff Wingfield, Director of Environmental and
Public Affairs
Sylvester Aguilar, Port Real Estate & Properties
Development Manager
Jason Cashman, Environmental and Regulatory
Affairs Manager
Pete Grossgart, Marketing Manager
Steven A. Herum, Port Counsel
Melanie Rodriguez, Secretary to the Board

A quorum being present, the meeting was called to order by Chairman R. Jay Allen at 3:30 p.m. Chairman Allen 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 APRIL 19, 2021 MEETING

Resolution #8230: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 19th day of April 2021, as the same are endorsed on Page No. 041 to Page No. 043, inclusive, of Minutes Book No. 63, be and they are hereby approved.

APPROVAL OF A RESOLUTION ADOPTING THE PORT'S 2020-2021 UTILITY WILDFIRE MITIGATION PLAN

Resolution #8231: WHEREAS, the Stockton Port District is a public corporation created for municipal purposes under Section 6290 of the California Harbors and Navigation Code; and

WHEREAS, the Port is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities (POU); and

WHEREAS, Senate Bill (SB) 1028 (stats. 2016), adding California Public Utilities Code, Section 8387, requires each POU to construct, maintain and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment; and

WHEREAS, SB 901 (stats. 2018), amending California Public Utilities Code Section 8387, requires all POU's to prepare a Utility Wildfire Mitigation Plan before January 1, 2020, and annually thereafter; and

WHEREAS, California Public Utilities Code Section 8387(b)(2) specifies the content that must be included in each POU's Utility Wildfire Mitigation Plan; and

WHEREAS, California Public Utilities Code Section 8387(c) requires each POU to have a qualified independent evaluator review its Utility Wildfire Mitigation Plan to assess the comprehensiveness of its plan and to issue a report that is made available on the POU's website and presented at a public meeting; and

WHEREAS, California Public Utilities Code Section 8387(b)(3) requires each POU to present its Utility Wildfire Mitigation Plan at an appropriately noticed public meeting and to verify that its plan complies with all applicable rules, regulations and standards, as appropriate; and

WHEREAS, Assembly Bill (AB) 111 (stats. 2019), adding California Public Utilities Code Section 326.1, established the California Wildfire Safety Advisory Board; and

WHEREAS, AB 1054 (stats. 2019), amending California Public Utilities Code Section 8387, requires each POU to submit its Utility Wildfire Mitigation Plan to the California Wildfire Safety Advisory Board by July 1, of each year, starting in the year 2020; and

WHEREAS, pursuant to California Public Utilities Code Section 326.2, the California Wildfire Safety Advisory Board will review each POU's Utility Wildfire Mitigation Plan and will provide comments and advisory opinions on the content and sufficiency of each plan; and

WHEREAS, Port staff prepared a Utility Wildfire Mitigation Plan for the period 2020-2021, addressing all statutory criteria; and

WHEREAS, the Port verified that the Utility Wildfire Mitigation Plan complies with all applicable rules, regulations and standards; and

WHEREAS, Port staff will submit its Utility Wildfire Mitigation Plan, adopted today by the Port's governing board, to the California Wildfire Safety Advisory Board before July 1, 2021; now, therefore be it

RESOLVED, that the Board of Port Commissioners, pursuant to California Public Utilities Code Section 8387, adopts the Stockton Port District's Utility Wildfire Mitigation Plan, dated April 21, 2021.

RESOLVED FURTHER, that the Port Director, or his/her duly authorized designee, is hereby authorized and directed to

implement, administer and carry out any such actions as are necessary or advisable in the furtherance of the 2020-2021 Utility Wildfire Mitigation Plan.

APPROVAL OF A RESOLUTION ADOPTING THE PORT'S 2020 UTILITY SECURITY PLAN AND QUALIFIED THIRD PARTY REVIEW

Resolution #8232: WHEREAS, the Stockton Port District is a public corporation created for municipal purposes under Section 6290 of the California Harbors and Navigation Code; and

WHEREAS, the Port is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities (POU); and

WHEREAS, in 2014, Governor Brown signed Senate Bill 699 (Stats. 2014, Ch. 550, Sec. 2), with an effective date of September 25, 2014, amending California Public Utilities Code Section 364, to require the California Public Utilities Commission (CPUC) to consider adopting rules to address the physical security risks to the distribution systems of investor owned utilities; and

WHEREAS, on January 10, 2019, the CPUC adopted Decision 19-01-018 directing all electric utilities to develop and implement a plan that (1) identifies distribution-level substations that require greater protection against physical attacks; (2) assesses the risks of a successful physical attack at any identified distribution-level substation and determines whether existing mitigation measures effectively mitigate these risks; and (3) identifies new security measures if any identified risks are not effectively mitigated; and

WHEREAS, each POU is required to have a qualified and independent third party review its Utility Security Plan; and

WHEREAS, the Port selected its Chief of Police to perform the third party review and the Port has incorporated or responded to the recommendations of the Chief of Police in the final version of the Port's Utility Security Plan; and

WHEREAS, the Port has identified that a multi-agency team including the Department of Homeland Security's Cybersecurity & Infrastructure Security Agency, the California Office of Emergency Services Critical Infrastructure Protection Unit and the relevant Fusion Center, is available to serve as the qualified authority for the review of the POU's Utility Security Plan; now, therefore be it

RESOLVED, that the Board of Port Commissioners hereby approves in substantive form the Utility Security Plan, dated April 21, 2021, hereto and incorporated herein by reference; and,

RESOLVED FURTHER, the Board of Port Commissioners hereby selects the multi-agency team of the Department of Homeland Security's Cybersecurity & Infrastructure Security Agency, the California Office of Emergency Services Critical Infrastructure Protection Unit and the relevant Fusion Center to serve as the qualified authority for the review of the Port's Utility Security Plan; and,

RESOLVED FURTHER, that the Port Director, or his/her duly authorized designee, is hereby authorized and directed to implement, administer and carry out any such actions as are necessary or advisable in the furtherance of the Port's Utility Security Plan.

Resolutions #8230, #8231 and #8232 were 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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO ENTER INTO A CONTRACT WITH GEOSYNTEC FOR THE WEST COMPLEX REMEDIATION PROGRAM FOR A TOTAL AMOUNT NOT-TO-EXCEED \$2,325,000.00 THROUGH DECEMBER 2021

Environmental and Public Affairs Director Wingfield provided an executive summary on this agenda item. The staff report was provided to each member of the Board prior to the meeting and was also available as a link on the Agenda posted on the Port's website.

Commissioner Trezza moved, to adopt the following resolution:

Resolution #8233: 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 firm of Geosyntec Consultants, for a total amount not-to-exceed \$2,325,000.00 (Two Million Three Hundred Twenty-Five Thousand and no/100 dollars) for remediation program services on the West Complex through December 2021; and

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

Resolution #8233 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

Audit Ad Hoc Committee Meeting

On April 29, 2021, an Ad Hoc Committee Meeting for the Audit comprised of Commissioners Barkett and Duffy, Port Director Aschieris and Port staff met with Eidie Bailly representatives to discuss the previous and upcoming audit. Commissioners Barkett and Duffy thanked Port staff for all of their good work on the previous audit.

PORT DIRECTOR'S COMMENTS

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

- Current calendar year-to-date shipping reflects 95 ships. Shipping activity for the same period in 2020 reported 77 ships. Since the last Commission meeting, 10 ships have called at the Port.
- Current calendar year-to-date tonnage totaled 1,673,655 metric tons. Tonnage for the same period in 2020 totaled 1,340,921 metric tons. Since the last Commission meeting, 208,900

metric tons of cement/slag from Japan and Mexico, fertilizer from Trinidad and Norway, molasses from Guatemala, animal feed from China, bagged sugar from Nicaragua and dry bulk to Japan have been handled.

COMMISSION COMMENTS

Chairman Allen shared that Port staff had provided the Commission with a memo related to opening the Commission Meetings to in-person public access. Chairman Allen shared that the Port would wait until an announcement is made related to California Executive Order N-29-20.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Allen acknowledged that there were no requests to address the Commission.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE §54956.8 REAL PROPERTY TRANSACTION: RECEIVE REPORTS FROM, GIVE INSTRUCTIONS TO & CONFER WITH PORT NEGOTIATOR RICHARD ASCHIERIS REGARDING POTENTIAL REAL PROPERTY TRANSACTION RELATIVE TO 906 CROMWELL AVENUE, STOCKTON, CA

At 3:49 p.m. Chairman Allen 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 §54956.8. The general public and other Port staff was excused from the meeting, and the closed session commenced at 3:50 p.m. Port Director Aschieris, Senior Deputy Port Director Escobar, Director of Finance Bowling, Director of Maritime Operations Katindoy, Director of Human Resources and Administrative Services Miller, Director of Environmental and Public Affairs Wingfield, Port Real Estate & Properties Development Manager Aguilar, Environmental and Regulatory Affairs Manager Cashman, Marketing Manager Grossgart and Port Counsel Herum remained for the executive session.

At 4:14 p.m., Chairman Allen re-opened the meeting in public session. He reported that the Port Commission took no formal, reportable action during the closed session.

CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE #259 PROVIDING FOR THE CERTIFICATION AND ADOPTION OF AN ADDENDUM TO A FINAL ENVIRONMENTAL IMPACT REPORT AND RELATED FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO CEQA; AUTHORIZATION FOR STAFF TO FILE A NOTICE OF DETERMINATION RELATED THERETO; AND, APPROVAL OF A LEASE AGREEMENT WITH DENMAR U.S., LLC, FOR THE CONSTRUCTION AND OPERATION OF A DRY BULK TERMINAL LOCATED AT 906 CROMWELL AVENUE FOR A TERM OF TWENTY YEARS WITH THREE 10-YEAR OPTION PERIODS

Senior Deputy Port Director Escobar provided an executive summary on this agenda item. The staff report was provided to each member of the Board prior to the meeting and was also available as a link on the Agenda posted on the Port's website.

Assemblymember Carlos Villapudua with the California Legislature submitted emailed comments that were summarized by Chairman Allen, provided to the Commission and are part of the administrative record.

Bob Gutierrez with the San Joaquin Partnership submitted emailed comments that were summarized by Chairman Allen, provided to the Commission and are part of the administrative record.

Michael Mark with the San Joaquin Building Trades submitted emailed comments that were summarized by Chairman Allen, provided to the Commission and are part of the administrative record.

Nick Weathers with Helmets to Hardhats submitted emailed comments that were summarized by Chairman Allen, provided to the Commission and are part of the administrative record.

Matt Holmes with Little Manila Rising submitted emailed comments that were read in part by Chairman Allen, provided to the Commission and are part of the administrative record.

Ector Olivares with Catholic Charities of the Diocese of Stockton submitted emailed comments that were read in part by Chairman Allen, provided to the Commission and are part of the administrative record.

Mary Elizabeth with the Delta-Sierra Group submitted emailed comments that were addressed to Eastern San Joaquin Groundwater Authority that were not read.

Commissioner Griffen moved, to adopt the following resolution:

Resolution #8234: RESOLVED, by the Stockton Port District Board of Commissioners, that:

- The *Addendum to the Port of Stockton West Complex Development Plan Environmental Impact Report (Addendum EIR) dated April 2021* and the West Complex Development Impact Report (WCDP EIR) for the Denmark Natural Soda Ash Export Terminal Project (proposed Project) is hereby approved and:
 - was completed in compliance with the California Environmental Quality Act (CEQA); (Public Resources Code (PRC) Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000 et. seq.);
 - was reviewed and considered by the Board of Commissioners prior to approving the proposed Project; and

- reflects the independent judgment and analysis of the Port of Stockton;
- the Findings and 2004 Statement of Overriding Considerations is hereby adopted:
 - in accordance with the provisions of the CEQA Guidelines Section 15164, there would be no proposed changes to the project description, changes in circumstances, or new information that would cause the Proposed Project to result in a new or substantially more significant environmental impact than identified in the WCDP EIR, no mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce significant impacts as identified in the WCDP EIR, and no mitigation measures or alternatives that are considerably different from those analyzed in the WCDP EIR would substantially reduce one or more significant effects on the environment;
 - in accordance with the provisions of the CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures such that some environmental impacts remain significant and unavoidable; - in accordance with the provisions of the CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures such that some environmental impacts remain significant and unavoidable;
 - in accordance with PRC Section 21081(b) and the CEQA Guidelines Section 15093, the benefits of remediating and developing the West Complex, growing commerce and creating jobs at the proposed Project outweigh the significant and unavoidable environmental impacts;
- the Mitigation Monitoring Reporting Program (MMRP) is hereby adopted, as required by PRC Section 21081.6;
- Port staff is directed to incorporate by reference the *Addendum EIR* and MMRP into any and all lease agreements or assignments encompassed in the approved Project; and
- Port staff is directed to file a Notice of Determination in accordance with CEQA.

RESOLVED FURTHER, that the Stockton Port District Board of Commissioners approves final adoption of Ordinance #259 for the Lease Agreement with Denmar U.S., LLC, for the construction and operation of a

dry bulk terminal located at 906 Cromwell Avenue for an initial term of 20-years with three 10-year option periods; and

RESOLVED FURTHER, that Ordinance #259 shall take effect and be in full force and effect, from and after its final adoption; and

RESOLVED FURTHER, that the Port Director is authorized, empowered and directed in the name of and as the act and deed of this Stockton Port District to make, execute and deliver all necessary documents in the accomplishment thereof and to ensure that the provisions of this resolution are appropriately effected.

Resolution #8234 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

CLOSED SESSION PERSONNEL/PORT DIRECTOR PURSUANT TO GOVERNMENT CODE §54957.6

At 4:26 p.m. Chairman Allen 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 4:27 p.m.

At 5:46 p.m., Chairman Allen re-opened the meeting in public session. He reported that the Port Commission took no formal, reportable action during the closed session.

MEETING ADJOURNED TO MAY 7, 2021 AT 4:00 P.M.

Chairman Allen adjourned the meeting to Friday, May 7, 2021 at 4:00 p.m.

Melanie Rodriguez
Secretary to the Board

Chairman R. Jay Allen