



STOCKTON PORT DISTRICT

Board of Port Commissioners

October 19, 2020

Pursuant to notice duly given, the regular meeting of the Board of Commissioners of the Stockton Port District was held on October 19, 2020, in Room 18 of the Port of Stockton Administration Building located at 2201 West Washington Street in Stockton, California.

COMMISSIONERS PRESENT: R. Jay Allen, Vice Chairman
Anthony Barkett
Gary Christopherson, Chairman
Michael Patrick Duffy
William R. Trezza

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Elizabeth (Liz) Blanchard
Stephen Griffen

OTHERS PRESENT: Richard Aschieris, Port Director
Juan G. Villanueva, Director of Development and
Planning
Steven A. Herum, Port Counsel
Melanie Rodriguez, Secretary to the Board

A quorum being present, the meeting was called to order by Chairman Gary Christopherson at 3:30 p.m. Chairman Christopherson 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 all Consent Calendar items of business under one vote.

Commissioner Allen moved, to adopt the following resolution:

MINUTES OF OCTOBER 5, 2020 MEETING

Resolution #8193: RESOLVED, that the minutes of the REGULAR meeting of the Board of Commissioners of the Stockton Port District held on the 5th day of October 2020, as the same are endorsed on Page No. 075 to Page No. 082, inclusive, of Minutes Book No. 62, be and they are hereby approved.

Resolution #8193 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Allen, Barkett, Christopherson, Duffy, Trezza
COMMISSIONERS AGAINST:	None
COMMISSIONERS ABSTAINING:	None
COMMISSIONERS ABSENT:	None
COMMISSIONERS EXCUSED:	Blanchard, Griffen

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

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

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15282(G) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AUTHORIZE THE PORT DIRECTOR TO AWARD THE FYFFE AVENUE GRADE SEPARATION CONSTRUCTION PROJECT CONTRACT FOR CONSTRUCTION TO O.C. JONES & SONS, INC. FOR \$11,926,670.00; AND, AUTHORIZE THE PORT DIRECTOR TO AWARD THE FYFFE AVENUE GRADE SEPARATION CONSTRUCTION PROJECT CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES, INSPECTION, AND SURVEYING TO DILLON AND MURPHY ENGINEERING FOR A NOT-TO-EXCEED AMOUNT OF \$1,061,474

Director of Development and Planning Villanueva provided an executive summary of this agenda item. Mr. Villanueva's presentation included the following:

This project consists of the construction of a grade separation crossing which would solve the rail crossing delays at the West Complex. The four lane overcrossing would extend over the Fyffe Avenue rail line and realign McCloy Avenue south of its current location to form a stop-controlled intersection. While its primary purpose is to improve local, regional and interregional access to

the Port's West Complex, it additionally addresses inherent safety concerns with at-grade railroad crossings.

Updated traffic counts and vehicle turn movements were collected to better understand the origin and destination of vehicles entering the West Complex. The turn movements and future forecasted traffic volumes were also utilized to design the new signalized intersection at McCloy and Fyffe Avenues. The new intersection includes a dedicated lane to minimize delay for inbound traffic to the West Complex.

Port-owned utility relocations are being completed by the Port Facilities Maintenance Department with support from DR Pipeline prior to the construction contractor commencing work. Utility relocations are estimated to cost approximately \$300,000.00. DR Pipeline support is on a Time and Materials basis including equipment and labor. The Port will receive a credit for utility relocation costs incurred by the Port from the low bidder O.C. Jones post contract award.

The proposed grade separation project was recognized by the San Joaquin Council of Governments (SJCOG) as a critical high priority project and was submitted as part of the State of California Freight Plan. Access would be improved between the Port and state and regional transportation corridors. This would facilitate the movement of goods among San Joaquin Valley Trade Corridors, furthering the goals of the California Freight Mobility Plan. The state's Freight Mobility Plan has three System Factors which are satisfied by this project:

- Throughput
- Velocity
- Reliability

The proposed project would reduce greenhouse gases (GHG), solve a significant traffic bottleneck, improve safety and promote the guiding principles of the California Sustainable Freight Action Plan. The grade separation would complete a critical last mile link from the National Highway System and the California Transportation Corridors into the Port's main entrance. The project supports the state's regional planning goals by leveraging an efficient cost-effective transportation project that yields the greatest GHG reductions while also meeting the Port's 2019 Annual Report goal of providing effective facilities and infrastructure to move goods more efficiently through the Port.

The state's Sustainable Freight Action Plan Transportation System and Community Impact Factors are also satisfied by this proposed project:

- Increases safety for the public
- Reduces hours of delays
- Solves transportation bottleneck
- Promotes multimodal strategies at a Port
- Improves interregional corridors that serve statewide trade corridor needs
- Reduces GHG by eliminating traffic idling delays caused by six unit trains a day entering the Port
- Reduces noise and other negative impacts to the community by increasing velocity and reliability of traffic entering the Port

- Stimulates job growth by reducing costs for shippers and truckers by eliminating cost of a vehicle having to idle while stopped at a rail crossing

Further, this transportation project is the final project of the West Complex access improvement projects listed below which were designed to facilitate efficient goods movement:

- Navy Drive Bridge Replacement
- Navy Drive Widening
- Navy Drive BNSF Underpass
- Highway 4 Crosstown Extension
- Fyffe Avenue Grade Separation

The legally required advertisement for this project appeared in *The Record* on August 26, 2020. It was also posted to the Port's website and distributed to local/regional plan rooms and builders' exchanges.

A mandatory pre-bid conference and site visit was held on September 2, 2020. Four (4) bids were received by 3:00 p.m. on October 7, 2020, the bid results were as follows:

- | | |
|---|-----------------|
| - O.C. Jones & Sons, Inc., Berkeley, CA | \$11,926,670.00 |
| - A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA | \$12,476,400.00 |
| - Granite Construction Co., Sacramento, CA | \$13,301,424.40 |
| - DeSilva Gates Construction, Dublin, CA | \$13,634,634.00 |

If authorization is given, the project shall be completed within 65 working days for Phase I and within an additional 160 working days for Phase II.

The Construction Management Services Contract would include the following:

- Construction Inspection
- Civil Engineering
- Storm Water Pollution Prevention Plan (SWPPP), Qualified SWPPP Developer (QSD)/Qualified SWPPP Planner (QSP) services
- Structural Engineering
- Construction Staking
- Environmental Engineering
- Geotechnical Engineering
- Special Inspection

Port staff proposes that the Port pay for this project with funds as follows:

- | | |
|---|-------------|
| - Capital Budget Fiscal Year 2020-2021 Principal Projects | \$3,618,000 |
| - Transportation Corridor Enhancement Program (TCEP) | \$8,000,000 |
| - Economic Development Administration (EDA) | \$3,000,000 |

The proposed project is a grade separation project addressing delays and safety concerns. Currently, vehicles entering the Port cross the shared at-grade rail line. Several unit trains cross the entrance daily, creating delays for vehicles entering the West Complex. The proposed project

would reduce delays and improve safety. As a grade separation project, this project is exempt from CEQA pursuant to CEQA Statutory Exemption, Section 15282(g) of the CEQA guidelines.

Chairman Christopherson acknowledged the emailed comments as received from Mary Elizabeth with the Delta-Sierra Group:

“The Fyffe Avenue Grade Separation Project has the potential to significantly impact traffic patterns and associated environmental impacts.

We ask that the Port Commissioners reject the recommendations by staff to approve a categorical exemption and filing of a notice of exemption for the construction of this 12 million dollar project. Construction impacts must be mitigated and impacts to the neighborhood disclosed and mitigated fully. An Environmental Impact Analysis is needed for a project of this scope.”

Commissioner Duffy moved, to adopt the following resolution:

Resolution # 8194: RESOLVED, that pursuant to Port staff review of, and belief that the Fyffe Avenue Grade Separation Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Statutory Exemption, Section 15282(g) the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption for the Fyffe Avenue Grade Separation Project and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized, empowered and directed to award the Fyffe Avenue Grade Separation Project for construction to O.C. Jones & Sons, Inc. for an amount of \$11,926,670.00 (Eleven Million Nine Hundred Twenty-Six Thousand Six Hundred Seventy and 00/100 Dollars); and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized, empowered and directed to award the Fyffe Avenue Grade Separation Project for construction management services to Dillion and Murphy Engineering for a not-to-exceed amount of \$1,061,474.00 (One Million Sixty-One Thousand Four Hundred Seventy-Four 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.

Resolution #8194 was passed by the following vote:

COMMISSIONERS IN FAVOR: Allen, Barkett, Christopherson, Duffy, Trezza

COMMISSIONERS AGAINST: None

COMMISSIONERS ABSTAINING: None

COMMISSIONERS ABSENT: None

COMMISSIONERS EXCUSED: Blanchard, Griffen

CONSIDERATION AND POSSIBLE APPROVAL OF A CATEGORICAL EXEMPTION 15300.2 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AUTHORIZATION FOR PORT STAFF TO FILE A NOTICE OF EXEMPTION RELATED THERETO; AUTHORIZE THE PORT DIRECTOR TO PURCHASE AN EMERGENCY BACKUP FIRE SYSTEM FROM THE BROWN COMPANY FOR A NOT-TO-EXCEED AMOUNT OF \$322,510

Director of Development and Planning Villanueva provided an executive summary of this agenda item. Mr. Villanueva's presentation included the following:

The existing Shed 8 Fire Pump located on the East Complex adjacent to Shed 8 on Port Road 4 is outdated and is in need of replacement. The fire pump is responsible for operating the fire suppression systems on the entire East Complex. The replacement of the old system with a water pump and backup power generator would allow water flow to be sustained without interruption.

The project would include demolishing the existing fire pump station, repairing the concrete, installation of a new fire pump package and electrical service.

The Port received a quotation from The Brown Company of Salida, California in the amount of \$322,510.00.

Procurement flexibility has been granted under section 501(b) 42 USC of the Stafford Act which encourages agencies to leverage the special emergency procurement authority authorized in connection with the U.S. President's emergency declaration due to COVID-19. The replacement of the fire suppression system falls under "defense or recovery from certain events" which increases the simplified acquisition threshold from \$250,000.00 to \$750,000.00.

The replacement of an outdated fire suppression system on the East Complex will ensure that fire system resiliency is met while providing a safer environment for Port tenants, staff and visitors.

If authorization is given, the procurement of the fire pump shall be completed within four (4) to five (5) months.

Port staff proposes that the Port pay for this project with funds as follows:

- Capital Budget Fiscal Year 2020-2021 Principal Projects - \$80,627 (Port match 25 percent (25%))
- Federal Emergency Management Agency Grant 2019-PU-00447 - \$241,883 (75 percent (75%))

In accordance with Section 15302 of the CEQA Guidelines, the proposed project involves replacement of an existing fire pump station where the new fire pump station will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the existing fire pump station. In accordance with Section 15300.2, which stipulates the exceptions to CEQA categorical exemptions, the proposed project would not result in a significant cumulative impact, significant effect on the environment, impact scenic highways, hazardous waste sites or historical resources because it would not involve any construction or operational changes from existing conditions.

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

Vice Chairman Allen moved, to adopt the following resolution:

Resolution # 8195: RESOLVED, that pursuant to Port staff review of, and belief that the Emergency Backup Fire System is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15300.2 the Stockton Port District Board of Commissioners hereby adopts a CEQA Categorical Exemption for the Emergency Backup Fire System and authorizes the filing of a Notice of Exemption related thereto with San Joaquin County; and

RESOLVED FURTHER, by the Board of Commissioners of the Stockton Port District that the Port Director is hereby authorized, empowered and directed to purchase the Emergency Backup Fire System from The Brown Company for a not-to-exceed amount of \$322,510.00 (Three Hundred Twenty-Two Thousand Five Hundred Ten 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.

Resolution #8195 was passed by the following vote:

COMMISSIONERS IN FAVOR:	Allen, Barkett, Christopherson, Duffy, Trezza
COMMISSIONERS AGAINST:	None

COMMISSIONERS ABSTAINING:	None
COMMISSIONERS ABSENT:	None
COMMISSIONERS EXCUSED:	Blanchard, Griffen

COMMITTEE REPORTS

Chairman Christopherson acknowledged that there were no Committee Reports.

PORT DIRECTOR'S COMMENTS

Port Director Aschieris provided an executive summary of recent Port activities.

- Current calendar year-to-date shipping reflects 189 ships. Shipping activity for the same period in 2019 reported 195 ships. Since the last Commission meeting, 10 ships have called at the Port.
- Current calendar year-to-date tonnage totaled 3,068,821 metric tons. Tonnage for the same period in 2019 totaled 3,773,877 metric tons. Since the last Commission meeting, 222,938 metric tons of cement/slag from Vietnam and Mexico, sulfuric acid from Korea, molasses from El Salvador, steel from Japan and dry bulk to Japan have been handled.
- The updated Strategic Plan schedule was distributed to the Commission. At the next Commission Meeting a Strategic Plan update will be given by the Tioga Group.

COMMISSION COMMENTS

Commissioner Barkett requested that the Fyffe Grade Separation Project be included in the quarterly financial reports.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

The following emailed comments were provided to the Commissioners for consideration related to this item:

Emailed Comment as received from Mary Elizabeth with the Delta-Sierra Group:

“We continue to request increased public outreach efforts, including the posting of the Commission meeting minutes and information about the planned Port of Stockton Environmental Justice Task Force. We request that community outreach be a part of

any project consideration. When will the outreach plan be available for public review? When will this Environmental Justice Task Force begin meeting? What are the purpose and responsibilities for Task Force Members? The Port of Stockton has the potential to improve economic conditions, and air and water quality, and has an obligation to do so.”

Emailed Comment as received from Richard Abood with the Delta-Sierra Group:

“Dear Commissioners,

I am a member of the Executive Committee of the Delta Sierra Group, Sierra Club and a member and co-founder of a local interfaith environmental organization known as EcoInterFaith, which partners with Faith in the Valley, San Joaquin and California InterFaith Power and Light.

In past years I have taken the boat tours sponsored by the Port. During those tours the guides repeatedly emphasize the concern that the Port has for the health of the environment and for the Delta Ecosystem.

However, those statements seem insincere in light of the Port’s actions. Major projects and expansions at the Port seem to be unveiled with little public notice and little regard for transparency. The Port does not seem interested in engaging in public outreach with its neighbors, who breath some of the most polluted air in the country. Environmental impact reports seem an annoyance that the Port minimizes at every opportunity, and the public is given little opportunity, if any, to comment on them.

If the Port truly cares about the local air and the environment it needs to: improve the transparency of its actions and deliberations; post the minutes of its meetings; initiate and engage in more public outreach; and stop the behavior of granting categorical exemptions for large scale projects.

Thank you for this opportunity to comment.”

Emailed Comment as received from Margo Praus with the Delta-Sierra Group:

“Dear Commissioners,

As a Port centered in the midst of a city and residential neighborhoods, you, the Commissioners, must take into account the level of pollution being imposed on the surrounding area. The Port ought to be a good community partner with the potential to improve economic conditions, as well as improving air and water quality.

The Conservation Chair of the Delta-Sierra Group, Mary Elizabeth, has been consistently voicing concerns at these meetings about the lack of transparency and the lack of public outreach efforts, including the posting of these meetings’ minutes.

Projects are being approved without adequate notice to the community. I look forward to more responsiveness to the concerns expressed, to real engagement in public outreach, and to the formation of the Port Of Stockton Environmental Justice Task Force.

Thank you.”

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 4:12 p.m. by Chairman Christopherson.

Melanie Rodriguez
Secretary to the Board

Chairman Gary Christopherson