Minutes Approved 08/19/24
Resolution #8516

STOCKTON PORT DISTRICT

Board of Port Commissioners

July 15, 2024

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on July 15, 2024, at a TEMPORARY meeting place on the Port's West Complex in ASSEMBLY ROOM 147 located at 315 FYFFE AVENUE in Stockton, California.

COMMISSIONERS PRESENT:	David Atwater Anthony Barkett Michael Patrick Duffy Stephen Griffen, Vice Chairman Margaret Shea Stephens William R. Trezza, Chairman
COMMISSIONERS ABSENT:	None
COMMISSIONERS EXCUSED:	Allen Sawyer
OTHERS PRESENT:	Kirk DeJesus, Port Director Katie Miller, Deputy Port Director Jeff Wingfield, Deputy Port Director Rhonda Nelson, Director of Real Estate & Port Development Paula O'Keefe Director of Finance & Accounting Juan Villanueva, Director of Facilities & Procurement Sylvester Aguilar, Real Estate Marketing Manager Jason Cashman, Environmental & Regulatory Affairs Manager Steve Herum, Port Counsel Anju Wicke, Consultant with Geosyntec Melanie Rodriguez, Secretary to the Board

A quorum being present, the meeting was called to order by Chairman William R. Trezza at 3:30 p.m. Chairman Trezza 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:

Alfredo Constantino, Shipping & Receiving Clerk	20 Years
Robert DeAnda, Lift Driver	10 Years
Fernando Galicia, Administrative Assistant I	10 Years
Hugh Lim, Lift Driver	10 Years
Sylvester Aguilar, Real Estate Marketing Manager	5 Years
Jennifer Balestracci, Receptionist Clerk	5 Years
Giovanni Maya, 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 Trezza acknowledged that there were no requests to address the Commission.

Commissioner Duffy moved, to adopt the following resolutions:

MINUTES OF JUNE 17, 2024 MEETING

Resolution #8503: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 17th day of June 2024, as the same are endorsed on Page No. 052 to Page No. 059, inclusive, of Minutes Book No. 66, be and they are hereby approved.

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO PURCHASE THE ANNUAL MANAGE ENGINE LICENSING, SUPPORT, AND MAINTENANCE RENEWAL FROM I.T. SAVVY FOR A TOTAL AMOUNT NOT-TO-EXCEED $86,900.00

Resolution #8504: RESOLVED, by the Stockton Port District Board of Commissioners that the Port Director is hereby authorized, empowered and directed to purchase the Manage Engine annual licensing, support and maintenance renewal from I.T. Savvy for an amount not-to-exceed $86,900.00 (Eighty-Six Thousand Nine 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.

CONSIDERATION AND POSSIBLE APPROVAL FOR THE PORT DIRECTOR TO EXECUTE AN AMENDMENT TO MASTER PROFESSIONAL SERVICE AGREEMENT WITH DILLION & MURPHY CONSULTING CIVIL ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DAVIS SEWER LIFT STATION REPLACEMENT PROJECT FOR AN AMOUNT NOT-TO-EXCEED $110,000.00

Resolution #8505: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute an amendment to the Master Professional Service Agreement (MPSA) 08108 with Dillion & Murphy Consulting Civil Engineers for Construction Management Services for the Davis Sewer Lift Station Replacement Project for an amount not-to-exceed $110,000.00 (One Hundred Ten Thousand and no/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 APPROVAL FOR THE PORT DIRECTOR TO EXECUTE AN AMENDMENT TO MASTER PROFESSIONAL SERVICE AGREEMENT 08126 WITH DILLION & MURPHY CONSULTING CIVIL ENGINEERS FOR THE BURNS CUTOFF EXPRESSWAY BRIDGE REPAIR PROJECT FOR AN AMOUNT NOT-TO-EXCEED $160,000.00

Resolution #8506: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute an amendment to Master Professional Service Agreement (MPSA) 08126 with Dillion & Murphy Consulting Civil Engineers for Project Engineering Services for the Burns Cutoff Expressway Bridge Repair Project for an amount not-to-exceed $160,000.00 (One Hundred Sixty Thousand and no/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 APPROVAL OF A CATEGORICAL EXEMPTION 15301 AND 15302 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD A SERVICES CONTRACT TO PIPE AND PLANT FOR THE EAST COMPLEX SEWER SERVICES FOR AN AMOUNT NOT-TO-EXCEED $109,637.50

Resolution #8507: RESOLVED, that pursuant to Port staff review of, and belief that the East Complex Sewer Services Contract is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15302 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 award a Services Contract to Pipe and Plant for the East Complex Sewer Services Contract for an amount not-to-exceed $109,637.50 (One Hundred Nine Thousand Six Hundred Thirty-Seven and 50/100 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 APPROVAL OF A CATEGORICAL EXEMPTION 15301, 15302, 15303 AND 15304 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE TASK ORDERS 9, 10 AND 11 FOR MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) 08105 WITH BOCKMON & WOODY ELECTRIC COMPANY FOR THE FOLLOWING NOT-TO-EXCEED AMOUNTS RESPECTIVELY $90,816.08, $76,279.64 AND $91,079.77

Resolution #8508: RESOLVED, that pursuant to Port staff review of, and belief that Task Orders 9, 10 and 11 for Master Professional Services Agreement (MPSA) 08105 is exempt from the California Environmental Quality Act

(CEQA) pursuant to Sections 15301, 15302, 15303 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 Orders 9, 10 and 11 for Master Professional Services Agreement (MPSA) 08105 with Bockmon & Wood Electric Company for the following amounts not-to-exceed; $90,816.08 (Ninety Thousand Eight Hundred Sixteen and 08/100 Dollars), $76,279.64 (Seventy-Six Thousand Two Hundred Seventy-Nine and 64/100 Dollars) and $91,079.77 (Ninety-One Thousand Seventy-Nine and 77/100 Dollars), respectively; 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 FOR THE PORT DIRECTOR TO EXECUTE AMENDMENT #1 TO MASTER PROFESSIONAL SERVICE AGREEMENT 08132 WITH DILLION & MURPHY CONSULTING CIVIL ENGINEERS FOR THE PROJECT DESIGN SERVICES FOR DOCK 5 – 6 STRUCTURAL AND SAFETY REPAIRS FOR AN AMOUNT NOT-TO-EXCEED $90,000.00

Resolution #8509: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute Amendment #1 to Master Professional Service Agreement (MPSA) 08132 with Dillion & Murphy Consulting Civil Engineers for Project Design Services for the Dock 5 – 6 Structural an Safety Repairs Project for an amount not-to-exceed $900,000.00 (Ninety Thousand and no/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 #8503, #8504, #8505, #8506, #8507, #8508 and #8509 were passed by the following vote:

COMMISSIONERS IN FAVOR:	Atwater, Barkett, Duffy, Griffen, Stephens, Trezza
COMMISSIONERS AGAINST:	None

COMMISSIONERS ABSTAINING: None

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Sawyer

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

CONSIDERATION AND POSSIBLE APPROVAL TO AMEND THE STOCKTON PORT DISTRICT POLICY STATEMENT POLICY #013 CASH AND INVESTMENTS

On June 18, 2024, and July 8, 2024, an Ad Hoc Committee comprised of Vice Chairman Griffen, Commissioners Duffy and Stephens met with Port Director DeJesus, Finance and Accounting Director O'Keefe and staff to review and discuss the proposed amendment to the Stockton Port District Policy Statement Policy #013 Cash and Investments.

Finance and Accounting Director O'Keefe's provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

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

Commissioner Duffy moved, to adopt the following resolution:

Resolution #8510: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Stockton Port District Policy Statement Policy #013 Cash and Investments has been amended as presented, a copy of which is on file with the Secretary, be and it is hereby adopted.

Resolution #8510 was passed by the following vote:

COMMISSIONERS IN FAVOR: Atwater, Barkett, Duffy, Griffen, Stephens, Trezza

COMMISSIONERS AGAINST: None

COMMISSIONERS ABSTAINING: None

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Sawyer

PRESENTATION, CONSIDERATION AND POSSIBLE APPROVAL OF THE STOCKTON PORT DISTRICT CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024 – 2025

On June 18, 2024, and July 8, 2024, an Ad Hoc Committee comprised of Vice Chairman Griffen, Commissioners Duffy and Stephens met with Port Director DeJesus, Finance and Accounting Director O'Keefe and staff to review and discuss the proposed 2024 through 2025 Capital Improvement Plan.

Finance and Accounting Director O'Keefe's provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

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

Commissioner Duffy moved, to adopt the following resolution:

Resolution #8511: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Capital Improvement Plan for Fiscal Year 2024 – 2025, a copy of which is on file with the Secretary, be and it is hereby adopted.

Resolution #8511 was passed by the following vote:

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

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15301 AND 15302 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD THE CONTRACT FOR THE DOCK 12 – 13 DOLPHIN REPAIR PROJECT TO VORTEX MARINE CONSTRUCTION, INC. FOR AN AMOUNT NOT-TO-EXCEED $3,247,100.00; AND AUTHORIZATION FOR THE PORT DIRECTOR TO AWARD THE DOCK 12 – 13

DOLPHIN REPAIR PROJECT CONSTRUCTION MANAGEMENT SERVICES TO DILLION & MURPHY CONSULTING CIVIL ENGINEERS FOR AN AMOUNT NOT-TO-EXCEED $410,000.00

Director of Facilities and Procurement Villanueva provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

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

Commissioner Atwater moved to adopt the following resolution:

Resolution #8512: RESOLVED, that pursuant to Port staff review of, and belief that the Dock 12 – 13 Dolphin Repair Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15302 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 award the Dock 12 – 13 Dolphin Repair Project Construction Contract to Vortex Marine Construction, Inc., for an amount not-to-exceed $3,247,100.00 (Three Million Two Hundred Forty-Seven Thousand One Hundred 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 the Dock 12 – 13 Dolphin Repair Project Construction Management Services Contract to Dillion & Murphy Consulting Civil Engineers for an amount not-to-exceed $410,000.00 (Four Hundred Ten 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 #8512 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Atwater, Barkett, Duffy, Griffen, Stephens, Trezza
COMMISSIONERS AGAINST:	None

COMMISSIONERS ABSTAINING: None

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Sawyer

CONSIDERATION AND POSSIBLE AUTHORIZATION FOR THE PORT DIRECTOR TO ENTER INTO A CONTRACT WITH GEOSYNTEC FOR THE WEST COMPLEX REMEDIATION PROGRAM THROUGH JUNE 30, 2025 FOR AN AMOUNT NOT-TO-EXCEED $1,556,000.00

Environmental & Regulatory Affairs Manager Cashman and Consultant Wicke provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

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

Commissioner Atwater moved to adopt the following resolution:

Resolution #8513: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to enter into a Contract with Geosyntec for the West Complex Remediation Program for an amount not-to-exceed $1,556,000.00 (One Million Five Hundred Fifty-Six 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 #8513 was passed by the following vote:

COMMISSIONERS IN FAVOR: Atwater, Barkett, Duffy, Griffen, Stephens, Trezza

COMMISSIONERS AGAINST: None

COMMISSIONERS ABSTAINING: None

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Sawyer

COMMITTEE REPORTS

Ad Hoc Committee for the Stockton Port District 2024 / 2025 Budget
On June 18, 2024, and July 8, 2024, an Ad Hoc Committee comprised of Vice Chairman Griffen, Commissioners Duffy and Stephens met with Port Director DeJesus, Finance and Accounting Director O'Keefe and staff to review and discuss the proposed 2024 through 2025 Capital Improvement Plan and the Stockton Port District Policy Statement Policy #013 Cash and Investments amendment. The Ad Hoc Committee expressed and gratitude their appreciation to Port staff for their dedicated work on the Capital Improvement Plan.

PORT DIRECTOR'S COMMENTS

Port Director DeJesus shared that Port Real Estate Marketing Manager Sylvester Aguilar was presented the Legacy Award from the San Joaquin County Hispanic Chamber of Commerce.

COMMISSION COMMENTS

Commissioner Duffy thanked staff and the Ad Hoc Committee for the great work that was done on the Capital Improvement Plan. He noted that it was a major process, but that it resulted in a high-quality work product.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Trezza acknowledged Mary Elizabeth who provided comments on GSNR.

Chairman Trezza acknowledged the emailed comments from Julie Devincenzi and Alexander Dashuta that were read by Secretary Rodriguez related to GSNR.

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 3028 NAVY DRIVE, 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 2201 WEST WASHINGTON STREET, STOCKTON, CA

At 4:21 p.m. Chairman Trezza 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 4:24 p.m. Port Director DeJesus, Deputy Port Director Miller, Deputy Port Director Wingfield, Director of Real Estate and Port Development Nelson, Director of Finance and Accounting O'Keefe, Director of Facilities & Procurement Villanueva, Real Estate Marketing Manager Aguilar, Environmental and Regulatory Affairs Manager Cashman and Port Counsel Herum remained for the executive session.

At 5:03 p.m., Chairman Trezza 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 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, AUTHORIZE AN INCREASE TO THE PORT DIRECTOR'S CONTRACTING AUTHORITY FOR SERVICES AND GOODS RELATED TO THE EMERGENCY TO A MAXIMUM AMOUNT OF $250,000 FOR THE DURATION OF THE EMERGENCY, AND SUSPENDING PURCHASING REQUIREMENTS SET FORTH IN PORT BOARD POLICIES# 006 AND 007 FOR DURATION OF PORT EMERGENCY AS TO THE PURCHASE OF GOODS AND SERVICES RELATED TO THE EMERGENCY

Port Director DeJesus provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

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

Commissioner Barkett moved to adopt the following resolution:

<u>Resolution #8514</u>: RESOLVED, by 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 Flooded Port Administration Building Emergency; and

RESOLVED FURTHER, that pursuant to Port staff review of, and belief that the Flooded Port Administration Building Emergency is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 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's contracting authority for services and goods related to the emergency is hereby increased to a maximum of $250,000.00 (Two Hundred Fifty Thousand and no/100 Dollars) for the Flooded Port Administration Building Emergency; 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 #8514 was passed by the following vote:

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

CONSIDERATION OF THE FOLLOWING RELATED TO 3028 NAVY DRIVE:

A. FIND THAT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES §15074, THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE BAYOTECH HYDROGEN PRODUCTION AND FILLING FACILITY PROJECT (PROJECT) WAS COMPLETED IN COMPLIANCE WITH CEQA; IT WAS REVIEWED AND CONSIDERED BY THE BOARD PRIOR TO

APPROVING THE PROJECT; AND IT REFLECTS THE INDEPENDENT JUDGMENT AND ANALYSIS OF THE PORT OF STOCKTON (PORT);

B. FIND THAT, BASED ON THE WHOLE RECORD BEFORE IT, THE PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO PUBLIC RESOURCES CODE (PRC) §21080 AND CEQA GUIDELINES §15070;

C. ADOPT THE FINAL IS/MND FOR THE PROJECT, INCLUDING ALL FEASIBLE MITIGATION MEASURES, WITH CONSIDERATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP);

D. ADOPT THE MMRP, AS REQUIRED BY PRC §21081.6. THE MMRP ENSURES COMPLIANCE WITH THE MITIGATION MEASURES, LEASE MEASURES, AND STANDARD CONDITIONS ADOPTED TO AVOID OR LESSEN SIGNIFICANT EFFECTS ON THE ENVIRONMENT, AND IDENTIFIES THE RESPONSIBILITIES OF THE PORT, AS LEAD AGENCY, TO MONITOR AND VERIFY PROJECT COMPLIANCE WITH THOSE MITIGATION MEASURES AND LEASE MEASURES;

E. DIRECT THE REAL ESTATE DIVISION TO INCORPORATE BY REFERENCE THE IS/MND INTO ANY AND ALL LEASE AGREEMENTS OR ASSIGNMENTS ENCOMPASSED IN THE APPROVED PROJECT;

F. AUTHORIZE THE PORT TO FILE THE NOTICE OF DETERMINATION;

G. APPROVE ORDINANCE NO. 262, A LEASE AGREEMENT NO. 2024-06 (LEASE) WITH THE STOCKTON PORT DISTRICT (PORT) AND BAYOTECH, INC. (TENANT) FOR THE CONSTRUCTION AND OPERATION OF A HYDROGEN PRODUCTION AND FILLING FACILITY LOCATED AT 3034 NAVY DRIVE FOR A TERM OF TEN (10) YEARS WITH TWO (2) FIVE-YEAR OPTIONS; AND

H. AUTHORIZE THE PORT DIRECTOR TO EXECUTE THE LEASE; FINALIZE, APPROVE, AND EXECUTE THE LEASE EXHIBITS AND DOCUMENTS RELATED <u>THERETO.</u>

Director of Real Estate and Port Development Nelson provided an executive summary of this agenda item and the staff memo was provided to each member of the Board prior to the meeting.

Chairman Trezza opened the Public Hearing portion of this agenda item.

Chairman Trezza acknowledged Patrick Charette, Chris Granger, Catharine Reid and Mo Vargas BayoTech representatives who provided comments in support of the BayoTech Project.

Chairman Trezza acknowledged David Baidcchi, Gorgina Halaufia, Jesse Gallardo, Jason Miranda, Julio Escobedo, Jennifer Hamilton, Nicolina Hernandez, Liz Sutton, Troy Arntson, Michelle Gianelli, John Blueford, Gurnell Boparai and Michael Mark who provided comments in support of the BayoTech Project.

Chairman Trezza acknowledged Esther Mburu, Davis Harper, Jacob Evans, Mary Elizabeth, Gloria Alonso and Nina Robertson who provided comments against the BayoTech Project.

Chairman Trezza acknowledged the emailed comments from Sierra Club (dated July 5, 2024), Julie Devincenzi and Sierra Club (dated July 15, 2024) that were read by Secretary Rodriguez against the BayoTech Project.

Chairman Trezza acknowledged the emailed comments from Hydrogen Fuel Cell Partnership, Norstar Shipping (USA) LLC, San Joaquin Regional Transit District, Maximum Hydrogen, Caterpillar, Inc., North Valley Labor Federation, Verne and the Governor's Office of Business and Economic Development (GO-Biz) that were read by Secretary Rodriguez in support of the BayoTech Project.

Chairman Trezza closed the Public Hearing portion of this agenda item.

Commissioner Duffy moved to adopt the following resolution:

<u>Resolution #8515</u>: RESOLVED, by the Board of Commissioners of the Stockton Port District that the consideration of the items related to 3028 Navy Drive be continued to the August 19, 2024 Commission Meeting; 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 #8515 was passed by the following vote:

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

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:36 p.m. by Chairman Trezza.

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Melanie Rodriguez
Secretary to the Board

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Chairman William R. Trezza