



## **STOCKTON PORT DISTRICT**

Board of Port Commissioners

July 18, 2022

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on July 18, 2022, in Room 18 of the Port of Stockton Administration Building located at 2201 West Washington Street in Stockton, California.

COMMISSIONERS PRESENT: R. Jay Allen  
David Atwater  
Anthony Barkett, Chairman  
Michael Patrick Duffy, Vice Chairman  
Stephen Griffen  
\*William R. Trezza

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Gary Christopherson

OTHERS PRESENT: Kirk DeJesus, Port Director  
Steve Escobar, Senior Deputy Port Director  
Jason Katindoy, Deputy Port Director  
Katie Miller, Deputy Port Director  
Jeff Wingfield, Deputy Port Director  
Rhonda Nelson, Director of Real Estate & Port  
Development  
Sylvester Aguilar, Real Estate & Marketing  
Manager  
Jason Cashman, Environmental & Regulatory  
Affairs Manager  
Rick Salsedo, Chief of Police  
Cassandra Hollins, Human Resources Manager  
Steven A. Herum, Port Counsel  
Melanie Rodriguez, Secretary to the Board

\*Commissioner Trezza arrived at 3:34 PM during Agenda Item #5.

A quorum being present, the meeting was called to order by Chairman Anthony Barkett at 3:32 p.m. Chairman Barkett 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 Consent Calendar items of business under one vote.

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

Vice Chairman Duffy moved, to adopt the following resolutions:

### MINUTES OF JUNE 20, 2022 MEETING

Resolution #8319: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 20th day of June 2022, as the same are endorsed on Page No. 038 to Page No. 046, inclusive, of Minutes Book No. 64, be and they are hereby approved.

CONSIDERATION AND POSSIBLE APPROVAL FOR THE PORT DIRECTOR TO PURCHASE TWO 2022 FORD EXPLORER INTERCEPTORS FROM BIG VALLEY FORD FOR AN AMOUNT NOT-TO-EXCEED \$78,415.80; AND TO PURCHASE FOUR POLICE PATROL VEHICLE EQUIPMENT AND INSTALLATION PACKAGES FROM DEROTIC EMERGENCY EQUIPMENT FOR AN AMOUNT NOT-TO-EXCEED \$98,029.76

Resolution #8320: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to purchase two (2) 2022 Ford Explorer Interceptors from Big Valley Ford for an amount not-to-exceed \$78,415.80 (Seventy-Eight Thousand Four Hundred Fifteen and 80/100 Dollars); and

RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to purchase four (4) police patrol vehicle equipment and installation packages from Derotic Emergency Equipment for an amount not-to-exceed \$98,029.76 (Ninety-Eight Thousand Twenty-Nine and 76/100 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 #8319 and #8320 were passed by the following vote:

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

### CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

### COMMITTEE REPORTS

#### Ad Hoc Committee Meeting for the Audit Review

On June 29, 2022 Vice Chairman Duffy and Commissioners Allen and Trezza participated in an Ad Hoc Committee Meeting with representatives from Eidie Bailly to discuss the June 30, 2022 Audit. Vice Chairman Duffy thanked Port staff for the great job they have been doing related to the audit.

#### Ad Hoc Committee Meeting for the Port Director's Annual Performance Review

Vice Chairman Duffy and Commissioners Allen and Griffen participated in multiple Ad Hoc Committee Meetings to discuss the Port Director's Annual Performance Review.

### PORT DIRECTOR'S COMMENTS

Port Director DeJesus provided information about his recent trip to Washington, D.C.

### COMMISSION COMMENTS

Commissioner Atwater thanked the Port Director for the periodic updates. The updates help define what is happening at the Port. The other Commissioners also shared their thoughts on the periodic updates.

Vice Chairman Duffy shared comments about a homeless encampment near the Port.

## PUBLIC COMMENTS ON NON-AGENDA ITEMS

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

### CLOSED SESSIONS:

- A. PURSUANT TO GOVERNMENT CODE §54957.6: CONFERENCE WITH LABOR NEGOTIATOR: RECEIVE REPORT FROM, GIVE INSTRUCTIONS TO AND CONFER WITH PORT NEGOTIATOR KIRK DEJESUS REGARDING TENTATIVE AGREEMENT WITH THE OPERATING ENGINEERS LOCAL 3 (OE3)
- B. PURSUANT TO GOVERNMENT CODE §54957.6 DISCUSSION OF PERSONNEL MATTER: ANNUAL PERFORMANCE REVIEW OF THE PORT DIRECTOR
- C. PURSUANT TO GOVERNMENT CODE §54956.8 REAL PROPERTY TRANSACTION: RECEIVE REPORTS FROM, GIVE INSTRUCTIONS TO & CONFER WITH PORT NEGOTIATOR KIRK DEJESUS REGARDING POTENTIAL REAL PROPERTY TRANSACTION RELATIVE TO 818 MCCLOY AVENUE, STOCKTON, CA

At 3:39 p.m. Chairman Barkett 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 and §54956.8. The general public and Port staff was excused from the meeting, and the closed sessions commenced at 3:40 p.m. Port Director DeJesus remained for the entire executive session, Senior Deputy Port Director Escobar, Deputy Port Director Katindoy, Deputy Port Director Miller, Deputy Port Director Wingfield, Director of Real Estate and Port Development Nelson, Chief of Police Salsedo, Port Real Estate and Marketing Manager Aguilar, Environmental and Regulatory Affairs Manager Cashman, Human Resources Manager Hollins and Port Counsel Herum remained for a portion of the executive session.

Commissioner Atwater recused himself from discussion and participation of Closed Session (C) Pursuant to Government Code §54956.8 Real Property Transaction: Receive Reports From, Give Instructions To and Confer with Port Negotiator Kirk Dejesus Regarding Potential Real Property Transaction Relative To 818 McCloy Avenue, Stockton, California.

At 5:23 p.m., Chairman Barkett re-opened the meeting in public session. He reported that the Port Commission took no formal, reportable action during the closed sessions.

CONSIDERATION AND POSSIBLE APPROVAL OF THE MEMORANDUM OF AGREEMENT BETWEEN THE OPERATING ENGINEERS LOCAL 3 (OE3) AND THE STOCKTON PORT DISTRICT

Commissioner Atwater moved, to adopt the following resolution:

Resolution #8321: WHEREAS, the Meyers-Milias-Brown Act (MMBA), governs labor relations of California public employers, including cities, counties, transportation agencies and most special districts; and

WHEREAS, effective January 1, 2014, the MMBA was amended to require California public employers to accept or reject during a noticed public meeting any tentative agreement within 30 days; and

WHEREAS, on February 22, 2022, the Stockton Port District Board of Commissioners gave instructions to the Port Director and staff relative to labor contract negotiations with the International Union of Operating Engineers Local 3 (OE3); and

WHEREAS, in compliance with the MMBA, the Stockton Port District and the OE3, having met and conferred in good faith, having freely exchanged information, opinions and proposals, having endeavored to reach agreement on all matters relating to the employment conditions and employer-employee relations; now, therefore be it

RESOLVED, that the Stockton Port District Board of Commissioners hereby formally adopts as the final labor agreement with OE3 the *Memorandum of Understanding Between Stockton Port District and Operating Engineers Local 3, July 1, 2022 through June 30, 2026*; and

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

Resolution #8321 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Allen, Atwater, Barkett, Duffy, Griffen, Trezza
COMMISSIONERS AGAINST:	None
COMMISSIONERS ABSTAINING:	None
COMMISSIONERS ABSENT:	None

COMMISSIONERS EXCUSED: Christopherson

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

Vice Chairman Duffy moved to adopt the following resolution:

Resolution #8322: 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 Kirk DeJesus (Port Director DeJesus) entered into an Employment Agreement on May 18, 2021, (Employment Agreement); and

WHEREAS, on July 18, 2022, the Port Commission completed a performance evaluation of Port Director DeJesus; now, therefore be it

RESOLVED, that the Port Commission and Port Director DeJesus completely supersede the Employment Agreement for the Port Director dated May 18, 2021 with the Employment Agreement for the Port Director dated the 18th day of July 2022 and effective as of July 1, 2022; and,

RESOLVED FURTHER, by the Port Commission that the Employment Agreement for the Port Director dated the 18th day of July 2022 and effective as of May 18, 2022 shall delineate provisions for an annual base salary of \$300,000.00 (Three Hundred Thousand and 00/100 dollars), a performance incentive of \$60,000.00 (Sixty Thousand and 00/100 dollars) in recognition of his performance and leadership; and

RESOLVED FURTHER, by the Port Commission that the Employment Agreement for the Port Director dated the 18th day of July 2022 and effective as of July 1, 2023 shall delineate provisions for an annual base salary of \$315,000.00 (Three Hundred Fifteen Thousand and 00/100 dollars); and

RESOLVED FURTHER, by the Port Commission that the Employment Agreement for the Port Director dated the 18th day of July 2022 and effective as of July 1, 2024 shall delineate provisions for an annual base salary of \$330,000.00 (Three Hundred Thirty Thousand and 00/100 dollars); 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 the Port Director dated the 18th day of July 2022 and effective as of July 1, 2022.

Resolution #8322 was passed by the following vote:

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

### ADJOURNMENT

On behalf of the Stockton Port District Board of Commissioners, it was announced by Chairman Barkett that today's Commission meeting would be adjourned in memory of Robert "Bobby" Lang and Evelyn Lee Bonin.

Robert "Bobby" Lang retired Port of Stockton Welder was born in Porterville, California on August 28, 1948. Bobby passed away on July 5, 2022 at the age of 73. Bobby worked in the Maintenance Department as a Welder from June 11, 1981 until his retirement on July 30, 2002. He enjoyed drawing with his grandkids, bowling, building and flying his remote control airplanes and playing the harmonica. He was a veteran of the Vietnam War and served in the Army as a Specialist 4, receiving three service medals and two bronze service stars. He is survived by his loving wife of 51 years Myra, children Mikko (Daniel), Kevin (Jacqueline) and Noel (Edward), 8 grandchildren and 2 great-grandchildren.

Mrs. Evelyn Lee Bonin age 86 passed away on July 8, 2022. She was born on September 14, 1935 in Gravette, Arkansas. She was raised in Gilroy, California. Evelyn was a waitress for over 50 years and worked for many establishments starting at Henry's Donuts, Giant Orange, Walt's, Wally's Drive-in, but most knew her from the Copper Cat. She always had a smile on her face and she loved crafting in her spare time. She is survived by her loving children, Susan (Rene), Debbie, Greg, Sue (Tom), Tom (Donna), 10 grandchildren and 15 great-grandchildren.

On behalf of the Commissioners, Port Director and staff, sincere sympathy and condolences were extended to the families of Robert "Bobby" Lang and Evelyn Lee Bonin.

There being no further business to discuss, the meeting was adjourned at 5:29 p.m. by Chairman Barkett.

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Melanie Rodriguez  
Secretary to the Board

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Chairman Anthony Barkett