



## **STOCKTON PORT DISTRICT**

Board of Port Commissioners

May 15, 2023

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on May 15, 2023, 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  
Michael Patrick Duffy, Chairman  
Stephen Griffen  
Allen Sawyer  
William R. Trezza, Vice Chairman

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: None

OTHERS PRESENT: Kirk DeJesus, Port Director  
Michelle Bowling, Director of Finance and Accounting  
Paula O'Keefe, Director of Finance and Accounting  
Juan Villanueva, Director of Procurement and Facilities  
Steven A. Herum, Port Counsel  
Melanie Rodriguez, Secretary to the Board

A quorum being present, the meeting was called to order by Chairman Michael Patrick Duffy at 3:30 p.m. Chairman Duffy 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 the following Consent Calendar items of business under one vote.

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

Commissioner Allen moved, to adopt the following resolutions:

### MINUTES OF APRIL 17, 2023 MEETING

Resolution #8380: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 17th day of April 2023, as the same are endorsed on Page No. 031 to Page No. 037, inclusive, of Minutes Book No. 65, be and they are hereby approved.

### CONSIDERATION AND POSSIBLE APPROVAL OF THE STOCKTON PORT DISTRICT ELECTRIC UTILITY 2023–2025 WILDFIRE MITIGATION PLAN AND INDEPENDENT EVALUATION REPORT

Resolution #8381: 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 each POU 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 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 website and presented at a public meeting; and

WHEREAS, California Public Utilities Code Section 8387(b)(3) requires each POU to present its 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 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 Wildfire Mitigation Plan and will provide comments and advisory opinions on the content and sufficiency of each plan; and

WHEREAS, Port staff prepared a Wildfire Mitigation Plan for the period 2023 through 2025, addressing all statutory criteria; and

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

WHEREAS, Port staff will submit its Wildfire Mitigation Plan, adopted today by the Port's governing board, to the California Wildfire Safety Advisory Board before July 1, 2023; now, therefore be it

RESOLVED that the Board of Port Commissioners, pursuant to California Public Utilities Code Section 8387, adopted the Stockton Port District's Electric Utility 2023-2025 Wildfire Mitigation Plan, dated May 15, 2023.

**CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15301, CLASS 1(B) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION**

RELATED THERETO; AND, FOR THE PORT DIRECTOR TO APPROVE THE PG&E EASEMENT AGREEMENT FOR A TERM OF 20 YEARS

Resolution #8382: RESOLVED, that pursuant to Port staff review of, and determination that the 20 year easement agreement for Pacific Gas & Electric located on the Port's East Complex is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301(b) Class 1 and 15303(d) Class 3 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized, empowered and directed to execute the long term easement agreement and/or other related documents for the Pacific Gas & Electric easement located on the Port's East Complex for a term of 20 years; and

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

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15301 AND 15304 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AND, FOR THE PORT DIRECTOR TO AWARD THE BUILDING DEMOLITION AT 95 N. PORT ROAD 14 TO W.C. MALONEY FOR AN AMOUNT NOT-TO-EXCEED \$97,400

Resolution #8383: RESOLVED, that pursuant to Port staff review of, and belief that the Building Demolition at 95 N. Port Road 14 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15304 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award the Building Demolition at 95 N. Port Road 14 to W.C. Maloney for an amount not-to-exceed \$97,400.00 (Ninety-Seven Thousand Four Hundred and no/100 Dollars); and

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

Resolutions #8380, #8381, #8382 and #8383 were passed by the following vote:

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

#### CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

#### ACCEPTANCE OF THE STOCKTON PORT DISTRICT INDEPENDENT AUDITOR'S REPORT AND FINANCIAL STATEMENTS, JUNE 30, 2022, AS PREPARED AND SUBMITTED BY THE INDEPENDENT ACCOUNTING FIRM OF EIDE BAILLY

On April 24, 2023, an Ad Hoc Committee Meeting was held for the Audit Review comprised of Vice Chairman Trezza and Commissioner Griffen who met with Port Director DeJesus, Finance and Accounting Director Bowling, Port staff and management representatives from Eide Bailly to review the independent auditor's report and financial statements. The Ad Hoc Audit Review Committee received thanks from the Commissioners for their time and effort. Port staff was also thanked for their hard work involved with the Port audit.

Eide Bailly Audit Manager Kyle Bartle provided an overview of the audit services provided for the 2021/2022 fiscal year audit.

Chairman Duffy acknowledged that there were no requests to address the Port Commission on this matter.

Commissioner Atwater moved, to adopt the following resolution:

Resolution #8384: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Stockton Port District Independent Auditor's Report and Financial Statements, June 30, 2022, as prepared and submitted

by the independent accounting firm of Eide Bailly, are hereby formally accepted and approved as presented.

Resolution #8384 was passed by the following vote:

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

### INFORMATIONAL PRESENTATION OF THE THIRD QUARTER 2022/2023 FISCAL YEAR FINANCIAL STATEMENTS

Director of Finance and Accounting Bowling provided an overview of the financial reports for the nine-month period ending March 31, 2023. Copies of the financial information were provided to the Commission prior to today's meeting. Information presented included financial highlights, operating revenues, expenses and capital projects.

The Commission thanked the Finance Department staff for their work on the quarterly reports.

### INFORMATIONAL PRESENTATION:

#### A. East Complex Sewer Manhole Replacement

Director of Procurement and Facilities Villanueva provided an executive summary on the informational presentation listed above. 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.

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15301, 15302 AND 15304 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AND, AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD A CONTRACT TO WEST VALLEY CONSTRUCTION COMPANY, INC. FOR THE AUXILIARY WATER LINE PHASE 2 PROJECT FOR AN

AMOUNT NOT-TO-EXCEED \$2,734,457; AND FOR THE PORT DIRECTOR TO AWARD THE CONSTRUCTION MANAGEMENT CONTRACT TO DILLION & MURPHY ENGINEERING FOR THE AUXILIARY WATER LINE PHASE 2 PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$250,000

Chairman Duffy acknowledged that there were no requests to address the Port Commission on this matter.

Commissioner Allen moved, to adopt the following resolution:

Resolution #8385: RESOLVED, that pursuant to Port staff review of, and belief that the Auxiliary Water Line Phase 2 Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15302 and 15304 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award a contract for the Auxiliary Water Line Phase 2 Project to West Valley Construction Company, Inc. for an amount not-to-exceed \$2,734,457.00 (Two Million Seven Hundred Thirty-Four Thousand Four Hundred Fifty-Seven and no/100 Dollars); and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award a contract for the Auxiliary Water Line Phase 2 Project Construction Management to Dillon & Murphy Engineering for an amount not-to-exceed \$250,000.00 (Two Hundred Fifty Thousand and no/100 Dollars); 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 #8385 were passed by the following vote:

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

COMMISSIONERS EXCUSED: None

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15301, 15302 AND 15304 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AND, AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD A CONTRACT TO SORACCO, INC. FOR THE DOMESTIC WATER REHABILITATION PHASE 2 PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$2,378,655; AND FOR THE PORT DIRECTOR TO AWARD THE CONSTRUCTION MANAGEMENT CONTRACT TO DILLION & MURPHY ENGINEERING FOR THE DOMESTIC WATER REHABILITATION PHASE 2 PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$265,000

Chairman Duffy acknowledged that there were no requests to address the Port Commission on this matter.

Commissioner Allen moved, to adopt the following resolution:

Resolution #8386: RESOLVED, that pursuant to Port staff review of, and belief that the Domestic Water Rehabilitation Phase 2 Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15302 and 15304 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award a contract for the Domestic Water Rehabilitation Phase 2 Project to Soracco, Inc. for an amount not-to-exceed \$2,378,655.00 (Two Million Three Hundred Seventy-Eight Thousand Six Hundred Fifty-Five and no/100 Dollars); and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award a contract for the Domestic Water Rehabilitation Phase 2 Construction Management to Dillon & Murphy Engineering for an amount not-to-exceed \$265,000.00 (Two Hundred Sixty-Five Thousand and no/100 Dollars); 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 #8386 were passed by the following vote:

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

### COMMITTEE REPORTS

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

On April 24, 2023 Vice Chairman Trezza and Commissioner Griffen participated in an Ad Hoc Committee Meeting with representatives from Eidie Bailly and Port Staff to discuss the June 30, 2022 independent auditor's report and the financial statements.

#### Ad Hoc Committee Meeting for Sharpe Depot

On May 4, 2023 Vice Chairman Trezza and Commissioners Atwater and Barkett participated in an Ad Hoc Committee Meeting with representatives from TradePort California and Port Staff to discuss Sharpe Depot. Chairman Duffy thanked those that participated for their time.

### PORT DIRECTOR'S COMMENTS

- Port Director DeJesus introduced Paula O'Keefe the new Director of Finance and Accounting. Ms. O'Keefe introduced herself to the Commission.
- Port Director DeJesus shared that he, Chairman Duffy, Vice Chairman Trezza, Commissioner Barkett and the Port Deputy Directors participated in the San Joaquin Council of Governments (SJCOG) One Voice trip to Washington, D.C. The group met with local legislators as well as legislators from Wyoming to discuss support for the Denmar project.

### COMMISSION COMMENTS

Vice Chairman Trezza shared that the SJCOG One Voice was a worthwhile trip.

Commissioner Griffen shared that he chaired the City/County/Port/Union Liaison Committee Meeting on April 24, 2023. He thanked the Port Director for his recent help with a labor and logistics issue.

Commissioner Barkett also shared information about the SJCOG One Voice trip and thanked Congressman Garamendi for all of the help that he has provided the Port.

Chairman Duffy also shared information about the SJCOG One Voice trip and how well the meeting with Representative Harder went. He also shared that the Greater Stockton Chamber of Commerce State of the City event is being held at the Port's Shed 20 this Thursday, May 18, 2023. The celebration for the Port's 90th Anniversary is being scheduled for Saturday, August 12, 2023 at the Haggin Museum.

#### PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Duffy acknowledged Mr. Kevin McDonald who provided comments.

#### ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 5:01 p.m. by Chairman Duffy.

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Melanie Rodriguez  
Secretary to the Board

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Chairman Michael Patrick Duffy