



STOCKTON PORT DISTRICT

Board of Port Commissioners

December 15, 2025

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on December 15, 2025, at the meeting place on the Port's West Complex in Room 165 located at 315 Fyffe Avenue in Stockton, California.

COMMISSIONERS PRESENT: David Atwater, Chairman
Anthony Barkett
Michael Patrick Duffy
* Allen Sawyer, Vice Chairman
Margaret Shea Stephens
William R. Trezza

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Stephen Griffen

OTHERS PRESENT: Kirk DeJesus, Port Director
Jason Katindoy, Deputy Port Director
Katie Miller, Deputy Port Director
Jeff Wingfield, Deputy Port Director
Jason Cashman, Director of Environmental Affairs
Joshua Doberneck, Chief of Police
Sean Fairchild, Director of Maritime Operations
Rod Iwashita, Director of Engineering & Facilities
Rhonda Nelson, Director of Real Estate & Port Development
Paula O'Keefe, Director of Finance & Accounting
Sylvester Aguilar, Real Estate Marketing Manager
Nathan Birtwhistle, Risk Manager
Steve Herum, Port Counsel
Melanie Rodriguez, Secretary to the Board

* Vice Chairman Sawyer arrived at 3:32 p.m. during the Consent Calendar agenda item.

A quorum being present, the meeting was called to order by Chairman David Atwater at 3:30 p.m. Chairman Atwater presided and Melanie Rodriguez, Secretary to the Board, acted as Secretary for the meeting.

CONSENT CALENDAR

In compliance with Stockton Port District Commission Governance Policy Statement #105, 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 Atwater acknowledged the emailed comments from Mary Elizabeth that were related to Consent Calendar Item C that were read by Secretary Rodriguez.

Commissioner Duffy moved, to adopt the following resolutions:

MINUTES OF NOVEMBER 17, 2025 CONTINUED MEETING

Resolution #8622: RESOLVED, that the minutes of the regular meeting of the Board of Commissioners of the Stockton Port District held on the 17th day of November 2025, as the same are endorsed on Page No. 095 to Page No. 102, inclusive, of Minutes Book No. 67, be and they are hereby approved.

CONSIDERATION AND POSSIBLE APPROVAL DETERMINING THAT THERE IS NO SIGNIFICANT RISK OF THE STOCKTON PORT DISTRICT UTILITY ELECTRIC LINES OR EQUIPMENT CAUSING A CATASTROPHIC WILDFIRE AND APPROVAL OF THE 2025 WILDFIRE MITIGATION PLAN AND SUPPLEMENTAL LETTER FOR SUBMISSION TO THE CALIFORNIA WILDFIRE SAFETY ADVISORY BOARD

Resolution #8623 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 Wildfire Mitigation Plan (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 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, that 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 AUTHORIZING THE PORT DIRECTOR TO COMPLETE NEGOTIATIONS WITH CALPINE ENERGY SOLUTIONS, LLC AND EXECUTE A NEW 3-YEAR (2026-2028) DIRECT ACCESS RETAIL POWER PURCHASE FOR ENERGY, RESOURCE ADEQUACY AND RENEWABLES PORTFOLIO STANDARD CONTRACTS

Resolution #8624: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to complete negotiations with Calpine Energy Solutions, LLC to execute a 3-year (2026 – 2028) Direct Access Retail Power Purchase for Energy, Resources Adequacy and Renewables Portfolio Standards Contracts pursuant to the requirements of California's energy laws to supply power to the East Complex Port accounts under the State's Direct Access Program; 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 TO AUTHORIZE THE PORT DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ANCHOR QEA FOR ON-CALL ENVIRONMENTAL CONSULTING SERVICES IN THE AMOUNT NOT-TO-EXCEED \$700,000.00

Resolution #8625: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to enter into a Professional Services Agreement with Anchor QEA for On-Call Environmental Consulting Services for an amount not-to-exceed \$700,000.00 (Seven Hundred 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 TO AUTHORIZE THE PORT DIRECTOR TO PURCHASE THE RENEWAL OF VMWARE CLOUD FOUNDATION LICENSING FROM XEROX IT SOLUTIONS IN THE AMOUNT NOT-TO-EXCEED \$203,161.60

Resolution #8626: RESOLVED, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized to purchase the renewal of the VMWare Cloud Foundation Licensing from Xerox IT Solutions for an amount not-to-exceed \$203,161.60 (Two Hundred Three Thousand One Hundred Sixty-One and 60/100 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 #8622, #8623, #8624, #8625 and #8626 were passed by the following vote:

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

PUBLIC HEARING – CONSIDERATION AND POSSIBLE APPROVAL TO ADOPT A RESOLUTION WHICH, IF APPROVED, WILL CONSTITUTE A RESOLUTION OF NECESSITY AND WILL AUTHORIZE THE PORT DIRECTOR TO INITIATE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE SLOPE EASEMENTS ON PROPERTY HELD BY M&L REFRIGERATED TERMINAL, INC. ON ASSESSOR’S PARCEL NUMBERS 145-040-01 & 145-030-03 REQUIRED FOR THE PORT’S RAIL IMPROVEMENTS PROJECT

Director of Real Estate and Port Development Nelson provided an executive summary on this agenda item. 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.

Chairman Atwater acknowledged Mike Hackney and Stephen Larson that provided comments.

Commissioner Barkett moved, to adopt the following resolution:

Resolution #8627: WHEREAS, the Stockton Port District is a public agency of the State of California and is authorized to exercise the power of eminent domain; and,

WHEREAS, the California Constitution, Harbors & Navigation Code § 6296 and Code of Civil Procedure §§1230.010, et seq. authorize the Stockton Port District to acquire property interests described in Exhibit A, which includes a description of the easement in addition to survey maps and legal descriptions, for rail transportation purposes by eminent domain procedures; and,

WHEREAS, the Stockton Port District intends to enhance and replace certain rail transportation facilities that exist adjacent to the property described in Exhibit A together with related improvements, known as the Rail Bridge Replacement and Rail Improvements Project ("Project"), to carry out and make effective this principal purpose pursuant to California Code of Civil Procedure §1240.120(a); and,

WHEREAS, to complete the Project, it will be necessary to acquire certain interests in real property; and,

WHEREAS, on September 20, 2021 by Resolution #8268, the Commission certified the Initial Study/Mitigated Negative Declaration for the Project, however notwithstanding the above, the Port finds that the change in title to real property contemplated by this Resolution does not constitute a project under the California Environmental Quality Act because it will not result in a physical change to the environment; and,

WHEREAS, the Stockton Port District finds and determines that Notice of its Intention to Adopt this Resolution of Necessity required by California Code of Civil Procedure §1245.235 was provided on November 14, 2025 to the persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the property described in Exhibit A; and,

WHEREAS, Notice of Hearing advising individuals of their right to be heard on the matters referred to in this Resolution has been given because the individuals whose names appear on the last equalized

County Assessment Roll as having an ownership interest in the property described in Exhibit A; and

WHEREAS, a hearing regarding this Resolution was held on December 15, 2025, and all interested parties were given an opportunity to be heard; now, therefore be it based on the evidence presented

BE IT FOUND, DETERMINED AND RESOLVED BY A VOTE OF TWO-THIRDS OR MORE OF THE COMMISSIONERS OF THE STOCKTON PORT DISTRICT, AS FOLLOWS:

1. The Stockton Port District intends to acquire an easement interest in certain real property in Stockton, California.
2. The property to be acquired consists of an easement for railroad purposes crossing real property identified as APNs: 145-040-01 and 145-030-03 within the County of San Joaquin.
3. The property over which the easement for railroad purposes is to be acquired is more particularly described in Exhibit A and is required for the improvement of the proposed Rail Bridge Replacement and Rail Improvements Project ("Project"). The Project would allow construction of a slope needed for rail bed improvement over the easement property to accomplish the objective of improving the Stockton Port District and the public's rail service access to the Stockton Port District; and
4. Based upon the evidence presented, the Stockton Port District, by vote of two-thirds or more of its Commissioners, further FINDS, DETERMINES, DECLARES AND RESOLVES each of the following:
 - a. The public interest and necessity require the proposed Project.
 - b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The property over which the easement is sought to be acquired described herein in Exhibit A is necessary for the proposed Project.

- d. An offer in accordance with Government Code §7267.2 has been made.
- e. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein have been complied with by the Stockton Port District.
- f. Furthermore, the Commission declares and finds that the discretionary action before the Commission is not within the scope of the California Environmental Quality Act. The discretionary action would result in a change of ownership of the real property subject to the Resolution of Necessity. The mere change of ownership does not have the possibility of having a significant effect on the physical environment which would ordinarily compel compliance with CEQA. In addition, the Project, as defined in CEQA, has previously been reviewed under CEQA, the CEQA review was adopted by the Commission and the statute of limitation lapsed without any legal challenge to the earlier adoption of the CEQA compliance document by the Commission. The current action before the Commission does not alter the Project or the Project description contained in the earlier approved CEQA compliance document and it is entirely limited to changing ownership of real property through a condemnation process.

RESOLVED FURTHER, that the law firm of Herum Crabtree Suntag, legal counsel retained or employed by the Stockton Port District, is hereby authorized and empowered to:

- 1. Commence and maintain a proceeding in and for the County of San Joaquin to acquire in the name of the Stockton Port District, by condemnation, an easement for railroad slope easement purposes over the property described in Exhibit A, attached hereto and incorporated herein by this reference in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;
- 2. Prepare and prosecute in the name of the Stockton Port District such proceedings in the proper court as necessary for such acquisition; and

3. Apply to the court for an order permitting the Stockton Port District to take immediate possession and use of the property for public uses and purposes.

RESOLVED FURTHER, that the Port Director of the Stockton Port District is hereby authorized and directed to deposit the probable amount of compensation, based on an appraisal, with the California State Treasurer's Office; and,

RESOLVED FURTHER, that the Port Director of the Stockton Port District is hereby authorized and directed to accept deeds to the real property interests described in Exhibit A, for and on behalf of the Stockton Port District, and to execute agreements for the acquisition of said real property, if settlement in the condemnation proceedings can be mutually agreed to and reached with the defendants therein, provided that any such settlement must be in writing and executed by both parties thereto.

The foregoing Resolution was duly passed, approved and adopted by a vote of two-thirds or more of the Commissioners of the Stockton Port District on the 15th day of December 2025 as follows:

Resolution #8627 was passed by the following vote:

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

COMMITTEE REPORTS

Chairman Atwater acknowledged there were no Committee Reports.

PORT DIRECTOR'S COMMENTS

Port Director DeJesus provided an update on the following items:

- The Port's new Risk Manager Nathan Birtwhistle and Chief of Police Joshua Doberneck were introduced.
- Three Port employees will retire effective January 2, 2026: Emergency Management and Safety Officer Jeff Vine will retire after 24 years of service; Maritime Marketing Manager Pete Grossgart will retire after 10 years of service; and Chief of Police Rick Salsedo will retire after seven and half years of service. Port Director DeJesus thanked them for their service and wished them all the best.
- The Port has begun the practice of making memorial donations to Hospice of San Joaquin Tree of Lights to honor the memory of former employees and Commissioners who passed away during the year. This year the Port donated in memory of Stephen Ronald Griffen, Steven Nichols, Elizabeth Blanchard and Victor Mow.

COMMISSION COMMENTS

Commissioner Barkett wished everyone a Merry Christmas.

Commissioner Stephens wished everyone a safe and Happy Holiday Season.

Chairman Atwater shared with staff to keep it professional and wished everyone a Merry Christmas.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Chairman Atwater acknowledged the emailed comments from Mary Elizabeth that were read by Secretary Rodriguez.

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 700 ROTH ROAD, LATHROP, 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 APN 145-030-03 & 145-040-01
STOCKTON, CA

At 4:07 p.m. Chairman Atwater 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 sessions commenced at 4:09 p.m. Port Director DeJesus, Deputy Port Director Katindoy, Deputy Port Director Miller, Deputy Port Director Wingfield, Director of Environmental Affairs Cashman, Director of Engineering and Facilities Iwashita, Director of Real Estate and Port Development Nelson, Director of Finance and Accounting O'Keefe, Real Estate Marketing Manager Aguilar, Risk Manager Birtwhistle and Port Counsel Herum remained for the executive sessions.

At 4:20 p.m., Chairman Atwater 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 4:20 p.m. by Chairman Atwater.

Melanie Rodriguez
Secretary to the Board

Chairman David Atwater

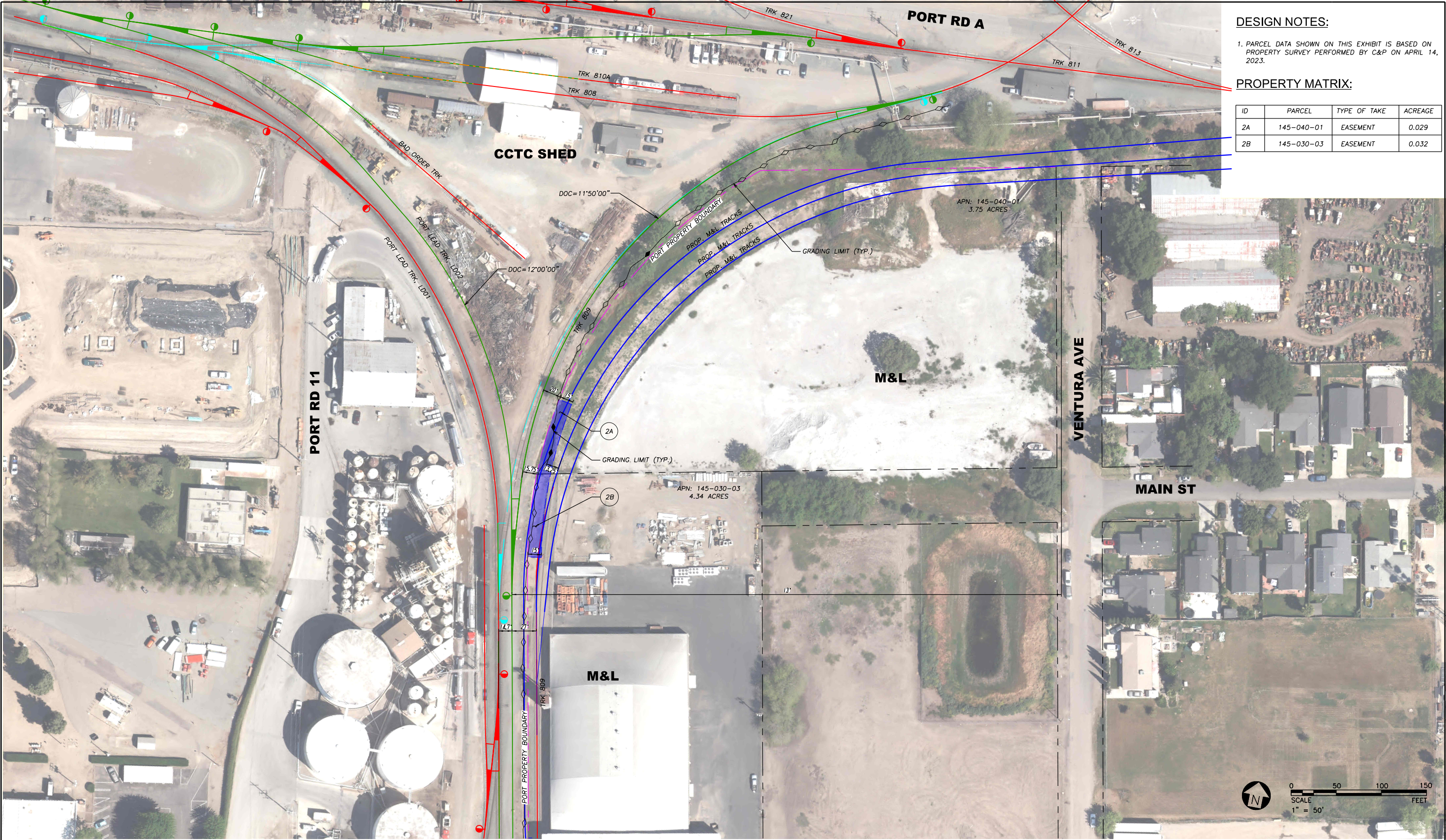
EXHIBIT A

DESIGN NOTES:

1. PARCEL DATA SHOWN ON THIS EXHIBIT IS BASED ON
PROPERTY SURVEY PERFORMED BY C&P ON APRIL 14,
2023.

PROPERTY MATRIX:

ID	PARCEL	TYPE OF TAKE	ACREAGE
2A	145-040-01	EASEMENT	0.029
2B	145-030-03	EASEMENT	0.032



0 50 100 150
SCALE
1" = 50'
FEET

7/28/2025 9:51:08 AM - p:\2\JMA-PV-APP\jma\civil\Luoma\c\Projects\21273-HDRPoS\Rail\Exhibits\Property Impacts\M&L.dgn



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90% DESIGN

03/07/2025

REVISIONS:

MARK	DATE	DESCRIPTION



PORT OF STOCKTON
RAIL AND BRIDGE IMPROVEMENTS

2201 W. WASHINGTON STREET
STOCKTON, CA 95203

SHEET TITLE:

PROPERTY COORDINATION EXHIBIT
M&L AND DURAFLAME

PROJ NO: 21273
SCALE: AS NOTED
DATE: 03/07/2025
DESIGNED BY: AG

SHEET NO.

EX-002

IF THIS DRAWING IS LESS THAN 22" X 34" IT IS A REDUCED SIZE DRAWING