



STOCKTON PORT DISTRICT

Board of Port Commissioners

August 21, 2023

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on August 21, 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
Allen Sawyer
William R. Trezza, Vice Chairman

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Stephen Griffen

OTHERS PRESENT: Kirk DeJesus, Port Director
Jason Katindoy, Deputy Port Director
Katie Miller, Deputy Port Director
Rhonda Nelson, Director of Real Estate & Port
Development
Jason Cashman, Environmental & Regulatory
Affairs Manager
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.

PRESENTATION OF PORT EMPLOYEE SERVICE AWARDS

The Port's Service Recognition Program honors Port employees for their commitment and dedicated service to the Port of Stockton. The Commissioners were pleased to recognize the following Port employees who recently observed a milestone service anniversary:

Juan Villanueva, Director of Facilities and Procurement	25 Years
Michelle Chavez, Accountant	10 Years
Jason Katindoy, Deputy Port Director	10 Years
Cassondra Hollins, Human Resources Manager	5 Years
Richard Salsedo, Chief of Police	5 Years
Ulysses Gamboa, Lift Driver	5 Years

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 Atwater moved, to adopt the following resolutions:

MINUTES OF JULY 17, 2023 MEETING

Resolution #8406: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 17th day of July 2023, as the same are endorsed on Page No. 062 to Page No. 069, inclusive, of Minutes Book No. 65, be and they are hereby approved.

AUTHORIZATION TO TRAVEL

Resolution #8407: RESOLVED, that the Board of Commissioners of the Stockton Port District hereby authorizes one or more Commissioners to travel to Abu Dhabi, UAE for the International Association Ports and Harbors (IAPH), World Ports Conference 2023, October 31, through November 2, 2023; and

RESOLVED FURTHER, that the travel expenses incurred by Commission delegates who participate in the IAPH World Ports Conference 2023 shall be paid by the Stockton Port District.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO JOIN WITH OTHER PUBLIC AGENCIES AS A SHAREHOLDER OF THE CALIFORNIA ASSET MANAGEMENT TRUST, A JOINT POWERS AUTHORITY (JPA), TO INVEST IN SHARES OF THE TRUST AND UTILIZE AN INDIVIDUAL PORTFOLIO, AND AUTHORIZE A TRANSFER FROM LAIF TO CAMP IN THE AMOUNT OF \$10,000,000

Resolution #8408: WHEREAS, Section 6509.7 of Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the “Joint Exercise of Powers Act”) provides that, if authorized by their legislative or other governing bodies, two or more public agencies that have the authority to invest funds in their treasuries may, by agreement, jointly exercise that common power;

WHEREAS, under Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act, a “public agency” includes, but is not limited to, any California county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission, state department or agency, any joint powers authority formed pursuant to the Joint Exercise of Powers Act by public agencies or any nonprofit corporation whose membership is confined to public agencies or public officials;

WHEREAS, public agencies that constitute local agencies, as that term is defined in Sections 53600 of Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code of the State of California (the “California Government Code”), are authorized pursuant to Section 53601(p), to invest all money belonging to, or in the custody of, a local agency not required for its immediate need in shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 of the California Government Code that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, of Government Code Section 53601;

WHEREAS, the California Asset Management Trust (the “Trust”) was established, pursuant to and in accordance with the Joint Exercise of Powers Act, by a Declaration of Trust, made as of December 15, 1989, as subsequently amended from time to time (the “Declaration of Trust”), as a vehicle for public agencies to jointly exercise their common power to invest the proceeds of debt issues and Public Agency surplus funds;

WHEREAS, pursuant to and in accordance with the Joint Exercise of Powers Act, the Public Agency desires to join the other public agencies which are or will be Participants of the Trust by adopting and executing

the Declaration of Trust, a form which is on file in the office of the Director of Finance and Accounting;

WHEREAS, the Public Agency is a “public agency” as that term is defined in Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act and a “local agency” as that term is defined in Section 53600 of the California Government Code;

WHEREAS, the Public Agency is otherwise permitted to be a Participant of the Trust and to invest funds in the Trust and in the individual portfolios to be managed by the Investment Adviser to the Trust (“Individual Portfolios”); and

WHEREAS, a program guide describing the Trust and the Individual Portfolios (the “Program Guide”) is on file in the office of the Director of Finance and Accounting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the Stockton Port District as follows:

Section 1. The Public Agency shall join with other public agencies pursuant to and in accordance with the Joint Exercise of Powers Act by executing the Declaration of Trust and thereby becoming a Participant in the Trust, which Declaration of Trust is hereby approved and adopted. A copy of the Declaration of Trust, which is available in the office of the Director of Finance and Accounting shall be filed with the minutes of the meeting at which this Resolution was adopted. The Port Director is hereby authorized to execute, and the Secretary to the Board of Port Commissioners is hereby authorized to attest and deliver, the Declaration of Trust.

Section 2. The Public Agency is hereby authorized to purchase shares in the Trust from time to time with available funds of the Public Agency, and to redeem some or all of those shares from time to time as such funds are needed.

Section 3. The Public Agency is hereby authorized to invest available funds of the Public Agency from time to time in one or more Individual Portfolios managed by the Investment Adviser to the Trust and described in the Program Guide.

Section 4. The appropriate officers, agents and employees of the Public Agency are hereby authorized and directed in the name and on behalf of the Public Agency to take all actions and to make and execute any and all certificates, requisitions, agreements, notices, consents,

warrants and other documents, and any changes, amendments, modifications, or waivers thereto which they, or any of them, might deem necessary or appropriate in order to accomplish the purposes of Resolution.

Section 5. This Resolution shall take effect at the earliest date permitted by law.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO APPROVE AND SUBMIT A COOPERATIVE PURCHASING PROGRAM PARTICIPATION AGREEMENT TO SOURCEWELL

Resolution #8409: RESOLVED, by the Stockton Port District Board of Commissioners that the Port Director is hereby authorized, empowered and directed to submit a Cooperative Purchasing Program Participation Agreement to Sourcewell; and

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

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO SUBMIT A RENEWAL APPLICATION FOR ELIGIBILITY TO PURCHASE FROM THE DEPARTMENT OF GENERAL SERVICES / CALIFORNIA FEDERAL SURPLUS PERSONAL PROPERTY PROGRAM

Resolution #8410: RESOLVED, by the Stockton Port District Board of Commissioners that the Port Director is hereby authorized empowered and directed as the representative to acquire surplus property through the auspices of the California State Agency for Surplus Property and accept responsibility for payment of incidental fees by the surplus property agency as required; and

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

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO PLACE THE ORDER FOR PURCHASE OF TWO (2) 2024 CHEVROLET TAHOE POLICE DEFENDER VEHICLES INCLUDING POLICE OUTFITTING PACKAGES FROM CHASE CHEVROLET FOR A TOTAL COST OF \$174,000.00

Resolution #8411: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to purchase two (2)

2024 Chevrolet Tahoe Police Defender vehicles with police outfitting packages from Chase Chevrolet for an amount not-to-exceed \$174,000.00 (One Hundred Seventy-Four Thousand and 00/100 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.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE CHANGE ORDERS 5 AND 6 TO EXISTING CONTRACT NUMBER 12-22-3 FOR SORACCO, INC. FOR THE WEST COMPLEX SEWER IMPROVEMENTS PHASE 2A, 2B, AND 2C FOR A TOTAL INCREASE OF \$382,000.00

Resolution #8412: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute Change Orders 5 – 6 to the existing Contract number 12-22-3 with Soracco, Inc. for the West Complex Sewer Improvements Phase 2A, 2B, and 2C Project for an increased amount not-to-exceed \$382,000.00 (Three Hundred Eighty-Two Thousand and 00/100 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.

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 POST A NOTICE OF EXEMPTION RELATED THERETO; AND, AUTHORIZE THE PORT DIRECTOR TO EXECUTE TASK ORDER 4 TO THE EXISTING CONTRACT NUMBER MPSA 08105 FOR THE ELECTRICAL OPERATIONS & MAINTENANCE CONTRACT WITH BOCKMON & WOODY ELECTRIC COMPANY, INC. IN THE AMOUNT OF \$ 53,664.73

Resolution #8413: RESOLVED, that pursuant to Port staff review of, and belief that the Electrical Operations and Maintenance Contract 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 posting of a Notice of Exemption related thereto; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute Task Order 4 to the existing Contract number MPSA 08105 for the Electrical Operations and Maintenance Contract with Bockmon and Woody Electric Company, Inc. for an amount not-to-exceed

\$53,664.73 (Fifty-Three Thousand Six Hundred Sixty-Four and 73/100 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.

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 POST A NOTICE OF EXEMPTION RELATED THERETO; AND, AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD THE EAST COMPLEX SEWER MANHOLE IMPROVEMENTS PROJECT TO D.A. WOOD CONSTRUCTION, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$239,200.00; AND AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD A CONTRACT TO DILLION & MURPHY ENGINEERING FOR A NOT-TO-EXCEED AMOUNT OF \$35,700.00 FOR THE EAST COMPLEX SEWER MANHOLE IMPROVEMENTS PROJECT CONSTRUCTION MANAGEMENT

Resolution #8414: RESOLVED, that pursuant to Port staff review of, and belief that the East Complex Sewer Manhole Improvements 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 for the East Complex Sewer Manhole Improvements Project and authorizes the posting of a Notice of Exemption related thereto; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award the East Complex Sewer Manhole Improvements Project contract to D.A. Wood Construction, Inc. for an amount not-to-exceed \$239,200.00 (Two Hundred Thirty-Nine Thousand Two Hundred and 00/100 Dollars); and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award the East Complex Sewer Manhole Improvements Project Construction Management to Dillon & Murphy Engineering for an amount not-to-exceed \$35,700.00 (Thirty-Five Thousand Seven Hundred and 00/100 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 #8406, #8407, #8408, #8409, #8410, #8411, #8412, #8413 and #8414 were passed by the following vote:

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO ADOPT A RETROACTIVE FINDING THAT AN EMERGENCY SITUATION EXISTS THAT DEMANDS THE IMMEDIATE EXPENDITURE OF PUBLIC FUNDS, THAT THE EMERGENCY WILL NOT PERMIT A DELAY RESULTING FROM A COMPETITIVE SOLICITATION FOR BIDS, AND THAT THE ACTION IS NECESSARY TO RESPOND TO THE EMERGENCY; ADOPTION OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION PURSUANT TO CEQA GUIDELINES 15301 (EXISTING FACILITIES) AND 15304 (MINOR ALTERATIONS TO LAND; AND, AUTHORIZE THE PORT DIRECTOR TO AWARD THE CONTRACT TO CALIFORNIA MATERIALS, FOR AN AMOUNT NOT-TO-EXCEED \$125,000.00

Environmental and Regulatory Affairs Manager Cashman provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to this meeting. Mr. Cashman's presentation included the following:

- The following conditions are affecting the sediment trap and the Deep Water Ship Channel (DWSC):
 - Winter storms caused unprecedented runoff
 - Unusually high San Joaquin River in-flow
 - Increased sediment deposition
 - Higher current entering the DWSC

- The U.S. Army Corps of Engineers (USACE) conducted a pre-dredge survey of the DWSC in June which showed significant shoaling at Light 48.

- The Port conducted subsequent surveys in June and July, which indicated that the shoaling was continuing which lead to increased safety concerns.
- Based on the surveys, the River Pilots reduced the controlling depth of the DWSC.
- Due to the shoaling safety concerns, the USACE indicated they would dredge the shoal first during the USACE Annual Channel Maintenance Dredging.
- Typically dredging begins in Antioch and ends at the Port of Stockton.
- In late June, the USACE pre-dredge survey indicated 70,000 cubic yards (CY) that needed to be removed from the shoal and sediment trap.
- The Port's dredge placement site on the West Complex had sufficient capacity for the estimated 70,000 CY.
- In mid July, Ross Island, the USACE contactor, conducted a pre-dredge survey which showed approximately 140,000 CY of sediment that needed to be removed from the shoal and sediment trap.
- Port staff determined that the West Complex Dredge Material Placement Site (DMPS) did not have sufficient capacity for this new estimated sediment quantity.
- The Port needed to remove sediment material immediately to allow dredging to move forward.
- The USACE dredging start date was July 27, 2023.
- The Port did not have time to formally bid this project and comply with the Public Contract Code (PCC) since there was only a two-week window to remove the material.
- The Port was notified on July 10, 2023 of the additional material that needed to be removed and the USACE was to begin dredging on July 27, 2023.
- If the procedural requirements of the PCC were followed, the DMPS would not have been cleared and dredging of the shoal and sediment trap would not have occurred until October/November, leaving the Channel severely restricted with the significant potential for increased safety risks.
- Each subsequent survey showed increased shoaling.
- Based on staff's belief that an emergency existed due to shoaling, on July 17, 2023, the Port and California Materials negotiated a contract (not-to-exceed \$125,000) for the removal of material from the DMPS to free up the required capacity for the dredge material that needed to be removed.

- Based on the substantial evidence presented, Port staff believed the Board should make a retroactive finding that the emergency situation caused by the shoaling would not permit a delay resulting from a competitive solicitation for bids and that entering into a contract with California Materials to clear the DMPS was necessary to respond to the emergency.

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

Vice Chairman Trezza moved, to adopt the following resolutions:

Resolution #8415: RESOLVED, that the Board of Commissioners of the Stockton Port District adopt a retroactive finding that an emergency situation existed that demanded the immediate expenditure of public funds, and that the emergency would not permit a delay resulting from a competitive solicitation for bids and that the action was necessary to respond to the Emergency Dredging of the Stockton Deep Water Ship Channel Near Light 49 and the Sediment Trap; 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 #8416: RESOLVED, that pursuant to Port staff review of, and belief that the Emergency Dredge Material Place Site Work 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 for the Emergency Dredge Material Placement Site Work and authorizes the posting of a Notice of Exemption related thereto; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to award a contract to California Materials for the Emergency Dredge Material Place Site Work for an amount not-to-exceed \$125,000.00 (One Hundred Twenty-Five Thousand and 00/100 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 #8415 and #8416 were passed by the following vote:

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

COMMITTEE REPORTS

Ad Hoc Committee for the Port Director's Performance Evaluation

Commissioner Allen shared that the Port Director's Performance Evaluation is progressing.

PORT DIRECTOR'S COMMENTS

- The Port Director shared that the Port's annual comprehensive financial report for fiscal year ended June 30, 2022 was awarded the Government Finance Officers Association Certificate for Excellence in Financial Reporting.

COMMISSION COMMENTS

Chairman Duffy acknowledged that there were no Commission Comments.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Duffy acknowledged the emailed comments received from Katya Evanhoe, Jan Warren, Mary Elizabeth, Barbara Barrigan-Parrilla and Julie Dunning that were related to the BayoTech Hydrogen Project that were read by the Secretary to the Board Rodriguez and were also provided to the Commission.

Chairman Duffy acknowledged Mary Elizabeth, Ector Olivares, Esperanza Vielma and Nate Knodt who provide comments related to the BayoTech Hydrogen Project.

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

At 4:12 p.m. Chairman Duffy 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 Port staff was excused from the meeting, and the closed session commenced at 4:14 p.m. Deputy Port Director Miller remained for the executive session.

At 5:41 p.m., Chairman Duffy re-opened the meeting in public session. He reported that the Port Commission took no formal, reportable action during the closed session.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 5:42 p.m. by Chairman Duffy.

Melanie Rodriguez
Secretary to the Board

Chairman Michael Patrick Duffy