



STOCKTON PORT DISTRICT

Board of Port Commissioners

August 19, 2024

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on August 19, 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
Stephen Griffen, Vice Chairman
Allen Sawyer
Margaret Shea Stephens
William R. Trezza, Chairman

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Michael Patrick Duffy

OTHERS PRESENT: Kirk DeJesus, Port Director
Jason Katindoy, Deputy Port Director
Katie Miller, Deputy Port Director
Rhonda Nelson, Director of Real Estate & Port Development
Sylvester Aguilar, Real Estate Marketing Manager
Jason Cashman, Environmental & Regulatory Affairs Manager
Cassandra Hollins, Human Resources Manager
Steve Escobar, Consultant
Steve Herum, Port Counsel
Gage Dungy, Port Counsel
Katie Chamberlin, Consultant with Anchor QEA
Melanie Rodriguez, Secretary to the Board

A quorum being present, the meeting was called to order by Chairman William R. Trezza at 3:31 p.m. Chairman Trezza 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 Trezza acknowledged the emailed comments from Californians for Responsible Renewable Energy that were read by Secretary Rodriguez related to Consent Calendar Item B.

Commissioner Barkett moved, to adopt the following resolutions:

MINUTES OF JULY 15, 2024 MEETING

Resolution #8516: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 15th day of July 2024, as the same are endorsed on Page No. 060 to Page No. 074, inclusive, of Minutes Book No. 66, be and they are hereby approved.

CONSIDERATION AND POSSIBLE APPROVAL OF THE STOCKTON PORT DISTRICT ELECTRIC UTILITY 2024–2026 WILDFIRE MITIGATION PLAN

Resolution #8517: WHEREAS, the State of California approved Senate Bill (SB) 1028 requiring that the governing board of a local Publicly Owned Utility (POU) initiate a process to determine whether any portion of the geographic area where the POU's overhead electric lines and equipment are located poses a significant risk of catastrophic wildfires resulting from the POU's electrical lines and equipment; and

WHEREAS, Port staff reviewed the California Public Utilities Commission (CPUC) Fire Threat Map, which designates High Fire Threat Districts, and determined that zero (0) percent of the Port's electric lines and equipment lie within an area designated as either elevated (Tier 2) or extreme (Tier 3) fire risk; and

WHEREAS, Port staff also reviewed the boundaries of the High Fire Threat District and relevant historical fire data and local conditions

and determined that no portion of the Port's service area is in an area that is considered an elevated risk of electric line wildfires; and

WHEREAS, based on this assessment, Port staff has concluded that the Port's electric lines and equipment do not pose a significant risk of catastrophic wildfire; and

WHEREAS, the State of California approved Assembly Bill (AB) 1054 and AB 111, requiring POU's including the Stockton Port District to submit a WMP to a newly formed California Wildfire Safety Advisory Board (WSAB); and

WHEREAS, the WSAB has proposed recommending that POU's that do not own or control electric supply lines in the elevated or extreme wildfire risk areas of the CPUC's High Fire Threat District map may utilize an alternative wildfire mitigation plan development and reporting process; and

WHEREAS, the alternative reporting process that the WSAB has adopted would allow low risk POU's to submit the most recent WMP along with a supplemental letter describing the unchanged wildfire risk status as it is unreasonable to expect them to otherwise continue submitting new WMP's annually; and

WHEREAS, the Port has determined that its current WMP adequately addresses the risk of a utility-caused, catastrophic wildfire occurring in the Port's service territory and that no substantive changes are merited; and

WHEREAS, as the WSAB adopted this alternative reporting process at its June 5, 2024 Board Meeting, the Port will exercise the option to submit the supplemental letter and existing WMP each year and continue to evaluate its WMP on a regular basis; now therefore be it

RESOLVED that the Stockton Board of Port Commissioners, makes a determination that the Port's overhead electric lines and equipment do not pose a significant risk of causing a catastrophic wildfire pursuant to SB 1025; and

RESOLVED FURTHER that the Stockton Board of Port Commissioners, pursuant to Assembly Bill (AB) 1054 and AB 111, the Port is considered a low-risk POU and has the option to submit a supplemental letter and existing WMP each year describing its unchanged wildfire risk status; and

RESOLVED FURTHER by the Stockton Board of Port Commissioners, that this resolution shall take effect immediately upon its adoption; 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 WITH HDR, INC. FOR GRANT APPLICATION SUPPORT SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$34,000.00

Resolution #8518: 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) with HDR, Inc. for Grant Application Support Services for an amount not-to-exceed \$34,000.00 (Thirty-Four 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 A MASTER PROFESSIONAL SERVICE AGREEMENT WITH DILLION & MURPHY CONSULTING CIVIL ENGINEERS FOR ENGINEERING SUPPORT SERVICES FOR THE DOCK 8 MOTEMS PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$89,000.00

Resolution #8519: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to execute a Master Professional Service Agreement (MPSA) with Dillion & Murphy Consulting Civil Engineers for Engineering Support Services for the Dock 8 MOTEMS Project for an amount not-to-exceed \$89,000.00 (Eighty-Nine 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 15269(B) 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 EXECUTE A CHANGE

ORDER FOR CONTRACT NO. 4-24-4 TO INCLUDE ALTERNATIVE C WITH VORTEX MARINE CONSTRUCTION, INC., FOR THE DOCK 12 – 13 DOLPHIN REPAIR PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$146,000.00

Resolution #8520: 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 Section 15269(b) 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 a Change Order to Contract No. 4-24-4 to include Alternative C with Vortex Marine Construction, Inc. for the Dock 12 – 13 Dolphin Repair Project for an amount not-to-exceed \$146,000.00 (One Hundred Forty-Six 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 15303 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR THE PORT DIRECTOR TO EXECUTE TASK ORDERS 12, 13 AND 14 FOR MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) 08105 WITH BOCKMON & WOODY ELECTRIC COMPANY FOR THE FOLLOWING NOT-TO-EXCEED AMOUNTS RESPECTIVELY \$26,955.20, \$376,923.24 AND \$95,757.58

Resolution #8521: RESOLVED, that pursuant to Port staff review of, and belief that Task Orders 12, 13 and 14 for Master Professional Services Agreement (MPSA) 08105 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 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 12, 13 and 14 for Master Professional Services Agreement (MPSA) 08105 with Bockmon & Wood Electric Company for the following amounts not-to-exceed; \$26,955.20 (Twenty-Six Thousand Nine Hundred Fifty-Five and 20/100 Dollars), \$376,923.24 (Three Hundred Seventy-Six Thousand Nine Hundred Twenty-Three and 24/100 Dollars) and \$95,757.58 (Ninety-Five Thousand Seven Hundred Fifty-Seven and 58/100 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 PURCHASE TEN (10) ELECTRIC VEHICLE CHARGERS FROM REXEL ENERGY SOLUTIONS UTILIZING GRANT FUNDING OF \$585,476.00; AND AMEND RESOLUTION #8298 WITH THE MODIFIED AMOUNT AWARD OF \$647,250.75 WITH A TWENTY-FIVE PERCENT (25%) COST SHARE

Resolution #8522: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to purchase ten (10) Electric Vehicle Chargers from Rexel Energy Solutions utilizing grant funding for an amount not-to-exceed \$585,476.00 (Five Hundred Eighty-Five Thousand Four Hundred Seventy-Six and no/100 Dollars); and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that Resolution #8298 approved at the March 21, 2022 Commission Meeting for the Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles (EnergIIIZE) incentive program that is funded by the California Energy Commission Clean Transportation Program and implanted by CALSTART is hereby amended to the awarded amount of \$647,250.75 with a twenty-five (25) percent cost share; 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 JULY 15, 2024 EMERGENCY DECLARATION AND UPDATE

Resolution #8523: 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 Flooded Port Administration Building Emergency; and

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

Resolutions #8516, #8517, #8518, #8519, #8520, #8521, #8522 and #8523 were passed by the following vote:

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

COMMITTEE REPORTS

Chairman Trezza acknowledged there were no Committee Reports.

PORT DIRECTOR'S COMMENTS

Chairman Trezza acknowledged there were no Port Director's Comments.

COMMISSION COMMENTS

Chairman Trezza acknowledged there were no Commission Comments.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Trezza acknowledged Katrina Tomas who was deemed as Out-of-Order and Margo Praus who provided comments.

Chairman Trezza acknowledged the emailed comments from Janet Doherty, Hilda Garcia and Mary Elizabeth that were read by Secretary Rodriguez related to GSNR.

CLOSED SESSIONS:

- A. PURSUANT TO GOVERNMENT CODE §54956.9(D)(3): CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: ONE POTENTIAL CASE
- 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 3034 NAVY DRIVE, STOCKTON, CA
- 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
- D. 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 1002 EMBARCADERO DRIVE, STOCKTON, CA
- E. CLOSED SESSION PURSUANT TO GOVERNMENT CODE §54957.6 DISCUSSION OF PERSONNEL MATTER: ANNUAL PERFORMANCE REVIEW OF THE PORT DIRECTOR

At 3:42 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 3:46 p.m. Deputy Port Director Miller remained for the entire executive session. Port Director DeJesus, Deputy Port Director Katindoy, Director of Real Estate and Port Development Nelson, Real Estate Marketing Manager Aguilar, Environmental, Regulatory Affairs Manager Cashman, Human Resources Manager Hollins, Consultant Escobar, Port Counsel Herum, Port Counsel Dungy Anchor QEA Consultant Chamberlin remained for a portion of the executive session.

At 5:51 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.

CONTINUED HEARING FROM COMMISSION MEETING OF JULY 15, 2024 TO
CONSIDER THE FOLLOWING POTENTIAL ACTIONS RELATED TO 3034 NAVY DRIVE:

- A. A FINDING 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. A FINDING 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. ADOPTING THE FINAL IS/MND FOR THE PROJECT, INCLUDING ALL FEASIBLE MITIGATION MEASURES, WITH CONSIDERATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP);
- D. ADOPTING 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. DIRECTING 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. APPROVING 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. AUTHORIZING THE PORT DIRECTOR TO EXECUTE THE LEASE; FINALIZE, APPROVE, AND EXECUTE THE LEASE EXHIBITS AND DOCUMENTS RELATED THERETO.

Anchor QEA Consultant Chamberlin provided a response to the comments that were received from Earthjustice, Center for Biological Diversity, Sierra Club and Little Manila Rising's (coalition) that were received on August 16, 2024.

Vice Chairman Griffen moved to adopt the following resolution:

Resolution #8524: RESOLVED, by the Stockton Port District Board of Commissioners, that:

- the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the BayoTech Hydrogen Production and Filling Facility Project (Project):
 - was completed in compliance with the California Environmental Quality Act (CEQA); (13 Public Resources Code Section §21000 et seq.) and the CEQA Guidelines 15074 (14 California Code of Regulations Section §15000 et. seq.); and
 - was reviewed and considered by the Board of Commissioners prior to approving the Project; and
 - reflects the independent judgment and analysis of the Port of Stockton.
- 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.
- the Project as identified in the Final IS/MND, including all feasible mitigation measures and the Mitigation Monitoring and Reporting Program is hereby approved.
- in accordance with the information contained in the Final IS/MND, the Project would not have a significant effect on the environment with mitigation incorporated as defined by Public Resources Code (PRC) Sections 21080 and the CEQA Guidelines Sections §15070 and §15074:
 - all information added to the Final IS/MND after public review but before adoption, merely clarifies, amplifies, or makes insignificant modifications and that recirculation was not necessary; and
 - the Final IS/MND for the Project is hereby adopted, as required; and

- 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; and
- the Mitigation Monitoring Reporting Program (MMRP) is hereby adopted, as required by PRC Section 21081.6; and
- Port staff is directed to incorporate by reference the IS/MND into any and all lease agreements or assignments encompassed in the Project; and
- Port staff is directed to file a Notice of Determination in accordance with CEQA.
- RESOLVED FURTHER, that the Stockton Port District Board of Commissioners hereby approves Ordinance No. 262, Lease Agreement No. 2024-06 with the Stockton Port District and BayoTech, Inc. 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

RESOLVED FURTHER, that the Port Director is authorized, empowered and directed in the name of and as the act and deed of this Stockton Port District to make, execute and deliver all necessary documents in the accomplishment thereof, and to ensure that the provisions of this resolution are appropriately effected.

Resolution #8524 was passed by the following vote:

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

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:15 p.m. by Chairman Trezza.

Melanie Rodriguez
Secretary to the Board

Chairman William R. Trezza