



STOCKTON PORT DISTRICT

Board of Port Commissioners

September 18, 2023

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on September 18, 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
Anthony Barkett
Michael Patrick Duffy, Chairman
Stephen Griffen
William R. Trezza, Vice Chairman

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: David Atwater
Allen Sawyer

OTHERS PRESENT: Kirk DeJesus, Port Director
Katie Miller, Deputy Port Director
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 3:31 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.

Vice Chairman Trezza moved, to adopt the following resolutions:

MINUTES OF AUGUST 21, 2023 MEETING

Resolution #8417: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 21st day of August 2023, as the same are endorsed on Page No. 070 to Page No. 081, inclusive, of Minutes Book No. 65, be and they are hereby approved.

AUTHORIZATION TO TRAVEL

Resolution #8418: RESOLVED, that the Board of Commissioners of the Stockton Port District hereby authorizes one or more Commissioners to travel to Istanbul, Turkey for a Denmar Site Visit, October 28, 2023, through November 3, 2023; and

RESOLVED FURTHER, that the travel expenses incurred by Commission delegates who participate in the Denmar Site Visit shall be paid by the Stockton Port District.

CONSIDERATION AND POSSIBLE APPROVAL OF THE PORT OF STOCKTON 2022 POWER SOURCE DISCLOSURE, POWER CONTENT LABEL AND POWER CONTENT LABEL CUSTOMER LETTER FOR SUBMITTAL TO THE PORT'S CUSTOMERS AND THE CALIFORNIA ENERGY COMMISSION

Resolution #8419: 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, California Public Utilities Code Section 398.4 requires all retail suppliers of electric energy, including the Stockton Port District, to disclose to its customers "accurate, reliable and simple-to-understand information on the sources of energy" that are delivered to their respective customers, referred to as the "Power Content Label"; and

WHEREAS, California Public Utilities Code Section 398.5 requires all retail suppliers of electric energy, including the Stockton Port District, to report to the California Energy Commission (CEC), on an annual

basis, purchases from specified and unspecified sources as well as the disclosure made to customers pursuant to California Public Utilities Code Section 398.4, collectively referred to as the “Power Source Disclosure Report”; and

WHEREAS, the applicable CEC regulations require retail suppliers to have an auditor prepare a report validating the retail supplier’s Power Source Disclosure Report; and

WHEREAS, the applicable CEC regulations exempt a retail supplier that is a public agency from the audit requirements if the public agency’s governing board approves the submission of an attestation on the veracity of the Power Source Disclosure Report; and

WHEREAS, staff completed the 2022 Power Source Disclosure Annual Report; and

WHEREAS, staff is presenting to the Board of Port Commissioners for its review the 2022 Power Content Label and the 2022 Power Source Disclosure Annual Report; and

WHEREAS, the Board of Port Commissioners wishes to attest to the veracity of information presented in the 2022 Power Content Label and the 2022 Power Source Disclosure Report; and

RESOLVED, by the Board of Port Commissioners that the 2022 Power Source Disclosure Annual Report, the 2022 Power Content Label and Power Content Label Customer Letter is hereby approved, as presented; and

RESOLVED FURTHER, that the Board of Port Commissioners attests to the veracity of information presented in the 2022 Power Source Disclosure Annual Report and 2022 Power Content Label; and

RESOLVED FURTHER, that the Port Director, or designee, is hereby authorized, empowered and directed to execute and submit the attestation of the 2022 Power Source Disclosure Annual Report and 2022 Power Content Label to the California Energy Commission and provide a copy of the Power Content Label letter to its customers (tenants).

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE A MASTER PROFESSIONAL SERVICES AGREEMENT WITH HDR FOR PROJECT REPORT EQUIVALENTS FOR AN AMOUNT NOT-TO-EXCEED \$743,510.00

Resolution #8420: 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 (MPSA) with HDR for Project Report Equivalents for an amount not-to-exceed \$743,510.00 (Seven Hundred Forty-Three Thousand Five Hundred Ten 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.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE TASK ORDER 5 TO THE EXISTING CONTRACT NUMBER MPSA 08105 FOR THE ELECTRICAL OPERATIONS & MAINTENANCE CONTRACT WITH BOCKMON & WOODY ELECTRIC COMPANY, INC. IN THE AMOUNT OF \$ 73,753.08

Resolution #8421: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute Task Order 5 to 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 \$73,753.08 (Seventy-Three Thousand Seven Hundred Fifty-Three and 08/100 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 A MASTER PROFESSIONAL SERVICES AGREEMENT WITH DILLON & MURPHY CONSULTING CIVIL ENGINEERS FOR DESIGN SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$400,000.00

Resolution #8422: 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 (MPSA) with Dillion & Murphy Consulting Civil Engineers for Design Services for various Utility Infrastructure Improvement Projects for an amount not-to-exceed \$400,000.00 (Four Hundred 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.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE A CHANGE ORDER TO THE EXISTING CONTRACT NUMBER 2-23-2 WITH WEST VALLEY CONSTRUCTION FOR THE AUXILIARY WATER LINE PHASE 2 PROJECT FOR A TOTAL INCREASE OF \$70,000.00

Resolution #8423: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute a Change Order to existing Contract Number 2-23-2 with West Valley Construction for the Auxiliary Water Line Phase 2 Project for an increased amount not-to-exceed \$70,000.00 (Seventy 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 AMEND THE CONTRACT (INCREASE BY \$125,000.00) WITH ANCHOR QEA TO PERFORM REGULATORY PERMITTING AND NEPA/CEQA CONSULTING FOR A REVISED TOTAL AMOUNT NOT-TO-EXCEED \$775,000.00 THROUGH DECEMBER 31, 2023

Resolution #8424: RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to amend the contract with Anchor QEA to perform Regulatory Permitting and NEPA/CEQA Consulting for an increased 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.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO AMEND THE CONTRACT (INCREASE BY \$200,000) WITH COMPLIANCE FIRST/RBI TO PERFORM MS4 NPDES PROGRAM SUPPORT FOR A REVISED TOTAL AMOUNT NOT-TO-EXCEED \$900,000.00 THROUGH OCTOBER 31, 2023

Resolution #8425: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to amend the contract with Compliance First/RBI to perform MS4 NPDES Program

Support for an increased amount not-to-exceed \$200,000.00 (Two Hundred Thousand 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.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO ADOPT A FINDING CONTINUING THE AUGUST 21, 2023 EMERGENCY DECLARATION AND UPDATE

Resolution #8426: RESOLVED, that the Board of Commissioners of the Stockton Port District that an emergency situation still exists 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 in the vicinity of Light 48 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.

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 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 CONTRACT TO ROSS ISLAND SAND & GRAVEL, FOR AN AMOUNT NOT-TO-EXCEED \$250,000.00

Resolution #8427: RESOLVED, that pursuant to Port staff review of, and belief that the Emergency Dredging of Berths 12/13 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption for the Emergency Dredging of Berths 12/13 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 retroactively award a contract to Ross Island Sand & Gravel for the Emergency Dredging of Berths 12/13 for an amount not-to-exceed \$250,000.00 (Two Hundred Fifty 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 #8417, #8418, #8419, #8420, #8421, #8422, #8423, #8424, #8425, #8426 and #8427 were passed by the following vote:

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

COMMITTEE REPORTS

Chairman Duffy acknowledged that there were no Committee Reports.

PORT DIRECTOR'S COMMENTS

- Port Director DeJesus announced that Coastal Clean-up Day is Saturday, September 23, 2023. The event begins at 9:00 a.m. with refreshments served and ends at 12:00 p.m.
- Invitations for the Port's 90th Anniversary Celebration will be sent out this week. The Celebration will be held on Saturday, October 14, 2023 from 5:00 p.m. till 8:00 p.m. at the Haggin Museum.
- Port Director DeJesus introduced Environmental and Regulatory Affairs Manager Cashman who provided an update on the Emergency Declaration that included the following:
 - The following conditions are affecting the sediment trap and the Deep Water Ship Channel (DWSC):

- Winter storms caused unprecedented runoff
- Continued high San Joaquin River in-flow
- Increased sediment deposition
- Higher current entering the DWSC
- The Port will continue to conduct surveys every three weeks of the sediment trap, Berths 12/13 and the DWSC
- The shoaling continues to have negative impacts on vessel safety which is causing delays in vessel transit

COMMISSION COMMENTS

Commissioner Griffen provided an update on the PMA contract that was ratified by the Longshoremen as well as local Longshoremen labor.

Commissioner Barkett requested bi-annually updates on large Port projects.

Chairman Duffy shared that he was disappointed by the squatting that is taking place near the boundaries of the Port.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Duffy acknowledged that there were no Public Comments.

CLOSED SESSIONS:

A. 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 320 MCCLOY AVENUE, STOCKTON, CA

B. 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 4.84 ACRES OF LAND SOUTH OF WASHINGTON STREET AND 4.81 ACRES OF LAND NORTH OF WASHINGTON STREET

C. PURSUANT TO GOVERNMENT CODE §54957.6 DISCUSSION OF PERSONNEL He

Chairman Duffy announced that an executive session would not be conducted by the Board of Commissioners relative 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 320 McCloy Avenue and 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 4.84 Acres of Land South of Washington Street and 4.81 Acres of Land North of Washington Street.

At 3:43 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 3:45 p.m. Deputy Port Director Miller remained for the executive session. Port Director DeJesus remained for a portion of the executive session.

At 5:42 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.

CONSIDERATION AND POSSIBLE ACTION REGARDING AWARDING A PERFORMANCE INCENTIVE TO THE PORT DIRECTOR

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

Commissioner Allen moved to adopt the following resolution:

Resolution #8428: WHEREAS, on September 18, 2023, the Port Commission completed a performance evaluation of Port Director Kirk DeJesus; now, therefore be it

RESOLVED, by the Board of Commissioners of the Stockton Port District that Port Director Kirk DeJesus be awarded a performance incentive of \$80,000.00 (Eighty Thousand and 00/100 dollars) in recognition of his performance and leadership in the last evaluation period.

Resolution #8428 was passed by the following vote:

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

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 5:43 p.m. by Chairman Duffy.

Melanie Rodriguez
Secretary to the Board

Chairman Michael Patrick Duffy