



Community Systems Associates, Inc.

"the leader in facilitating community facilities consensus"

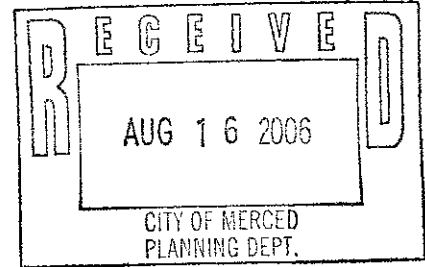
3367 Corte Levanto, Costa Mesa, California 92626

(714) 838-9900 (714) 838-9998 fax

ecomunitysys@earthlink.net

August 11, 2006

Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
678 West 18th Street
Merced, California 95340



Subject: **Comments of the Merced Union High School District**

Notice of Preparation of Draft Environmental Impact Report
Site Plan
General Plan Amendment
Kibby Road Street Abandonment

Merced Wal-Mart Regional Distribution Center

Dear Ms. Espinoza;

This letter is submitted by Community Systems Associates, Inc. on behalf of the Merced Union High School District ("MUHSD"), and is presented as the formal position of the District on the project as described herein. Community Systems Associates, Inc. is the retained consultant of the Merced Union High School District and this letter has been authorized to be presented to the City of Merced.

The District is in receipt of the City of Merced ("City") Notice of Preparation of Draft Environmental Impact Report ("Notice") with regards to the proposed Site Plan and General Plan Amendment for the Merced Wal-Mart Regional Distribution Center ("Proposal") consisting of 230-acres and which is intended as a warehouse and distribution center for Wal-Mart Corporation ("Project"). The Project is generally bounded by Childs Avenue on the north, Tower Road on the east, and Gerard Avenue on the south. The Project is approximately two miles east and north of State Route 99.

The Project is located in the following school districts:

Merced Union High School District
Weaver Union School District

The Project is to accompany the following entitlement applications:

1. General Plan Amendment
2. Site Plan
3. Environmental Impact Report

The Notice provides that the City of Merced will be the Lead Agency and will prepare an environmental impact report for the Project. The City seeks the views of the District as to the scope and content of the environmental information which is germane to the District's statutory responsibilities in connection with the Project. The Notice provides that the responses are to be sent to the City no later than 30-days after receipt of the Notice, but not later than August 11, 2006.

The District has had several telephone conversations with Mr. Colby Tanner, Real Estate Manager, Distribution Centers Wal-Mart Stores, Inc. The District is enthusiastic with the response by Mr. Tanner to investigate and pursue the formation of a public/private partnership that would enhance the educational and facility programs of the District through the implementation of the Project. To this end, the District and Wal-Mart are continuing discussions and are looking at options and alternatives that would lead to an agreement that would serve the interests of all parties. We view these discussions as favorable and trust that as they progress, a relationship will be formed to address the concerns of the District, introduce the Project in the Community as a benefit to the District and schools, and will enable the District to fully support the Project. We look forward to the continuation of these discussions and it is hoped that the District and Wal-Mart will enter into an agreement prior to the completion of the Draft EIR so that the terms of the agreement can be made a part of the Draft EIR.

In the interim of an agreement, the District has a fiduciary responsibility to respond to the Notice.

The District is a responsible and affected agency that will be impacted by the development of the Property by the proposed Project. This letter is intended to be entered into the public record of the City on the Project to address this Proposal, and is further intended to present the District's comments with regards to the impacts and consequences that should be contemplated in the Draft EIR, in order to protect the District's administrative and legal remedies.

It is the District's request that the Notice of Preparation be filed with the Office of Planning and Research and that a State Clearinghouse number be issued. This Project has the potential to impact the resources and assets of the State of California Department of Transportation, the California Air Resources Board, the California Water Quality Control Board, Water Resources Control Board, California Department of Water Resources, California Department of Food and Agriculture, California Environmental Protection Agency, Integrated Waste Management Board, and California Highway Patrol, to name a few.

The City has requested the scope and content of the environmental information which is germane to the District's statutory responsibilities in connection with the Project. The District's response is required to identify significant environmental issues and reasonable alternatives and mitigation measures that the District will need to have explored in the Draft EIR. The following is a response to the Notice in conformance with the applicable provisions of the CEQA Guidelines.

Draft EIR Issues

The District is currently overcrowded. The Draft EIR needs to provide a full disclosure of the impacts of the Project on the District in terms of growth inducing impacts, and direct and indirect impacts on the operations of the District and the conditions of the environment surrounding the Project. The following is a list of the impact areas and areas of concern that in the judgment of the District needs to be addressed in the Draft EIR:

1. The direct, indirect, and cumulative impacts on the increased enrollments, increased required employees, increased school facilities, increased District-wide facilities, increased interim facilities, and increased transportation facilities and services required by the students generated by the growth inducing aspects of the Project, needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
2. The direct, indirect, and cumulative impacts on the circulation and traffic patterns throughout the Community as a result of overall traffic generated by the Project (employee traffic and tractor/trailer traffic), and the impacts of this traffic on the schools and the surrounding areas need to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
3. The direct, indirect, and cumulative impacts on the rail transportation systems (if any) within the Community and the surrounding areas as a result of distribution of products transported to the Project needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
4. The direct, indirect, and cumulative impacts on the routes and safety of students traveling to schools by vehicles, District busing, walking and using bicycles in conflict with the traffic to and from the Project, need to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.

5. In order for the District to accommodate the students generated from the growth inducing aspects of the Project, the District will have to modify attendance area boundaries, program double-session schedules, load classrooms with students in excess of District and State standards, and house students in inadequate and inappropriate school facilities, etc., throughout the District. This effect on the overall operation and administration of the District, and the students, employees, and constituents affected by such actions need to be addressed in the Draft EIR. This will have physical, social, financial, and psychological effects on the students, employees, and constituents of the District. These potential impacts need to be addressed in the EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
6. In the event that the growth inducing impacts of the Project are not mitigated, students and employees will experience overcrowding conditions in the schools that are impacted by the Project. This may result in operational and administrative modifications that would be necessary to accommodate the increased overcrowded enrollments. This may have physical, social, financial, and psychological effects on the students, employees, and constituents of the District. These potential impacts need to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
7. In order to accommodate students generated by the growth inducing impacts of the Project, permanent and interim classrooms and support facilities may need to be installed, constructed, and developed on the school sites. The impacts of these additional facilities on school site utilization, wastewater treatment, water and utility services, parking, traffic and circulation, loss of parking, open space, and field areas, and State site and design compliance needs to be addressed in the Draft EIR. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
8. SB 50 places limitations on the statutory development fees to be paid by the development for the Project. The Draft EIR needs to address the deficiencies in the fees paid versus the revenues required to fund the permanent and interim school facilities, and the District-wide support facilities to accommodate the students generated by the growth inducing impacts of the Project. In the event the SB 50 limitations result in financial deficits that would result in facilities not being fully funded, then the Draft EIR should identify the measures that will be taken to address the unfunded facilities to accommodate the students generated by the growth inducing impacts of the Project. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the Project as proposed, the effects of the mitigation measure should be discussed.

Mitigation measures need to be offered to reduce the impacts to a less than significant impact.

9. The Draft EIR should evaluate the "growth inducing" impacts of the Project on the Community and the region, including but not limited to the direct and indirect environmental impacts of the growth inducement on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, and land use. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
10. The increased traffic of the Project will have an impact on increased traffic on the surrounding collector and arterial streets, State Highway 99, and the on- and off-ramps. These traffic increases will impact the District's busing and transportation timing and routes. The Draft EIR should address these impacts on the District. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
11. The Draft EIR should identify the significant environmental effects on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use which cannot be avoided if the Project is implemented, together with the direct and indirect consequences of the unavoidable environmental effects.
12. The Draft EIR should identify the significant irreversible environmental changes on schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use, which would be caused by the Project should the Project be implemented.
13. The Draft EIR should address the air quality, noise, and vibration, traffic impacts on surrounding land uses along the routes that the traffic from the Project will use to and from the Project.
14. The Draft EIR should address the impacts and consequences on local street and roads, on- and off-ramps, and State Route 99 as a result of traffic accidents involving the trucks going to and from the Project, and offer alternative detours as a result of such occurrences.
15. The Draft EIR should address the deterioration of local streets, on-and off-ramps, and State Route 99 roadway surfaces as a result of the continued truck vehicle usages over time, and the physical and financial consequences to the Community, the City of Merced, and the State of California.

16. The Draft EIR should address the impacts associated with the nighttime lights and glare that might affect the ambient light of the area and the impacts and consequences of this lighting on the surrounding areas.
17. It is acknowledged that the Project will conduct operations 24 hours per day, seven days per week. The Draft EIR should address all impacts as they may be intensified during the normal non-working hours of the day and on weekends.
18. The Draft EIR should address the impacts of hazardous materials being stored and/or used on the Project site including, but not limited to refrigeration materials, diesel fuel, and other chemicals that are combustible, toxic, or hazardous.
19. The Draft EIR should address how the Project is consistent with the land use map, and the ALL goals, policies, and implementation programs of the City of Merced General Plan and the County of Merced General Plan, including but not limited to schools, public facilities, wastewater treatment, water availability and water table, traffic and circulation, noise, air quality, land use.
20. The Draft EIR should identify the primary truck routes for access/egress to the Project along with alternative routes in the event that the designated routes are inaccessible and unavailable. The Draft EIR should address all of the impact areas that are relevant to the primary routes, including but not limited to traffic, noise, air quality, etc.
21. SB 50 provides:
 - a. Section 65995 (e) "The Legislature finds and declares that the *financing of school facilities and the mitigation of the impacts* of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are *matters of statewide concern*. For this reason, *the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or non-financial, on the subjects*. For purposes of this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.
 - b. Section 65995 (h) "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby *deemed to be full and complete mitigation of the impacts* of any legislative or adjudicative act, or

both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ..., on the provision of adequate school facilities.”

- c. Section 65996 (a) “...the following provisions shall be the *exclusive methods of considering and mitigating impacts on school facilities* that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property or any change of governmental organization or reorganization...”
- d. Section 65996 (b) The provisions of this chapter are hereby *deemed to provide full and complete school facilities mitigation* and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency *may not deny or refuse to approve* a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization,... on the basis that school facilities are inadequate...”

The Draft EIR needs to identify the deficiencies and inadequacies between the legal provisions of SB 50 and the actual implementation of the provisions with regards to the Project. In addition, the Draft EIR needs to identify any and all impacts that have not been mitigated by the provisions of SB 50.

- 22. The cumulative impacts of the Project on traffic and circulation, noise, schools, public facilities and services, wastewater treatment, water and water table, air quality, and utilities need to be evaluated in the Draft EIR based on the build-out of the City of Merced General Plan and the County of Merced General Plan, the build-out of the land uses within the Sphere of Influence of the City of Merced, and the build-out of the land within the jurisdiction of the public agencies providing service to the Project. Mitigation measures need to be offered to reduce the impacts to a less than significant impact.
- 23. The Draft EIR should identify all federal, State, and local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the Draft EIR by contract or other authorization.
- 24. The Draft EIR should identify the economic or social information relative to the impacts of the Project. The Draft EIR should trace the chain of cause and effect from a proposed decision on a Project through anticipated economic or social

changes resulting from the Project to physical changes caused in turn by the economic or social changes. The economic and social analysis should focus the analysis on the physical changes that will result on the District from the Project. Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a Project are feasible to reduce or avoid the significant effects on the environment identified in the Draft EIR.

25. The Draft EIR should identify the inadequacies contained in the City of Merced General Plan and the consequences of compliance or lack of compliance of the current General Plan with the applicable provisions of Section 65300 et. seq. of the Government Code.

Following the completion of the Draft EIR, the District does hereby request the maximum time permitted by law to review the Draft EIR and offer any comments. We further hereby request that a copy of the Draft EIR be forwarded to the following for review:

Dr. Robert Fore, Superintendent
Merced Union High School District
3430 "A" Street
Atwater, California 95301

Mr. Marshall B. Krupp
Community Systems Associates, Inc.
3367 Corte Levanto
Costa Mesa, California 92626

The District looks for to a favorable relationship with Wal-Mart and anticipates that this letter will further the discussion between Wal-Mart and the District as the Project progresses and a partnership is reached between the Parties.

Thank you for your assistance and consideration.

Sincerely,

Community Systems Associates, Inc.

Marshall Krupp
Mr. Marshall B. Krupp
President

Ms. Kim Espinoza, Planning Manager
Planning and Permitting
City of Merced
August 11, 2006
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Cc: Dr. Robert Fore, Superintendent
Merced Union High School District
3430 "A" Street
Atwater, California 95301

Espinosa, Kim

From: Randy O'Dell [rodell@odellengineering.com]
Sent: Friday, August 11, 2006 4:20 PM
To: Espinosa, Kim
Cc: Mark Purdom; Bill Strand
Subject: Wal-Mart Notice of Preparation
Importance: High

Please see attached for commentary regarding the Notice of Preparation. Thank you.

Randall O'Dell
O'Dell Engineering
209 571 1765
www.odellengineering.com


ENGINEERING

August 11, 2006

Ms. Kim Espinosa, Planning Manager
City of Merced, Planning and Permitting
678 W. 18th Street
Merced, CA 95340

Dear Ms. Espinosa,

For your information, Lyons Investments and Lyons Land and Cattle have retained O'Dell Engineering for consultation pertaining to the Environmental Impact Report (EIR) relative to the proposed Wal-Mart distribution center. As you are aware, the Lyons' entities own nearly 600 acres of undeveloped industrial property surrounding the proposed distribution site. All of this undeveloped industrial property is annexed to the City of Merced and eligible to receive City services. While the Lyons' support the proposed distribution center and the hundreds of needed jobs it will bring to Merced, they do have concerns regarding the infrastructure, City services and overall impacts to the surrounding developed and undeveloped industrial property.

After our review of the Notice of Preparation provided by the City of Merced for the EIR and attending the meeting on July 27, 2006, we are concerned about the ability of the existing sewer, water and drainage system capacity in light of the proposed distribution center demand for these services. Therefore, on behalf of the Lyons' entities, we respectfully request that the EIR address the proposed distribution center's direct and indirect sewer, water, storm drain, transportation and public utilities usage as it relates the City of Merced's Master Plan for said services. The EIR should answer the question of whether the expected demand for service from the undeveloped industrial property plus the Wal-Mart distribution center will be accommodated by the current capacity. The EIR should also address the future service requirements of the proposed distribution center as well as future development that is set forth by the City of Merced Vision 2015 General Plan. If it is determined the required usage of the distribution center exceeds the current capacities or would result in the inability to provide for future commercial and industrial growth, the EIR should outline mitigation measures which incorporate the requirements of the distribution center and future growth.

When analyzing the drainage impacts of the proposed distribution center, it would also be helpful to understand how the developer/user will participate in the master plan facilities as set forth in the City of Merced Storm Water Master Plan (EcoLogic 12/02), and how this impacts the neighboring industrial tenants and undeveloped property. Since the proposed distribution center will likely be the largest facility in the University Industrial Park, it is critical that the City of Merced analyze the water discharge of the facility and the anticipated discharge of the industrial park at build-out to ensure adequate facilities and capacity will be available for present and future development.

1165 SCENIC DRIVE, SUITE A
MADISON CA 95350
PH 209.571.1765
FAX 209.571.2466
ODELLENGINEERING.COM

A CALIFORNIA CORPORATION

KIM ESPINOSA
CITY OF MERCED – PLANNING DEPT.
August 11, 2006
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In addition, it is very important that the vehicle access to the subject distribution center property be designed to accommodate the approved access points (ingress and egress) on both Childs Avenue and Gerard Avenue for the 57.2 acre parcel located west of the subject property. This issue was addressed in the lot split necessary to create the parcel for the proposed distribution center. This will ensure that the transportation patterns for the industrial park are efficient and expeditious for all businesses sharing the same transportation systems.

Again, on behalf of Lyons Investments and Lyons Land and Cattle, we are very supportive of the proposed distribution center and what it represents in terms of economic prosperity to the region. We thank you in advance for integrating the concerns and requests of this letter into the Wal-Mart distribution center EIR and look forward to reviewing the upcoming document.

Should you have any questions regarding the content of this letter, please contact me at (209) 571-1765.

Regards,

O'DELL ENGINEERING



Randy O'Dell, President

cc: Lyons Investments
Lyons Land and Cattle
Mark Purdom – AIM Property Management

Espinosa, Kim

From: Valencia, Joaquin [JJV7@pge.com]
Sent: Friday, August 04, 2006 7:30 AM
To: Espinosa, Kim
Cc: city, council; city, manager; Wooten, Ellie
Subject: RE: Super Wal-Mart Location
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Kim/Council/Mayor:

I am writing in hopes to change your mind of approving the Wal-Mart Distribution Center. The project will do more harm than good. With the construction of the Campus parkway, you have already seen what 1000 trucks per day can do to a road. Just look at Childs, Gerard and Parsons Street around the vicinity to get a feel for what I am talking about. Please also take the time to read the article in the Merced Sun Star to get a feel for what 1000 trucks per day can do

<http://www.mercedsunstar.com/local/story/12543596p-13255904c.html> . I urge you to please reject the project as the city of Turlock did. See I have been a resident of Merced for about 5 years and I am commuting from here to San Jose because I like the small town feeling of the city and the house affordability. If a distribution center is build here (god forbid) it will most certainly affect the way of life and traffic on the hwy 99 and campus parkway. I live at 438 Azalea Ct in the Sandcastle community and most of my neighbors are already selling there homes and moving to another city and if this distribution center happens I might have to do the same. I beg of you to reject the project, please help in cleaning the air pollution not make it worse. As it is right now my son has Asthma and for sure I will not stick around if this thing happens which I pray it does not. Please put more emphasis on residents health's and well been than in the property taxes you might get from Wal-Mart. We are the residents that support this city and most of us if not all feel we deserve better than this. I would like you to consider the impact it will have on Merced residents short and long term because there is no guarantee that Wal-Mart will be here when problems start to come up and even if they are, they will not be held liable for any damages (pollution, road damage, drainage, increase climate temperature for trucks pollution, etc). I know you people are trying to make the right decision but please put health of the residents of Merced before anything else, because with no residents living in the city there will not be a city. Please do not bring such a large development to residential neighborhoods that are about 1000 feet away, not to mention the four schools in the vicinity. Right now, my son and many other asthma kids miss school a lot specially during summer because of unhealthy air and this is costing a lot of money to both the city and county. In addition this absent days will increase dramatically if the distribution center is built (I pray it does not) because of increase unhealthy days due to air pollution from the trucks.

I know most of you have kids and would not want to have such a project close to your neighborhoods so please don't put it in mine. I just do not understand why Wal-Mart distribution center has to be so close to neighborhoods they have plenty of unpopulated land around highway 5 and Highway 99. Please send Wal-Mart away to a site remotely located not anywhere near close to residential neighborhoods. I want to live in this city until I retire (I am 30 now) and I hope this distribution center is not anywhere near in sight. I am a planning engineer as well for PG&E and as such I work with many cities and I have seen what large projects such as this do to property values, resident's way of life and traffic. Therefore, I beg you to PLEASE PLEASE PLEASE send them somewhere very far away from MERCED. I will keep attending the council meeting but if I may ask for a favor please gets more people involve in the meeting because there was many residents all over Merced who did not receive a notice for the council meeting addressing the Wal-Mart issue. If you need to contact me, please do so at (209) 722-7482.
Joaquin Valencia

Thank You all in advance
Joaquin
Merced Resident

8/4/2006

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 10:51 AM
To: Valencia, Joaquin
Subject: RE: Super Wal-Mart Location

Mr. Valencia,

You may direct any letters of opposition to this (or any development project) to the City Council c/o the City Clerk's office at 678 West 18th Street, Merced, CA 95340. Or you may direct your inquiries to me and I will see that they are forwarded to the Council. Please note that an environmental impact report (EIR) will be prepared on the project to evaluate its impacts on traffic, air quality, and the other issues you discussed. That report will be made available to the public (it will likely take at least 6-8 months to prepare) and the City Council to help them make their decision on the project. It appears that you were not aware when you bought your home that the property where the project is located is zoned for industrial development (such as the Walmart project) as is most of the land east of the Doane Hartley Lateral, south of Highway 140. If you have any more questions or concerns, please let me know. Thanks!

--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original Message-----

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 10:40 AM
To: Espinosa, Kim
Cc: city, council; city, manager
Subject: RE: Super Wal-Mart Location
Importance: High

Kim,

Are you the correct person to contact about opposing such a development? I am very concern about this new proposed development because I just moved into my new house about 8 months ago and now aside from the campus parkway I have to deal with the increase traffic, noise and pollution, not to mention the 55,000 gallons of sewer per day, which this distribution center will bring. I live at 438 Azalea Ct in the new sandcastle community. I just do not want the city to be greedy and basically screw every resident and schools that reside close to this proposed facility. I move from Gerard and G st to this location because I thought I was getting away from highway 59 traffic and now I have to deal with these. On top of all the traffic what concerns me the most is all the air pollution that this facility will bring with its trucks, tractors, etc because there is a lot of children in the community including my son that have asthma and of course this will greatly affect their way of life. Please let me know if you are the right person to complain and oppose this project or provide me with the name of person that I can direct my complaint to. I plan to gather signatures and have people write letters to the city council because this is a not a good place for such a development. Thank You for your help.

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:24 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Oops--yes, I did. Here it is... Sorry about that.
--Kim

-----Original Message-----

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 9:17 AM
To: Espinosa, Kim
Subject: RE: Super Walmart Location

Sorry, to bother you again, but did you forget to the attachment? Thanks.

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:10 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Joaquin,
The Walmart project is a distribution center, not a retail store. It is located between Gerard and Childs Avenues from the Doane Hartley Lateral to Tower Road (see attached site plan). If you have any more questions, please let me know. Thanks!
--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original Message-----

From: Lesch, Jack
Sent: Tuesday, February 14, 2006 8:43 AM
To: Espinosa, Kim
Subject: FW: Super Walmart Location
Importance: High

-----Original Message-----

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 7:17 AM
To: Lesch, Jack
Subject: Super Walmart Location
Importance: High

Hi!

My name is Joaquin Valencia and I live at the new sandcastle community on the corner of Coffee and Gerard on the opposite corner of Pioneer school. I saw on the newspaper that there was a proposed super Walmart for an area close to my house. Can you please send me a link or provide me with an exact location where this proposed super Walmart is going to be located at. Is this going to be where all that apple fields are at. Any information you can

provide will be greatly appreciated. Thank You.

Joaquin

Espinosa, Kim

From: Geoffrey W Bromfield [bromfield@sbcglobal.net]
Sent: Tuesday, August 01, 2006 2:15 PM
To: Espinosa, Kim
Subject: RE: walmart

Yes and thank you for the response. My physical address is Jeff Bromfield
 2550 6th Ave Merced, CA 95340. As you may have surmised I am not a fan of Walmart as it is
 currently configured. I took some delight in hearing that the company has pulled out of Germany. I am
 somewhat pleased is is donating \$5,000,000 over 5 years to the Urban League but it is not out of nobles
 oblige but a token of acknowledgment of a rather serious corporate blunder.
 Thank you again. Jeff Bromfield

"Espinosa, Kim" <ESPINOSAK@cityofmerced.org> wrote:

Mr. Bromfield,

Thank you for your comments--they will be included as part of the official record on this project. Please
 forward your mailing address to me so we can keep you informed on this project. (The City does not
 currently provide email notifications of meetings, etc.) Thank you.

Kim Espinosa, Planning Manager
 City of Merced Planning & Permitting
 678 West 18th Street
 Merced, CA 95340
 Phone: (209) 385-6858
 Fax: (209) 725-8775
 Email: espinosak@cityofmerced.org

-----Original Message-----

From: Lucas, Terri **On Behalf Of** planningweb
Sent: Tuesday, August 01, 2006 10:34 AM
To: Espinosa, Kim
Subject: FW: walmart

-----Original Message-----

From: Geoffrey W Bromfield [mailto:bromfield@sbcglobal.net]
Sent: Friday, July 28, 2006 1:52 PM
To: planningweb
Subject: walmart

The city planning commission should consider at least four major reasons to block
 Walmart's D.C. Taken together they should be enough to give pause and each stands on
 its own merits. 1) Degradation of air quality. The amount of added air pollution to an
 already overburdened air basin would impact thousands particularly the ones with
 preexisting lung disorders like asthma. 2) The roads are not designed for the increase of
 traffic, particularly state route 99. Voters recently did not approve a bond measure to
 improve them. 3) Where are the increased populace going to live? Rents are already sky
 high and I submit on Walmart wages the new people will not be owners, but renters.

Schools in Merced are at the bursting point as it is, where will these new students go to school? 4) Walmart's past is prologue when it comes to paying fair wages. Many full time employees cannot make it on what is paid and as a result full time employees are forced to seek public assistance. Before allowing this monster in our community please take a long, hard look at past practice with respect to worker rights. I personally would recommend that anyone voting on the proposed Distribution Center be made to watch "The High Price of Low Cost". You should also recognize that if the new D.C. does not work out, it will be forever a landmark of shame for the entire city an a gigantic white elephant. Please take a very close look at this, because the few tax dollars generated will be off set by the worsening of the general conditions of our community.

Jeff Bromfield

Espinosa, Kim

From: Pamela Tamez [ptamez@camerced.org]

Sent: Tuesday, August 01, 2006 11:25 AM

To: Espinosa, Kim

Subject: RE: Wal-Mart

Thank you for responding to my concerns.

Pamela M Tamez
P.O. Box 673
Livingston, CA 95334-0673

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, August 01, 2006 11:21 AM
To: 'ptamez@camerced.org'
Subject: RE: Wal-Mart

Ms. Tamez,

Thank you for your comments--they will be included as part of the official record on this project. Please forward your mailing address to me so we can keep you informed on this project. (The City does not currently provide email notifications of meetings, etc.) Thank you.

Kim Espinosa, Planning Manager

City of Merced Planning & Permitting

678 West 18th Street

Merced, CA 95340

Phone: (209) 385-6858

Fax: (209) 725-8775

Email: espinosak@cityofmerced.org

-----Original Message-----

From: Lucas, Terri On Behalf Of planningweb

Sent: Tuesday, August 01, 2006 10:36 AM

To: Espinosa, Kim

Subject: FW: Walmart

-----Original Message-----

From: Pamela Tamez [<mailto:ptamez@camerced.org>]

Sent: Monday, July 31, 2006 2:29 PM

To: planningweb

8/1/2006

Subject: Walmart

I believe that the amount of trucks going on and coming off of highway 99 will create even a bigger backup flow. Anyone who has to take the Martin Luther King , Yosemite/Mariposa, and Child's exit every morning, knows all too well how long they have had to sit on the off ramp with their car tails hanging out on 99 just to get to work, while all along, praying that they don't get hit. the walmart trucks will even further the congestion.

Thank you

Pamela M Tamez

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, August 01, 2006 11:19 AM
To: 'bromfield@sbcglobal.net'
Subject: RE: walmart

Mr. Bromfield,

Thank you for your comments--they will be included as part of the official record on this project. Please forward your mailing address to me so we can keep you informed on this project. (The City does not currently provide email notifications of meetings, etc.) Thank you.

Kim Espinosa, Planning Manager
 City of Merced Planning & Permitting
 678 West 18th Street
 Merced, CA 95340
 Phone: (209) 385-6858
 Fax: (209) 725-8775
 Email: espinosak@cityofmerced.org

-----Original Message-----

From: Lucas, Terri **On Behalf Of** planningweb
Sent: Tuesday, August 01, 2006 10:34 AM
To: Espinosa, Kim
Subject: FW: walmart

-----Original Message-----

From: Geoffrey W Bromfield [<mailto:bromfield@sbcglobal.net>]
Sent: Friday, July 28, 2006 1:52 PM
To: planningweb
Subject: walmart

The city planning commission should consider at least four major reasons to block Walmart's D.C. Taken together they should be enough to give pause and each stands on its own merits. 1) Degradation of air quality. The amount of added air pollution to an already overburdened air basin would impact thousands particularly the ones with preexisting lung disorders like asthma. 2) The roads are not designed for the increase of traffic, particularly state route 99. Voters recently did not approve a bond measure to improve them. 3) Where are the increased populace going to live? Rents are already sky high and I submit on Walmart wages the new people will not be owners, but renters. Schools in Merced are at the bursting point as it is, where will these new students go to school? 4) Walmart's past is prologue when it comes to paying fair wages. Many full time employees cannot make it on what is paid and as a result full time employees are forced to seek public assistance. Before allowing this monster in our community please take a long, hard look at past practice with respect to worker rights. I personally would recommend that anyone voting on the proposed Distribution Center be made to watch "The High Price of Low Cost". You should also recognize that if the new D.C. does not work out, it will be forever a landmark of shame for the entire city an a gigantic white elephant. Please take a very close look at this, because the few tax dollars generated will be off set by the worsening of the general conditions of our community.

Jeff Bromfield

Espinosa, Kim

From: Lesch, Jack
Sent: Monday, July 31, 2006 9:05 AM
To: Espinosa, Kim
Subject: FW:

Importance: High

-----Original Message-----

From: Marshall, Jim
Sent: Monday, July 31, 2006 8:57 AM
To: Lesch, Jack; Proctor, Deneen; Davidson, Dana
Subject: FW:
Importance: High

Comments for the record

James G. Marshall, City Manager
City of Merced
marshallj@cityofmerced.org
209.385.6834

-----Original Message-----

From: city, council
Sent: Monday, July 31, 2006 8:30 AM
To: Bill Spriggs (E-mail); Carl Pollard (E-mail 2); Cortez, Joseph;
Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim
Sanders (E-mail); Joe Cortez (E-mail); Marshall, Jim; Michele
Gabriault-Acosta (E-mail); Osorio, Rick; Pollard, Carl; Reynolds, Nobie;
Rick Osorio (E-mail); Sanders, Jim; Spriggs, Bill
Subject: FW:
Importance: High

From the web site.

Nobie

Nobie Reynolds
Executive Secretary
City Manager's Office
Email: reynoldsn@cityofmerced.org
Telephone: (209) 385-6834; Fax (209) 723-1780

-----Original Message-----

From: [mailto:lonnie@ocsnet.net]
Sent: Friday, July 28, 2006 1:42 PM
To: city, council
Subject:

Hello,

My name is Lonnie Mauck Jr. and I am writing about the concerns many of your residents and

people of the Valley have about the plans to build a Wal-Mart Distribution Center. I live in Fresno but something like this effects everyone in the Valley down to L.A. Please consider the negative effects this establishment will bring to the Valley. I understand an environmental safety survey is being conducted to find out how these negative effects could be minimized. But please realize that nothing we do will effectively reduce these hazards. It is impossible for 450 diesel trucks to not have a negative impact on the environment. I am sure you are all aware of the increase in child asthma and cancer cases due to the horrible air quality of the Valley. A new distribution center will only worsen things especially for the children who live in Merced. Creating new jobs for your citizens is fine, but not at the expense of their health. You people have the power to create a healthier environment for your children. It is not too late to sever these ties you have established with Wal-Mart and to do the right thing. Please consider this and support your citizens who only want the best for their families.
Sincerely, Lonnie Mauck Jr.

Espinosa, Kim

From: Espinosa, Kim
Sent: Friday, July 28, 2006 1:45 PM
To: 'sierrafer@peoplepc.com'
Subject: NOP for Wal-Mart Distribution Center

Joanne,
Here is the NOP for the Wal-Mart Distribution Center EIR we discussed last night along with a copy of the Comment Card in case you wish to provide comments. Let me know if you need anything else. Thanks!
-Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

7/28
12:00 pm

Bert A. Berthelsen
2861 Tahoe Dr.
Merced, CA 95340-2453
(209) 722-1819

Wants to discuss
Walmart

Espinosa, Kim

From: davidfburke@comcast.net
Sent: Wednesday, July 26, 2006 1:47 PM
To: Espinosa, Kim
Subject: RE: Wal-Mart Scoping Mtg

Thanks so much, Kim!

This is just what I need. I hope to do justice to the story – which, as we agreed, is important and will be around for quite a while.

I'm planning to arrive early tomorrow to get a good seat. If you see me grinning, remember that I'm laughing **with you, not at you!**

Have fun.

DB
Community News Corps

-----Original Message-----

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, July 26, 2006 1:31 PM
To: davidfburke@comcast.net
Subject: Wal-Mart Scoping Mtg

Mr. Burke,

It was nice speaking with you this morning regarding the Wal-Mart EIR Scoping meetings tomorrow. Attached is a copy of the Initial Study Checklist that the City uses to evaluate projects per CEQA--the list of questions reflect the environmental topics that need to be discussed in an environmental document. Also attached is a copy of the City's reimbursement agreement with Wal-Mart regarding the EIR and attached to that is the consultant contract between the City and EDAW, which includes the current scope of work. As we discussed, this scope of work could be modified if issues are raised at the scoping mtgs or in response to the Notice of Preparation (also attached) that went out to State and Local agencies that need to be addressed in the EIR that aren't currently included. Also attached is a draft outline of the presentation for tomorrow along with a link to The Planning Center's website, which offers copies of the "Practical Guide to CEQA" that we discussed. Let me know if you need anything else.

--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, July 19, 2006 11:53 AM
To: 'Schuyler Ellis'
Subject: RE: A few questions.

Schuyler,

Sorry I wasn't able to get back to you until now. I was on vacation from July 12-16 and have been swamped since my return.

The Site Plan Committee meets when there are projects to discuss (there is no regularly scheduled date-- although our Development Review meetings every Thursday at 2pm often are used by the Site Plan Committee when there are items for their approval). The Site Plan Committee is charged with reviewing mainly industrial projects. Site Plan Approval is required for all principally-permitted uses in the City's Industrial zones. These are uses that would normally require nothing but a business license or building permit because there is no discretion involved in their location (no Planning Commission or City Council action required). When the Planning staff receives an application for Site Plan Approval, we schedule a Site Plan Review meeting and the item is discussed and a resolution is drawn up to reflect the Committee's action, which is the final action on the project. Then the project can apply for a building permit/business license and proceed to construction. Attached is a link to the City's Municipal Code section outlining the Site Plan Approval process.

In the case of Wal-Mart, however, because of the EIR and General Plan Amendment required, the Planning Commission and City Council will both be reviewing and ultimately making the final decision on whether the applications are approved. Therefore, the Planning Commission/City Council will act as the Site Plan Committee for this project and therefore, there is no need for the Site Plan Committee to meet on this particular project. Information from the individual members (Development Services Director, Chief Bldg Official, and City Engineer) will be used to help formulate City staff's recommendation on the project when it is ready for Planning Commission/City Council review.

I hope that answers your questions. Let me know if you need anything else.
--Kim

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Wednesday, July 12, 2006 9:15 AM
To: Espinosa, Kim
Subject: A few questions.

Hey Kim,

How are you doing today? I hope your week has gone well. I got your letter this morning and I spoke to Nate and he is sending out the documents. Thank you very much for your help with that.

In the past you told me that the Site Plan Committee will not be formally meeting to discuss this plan prior to the Planning Commission reviewing it. However from it you told me this sounded like an exception to standard procedure.

Does the Site Plan Committee normally meet for other projects?? If so how often?? and when?? Also it seems that the Site Plan Committee normally has the power to make decisions on different plans, right?? If so, what does their decision actually mean?? Is that

the final approval for regular projects??

Sorry to bother you about this, I am just trying to fully understand how this project will diverge from the standard process.

Thanks for your help.

Schuyler

"Espinosa, Kim" <ESPINOSAK@cityofmerced.org> wrote:

Schuyler,

Sorry, no complete electronic copy of that document is available any longer, but I will ask Terri to add it to your list of copies. The document is 164 pages at 10 cents/page, it will be \$16.40. Thanks!

--Kim

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]

Sent: Thursday, July 06, 2006 1:13 PM

To: Espinosa, Kim

Subject: RE: Public Records Request

Ms Espinosa,

May I receive a copy of Expanded Initial Study #97-22?? It was part of the Lyons Annexation, if you have an electronic copy that would be best, otherwise I can pay for it to be copied.

Schuyler

"Espinosa, Kim" <ESPINOSAK@cityofmerced.org> wrote:

Schuyler,

I can't guarantee who will attend the meeting--it is only optional, most agencies send letters instead, but those who are invited include the County, Merced Irrigation District, Merced Union High School District, Weaver School District, CA Fish & Wildlife, CA Dept of Transportation (Caltrans), US Fish & Wildlife, San Joaquin Air Pollution Control District, UC Merced, Merced County Farm Bureau, and various State agencies that the State Clearinghouse distributes the NOP to (usually Regional Water Quality Control Board, CA Dept of Water Resources, U.S. Army Corps of Engineers, Native American Commission, etc.). Let me know if you have any more questions.

--Kim

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]

Sent: Thursday, July 06, 2006 8:15 AM

To: Espinosa, Kim

Subject: RE: Public Records Request

Kim,

Thank you very much for adding me to the list. I do have one other question though.

what agencies will be present at the first meeting??

Thanks,

Schuyler

"Espinosa, Kim"

<ESPINOSAK@cityofmerced.org> wrote:

Schuyler,
Sorry I wasn't able to get back to you by phone today. We expect the Notice of Preparation to be distributed on July 7th by EDAW. I have put you on the mailing list to receive a copy as well as other individuals who have expressed interest in the project. The Scoping Mtg for the general public has been scheduled for **Thursday, July 27, 2006 at 6pm** in the City Council Chambers of the Merced Civic Center at 678 W 18th St, Merced. Another scoping session for representatives of the various agencies that are being distributed copies of the NOP is scheduled for earlier that afternoon at 230pm, also in the Council Chambers. Both meetings will be recorded (audio only) and are open to the public, but the primary focus of the earlier session will be to allow agency staff to comment. Let me know if you have any questions. Thanks!

--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original Message-----

From: Schuyler Ellis
[mailto:schuylerls@yahoo.com]
Sent: Wednesday, July 05, 2006
7:23 AM
To: Lucas, Terri
Cc: Espinosa, Kim; Lucas, Terri
Subject: Re: Public Records Request

Hello Ms Lucas,

A friend of mine by the name of Nate Toler will be coming by this week to pick

up the documents I requested.
Thank you for your assistance
with my request.

Sincerely,

Schuyler Ellis

"Lucas, Terri"
<Lucast@cityofmerced.org>
wrote:

Hello Mr. Ellis: In
response to your
Public Records
Request dated June 19,
2006, we have
approximately 120
pages of documents
generated between
September 1, 2005 and
June 19, 2006. As soon
as we receive your
check payable to the
City of Merced in the
sum of \$12.00, we will
forward the documents
to you.

You can send the
check either to my
attention or to Kim's. If
you have any
questions, please feel
free to contact us.

Terri Lucas
Secretary III
City of Merced
Development Services
678 W 18th Street
Merced, CA 95340
(209) 385-6858
lucast@cityofmerced.org

"None but ourselves can free

our minds!" - Bob Marley

Sneak preview the all-new
Yahoo.com. It's not radically
different. Just radically better.

"None but ourselves can free our minds!" - Bob
Marley

Do you Yahoo!?
Everyone is raving about the all-new Yahoo! Mail
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Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great
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"None but ourselves can free our minds!" - Bob Marley

Want to be your own boss? Learn how on Yahoo! Small Business.

July 4, 2006

William A. Davis
3715 San Jose Ave. Apt. 5
Merced, CA 95348

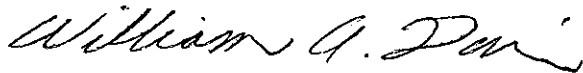
City Council
City of Merced
678 West 18th Street
Merced, CA 95340

Re: Wal-Mart warehouse

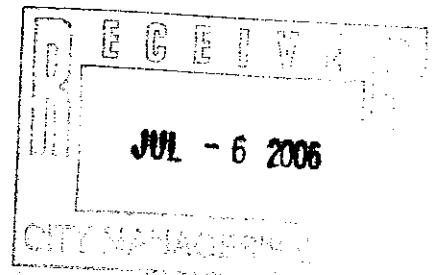
Dear Mayor Wooten and City Council members:

As a resident of Merced, I am adamantly opposed to the proposed Wal-Mart warehouse under any condition. It would turn Merced into "that warehouse district," and, according to the Merced Sun Star, it would put 900 trucks per day on highway 99, with all the accompanying noise, pollution and traffic congestion. It is not surprising that an initiative to widen highway 99 ended up on the ballot last election, and it is easy to see who was behind it. I am glad the initiative failed, and am glad I voted against it. Send Wal-Mart away.

Sincerely,



William A. Davis



Espinosa, Kim

From: Schuyler Ellis [schuylerls@yahoo.com]
Sent: Thursday, July 06, 2006 1:35 PM
To: Lucas, Terri; Espinosa, Kim
Subject: RE: Public Records Request

Thanks, Terri,

Nate should be by sometime this week to pick up the copies. I will send him a reminder.

Thanks

Schuyler

"Lucas, Terri" <Lucast@cityofmerced.org> wrote:

Yes, that's correct. The copies are ready to be picked up.
<!--[if !supportEmptyParas]--> <!--[endif]-->

Terri Lucas
Secretary III
City of Merced
Development Services
678 W 18th Street
Merced, CA 95340
(209) 385-6858

lucast@cityofmerced.org
<!--[if !supportEmptyParas]--> <!--[endif]-->

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, July 06, 2006 1:31 PM
To: Espinosa, Kim
Cc: Lucas, Terri
Subject: RE: Public Records Request
<!--[if !supportEmptyParas]--> <!--[endif]-->

Thanks Kim,

so that brings my total up to \$28.40 right??

Schuyler

"Espinosa, Kim" <ESPINOSAK@cityofmerced.org> wrote:

Schuyler,

Sorry, no complete electronic copy of that document is available any longer, but I will ask Terri to add it to your list of copies. The document is 164 pages at 10 cents/page, it will be \$16.40. Thanks!

--Kim

-----Original Message-----

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To: Espinosa, Kim

Subject: RE: Public Records Request

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--Kim

-----Original Message-----

From: Schuyler Ellis

[mailto:schuylerls@yahoo.com]

Sent: Thursday, July 06, 2006 8:15 AM

To: Espinosa, Kim

Subject: RE: Public Records Request

Kim,

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what agencies will be present at the first meeting??

Thanks,

Schuyler

"Espinosa, Kim"

<ESPINOSAK@cityofmerced.org>

wrote:

Schuyler,

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individuals who have expressed interest in the project. The Scoping Mtg for the general public has been scheduled for **Thursday, July 27, 2006 at 6pm** in the City Council Chambers of the Merced Civic Center at 678 W 18th St, Merced. Another scoping session for representatives of the various agencies that are being distributed copies of the NOP is scheduled for earlier that afternoon at 230pm, also in the Council Chambers. Both meetings will be recorded (audio only) and are open to the public, but the primary focus of the earlier session will be to allow agency staff to comment. Let me know if you have any questions. Thanks!

--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original

Message-----

From: Schuyler Ellis
[mailto:schuylerls@yahoo.com]

Sent: Wednesday,
July 05, 2006 7:23
AM

To: Lucas, Terri

Cc: Espinosa, Kim;
Lucas, Terri

Subject: Re: Public
Records Request

Hello Ms Lucas,

A friend of mine by the name of Nate Toler will be coming by this week to pick up the documents I requested. Thank you for your assistance with my request.

Sincerely,

Schuyler Ellis

"Lucas, Terri"

<Lucast@cityofmerced.org>

wrote:

Hello Mr.

Ellis: In
response

to your
Public

Records

Request

dated June

19, 2006,

we have

approximately

120 pages

of

documents

generated

between

September

1, 2005

and June

19, 2006.

As soon

as we

receive

your

check

payable to

the City of

Merced in

the sum of

\$12.00,

we will

forward

the

documents

to you.

You can

send the

check

either to

my

attention

or to

Kim's. If

you have

any
questions,
please feel
free to
contact us.

Terri
Lucas
Secretary
III
City of
Merced
Development
Services
678 W
18th
Street
Merced,
CA 95340
(209) 385-
6858
lucast@cityofmerced.org

"None but
ourselves can free
our minds!" - Bob
Marley

Sneak preview the
all-new
Yahoo.com. It's
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different. Just
radically better.

"None but ourselves can free our minds!"
- Bob Marley

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"None but ourselves can free our minds!" - Bob Marley

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone

calls. Great rates starting at 1¢/min.

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How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

"None but ourselves can free our minds!" - Bob Marley

Yahoo! Messenger with Voice. Make PC-to-Phone Calls to the US (and 30+ countries) for 2¢/min or less.

CITY OF MERCED

"Gateway to Yosemite"



July 5, 2006

Mr. Schuyler Ellis
1344 W. Cass Street
Tampa, FL 33606

(also via e-mail to: schuylers@yahoo.com)

RE: Public Records Request

Dear Mr. Ellis:

In response to your request for records regarding the proposed Wal-Mart Distribution Center, enclosed are copies of applicable documents generated or received by the Planning Department between September 1, 2005 and June 19, 2006, which you have not previously requested or obtained copies of. None of these documents are available in electronic format (any e-mails were printed for the file and deleted).

In response to questions outlined in your e-mail of June 19, 2006, the City of Merced allows use of their conference rooms and facilities by outside agencies and organizations. A staff member is not required to attend, record, or maintain documents provided at those meetings, and you would need to contact the agency or organization facilitating the meeting to obtain any documentation. Regarding a meeting held April 25 and 26, 2006, an agenda and a list of attendees from that meeting is enclosed, which was facilitated by Carter-Burgess. On your list of those that may have attended, "MID" refers to the Merced Irrigation District, a local utility provider and irrigation district

If you have any questions, please contact me at (209) 385-6858.

Sincerely,

Kim Espinosa
Planning Manager

Enclosures

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, July 05, 2006 6:24 PM
To: 'Schuyler Ellis'
Subject: RE: Public Records Request

Schuyler,

Sorry I wasn't able to get back to you by phone today. We expect the Notice of Preparation to be distributed on July 7th by EDAW. I have put you on the mailing list to receive a copy as well as other individuals who have expressed interest in the project. The Scoping Mtg for the general public has been scheduled for **Thursday, July 27, 2006 at 6pm** in the City Council Chambers of the Merced Civic Center at 678 W 18th St, Merced. Another scoping session for representatives of the various agencies that are being distributed copies of the NOP is scheduled for earlier that afternoon at 230pm, also in the Council Chambers. Both meetings will be recorded (audio only) and are open to the public, but the primary focus of the earlier session will be to allow agency staff to comment. Let me know if you have any questions. Thanks!

-Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original Message-----

From: Schuyler Ellis [<mailto:schuylerls@yahoo.com>]
Sent: Wednesday, July 05, 2006 7:23 AM
To: Lucas, Terri
Cc: Espinosa, Kim; Lucas, Terri
Subject: Re: Public Records Request

Hello Ms Lucas,

A friend of mine by the name of Nate Toler will be coming by this week to pick up the documents I requested. Thank you for your assistance with my request.

Sincerely,

Schuyler Ellis

"Lucas, Terri" <Lucast@cityofmerced.org> wrote:

Hello Mr. Ellis: In response to your Public Records Request dated June 19, 2006, we have approximately 120 pages of documents generated between September 1, 2005 and June 19, 2006. As soon as we receive your check payable to the City of Merced in the sum of \$12.00, we will forward the documents to you.

You can send the check either to my attention or to Kim's. If you have any questions, please feel free to contact us.

Terri Lucas
Secretary III
City of Merced
Development Services
678 W 18th Street
Merced, CA 95340
(209) 385-6858
lucast@cityofmerced.org

"None but ourselves can free our minds!" - Bob Marley

Sneak preview the all-new Yahoo.com. It's not radically different. Just radically better.

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, June 21, 2006 10:28 AM
To: 'Schuyler Ellis'
Subject: RE: Public Records Request

Not yet. Tentatively late July--maybe the week of July 24--all depends on when NOP goes out--probably early July.
--Kim

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Tuesday, June 20, 2006 10:41 AM
To: Espinosa, Kim
Subject: RE: Public Records Request

Kim,

thank you for your assistance. I was wondering if the date scoping meeting has been set yet??? If so, when is it?? If not any predictions??

thank you very much,

schuyler

"Espinosa, Kim" <ESPINOSAK@cityofmerced.org> wrote:

Schuyler,

Some one will get back to you about the rest of your request (I forwarded it to the City Clerk's office for processing per our procedures), but here is the rezoning ordinance for the Lyons Annexation, which included both the Lyons property and the Brookin property. Most of these are NOT available in electronic form, but I scanned a copy since the document wasn't very long. Thanks!

--Kim

-----Original Message-----

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Monday, June 19, 2006 12:59 PM
To: Espinosa, Kim
Subject: Public Records Request

Hi Kim,

Attached is a formal public records request. It's intention is to receive any updates, applications, documents in relation to the the project that have been filed or recorded as well as obtain anything that I may have missed from the last one file review.

From reviewing the last set of documents I noticed a Schedule of meetings the Carter Burgess was supposed hold at the merced civic center,

The list has 9 meetings scheduled,
April 25, 2006

1. All Hands (what does this mean, I am assuming everyone involved with the project)
 2. Valley Air District
 3. Regional Water Board
 4. Fire Department
- April 26, 2006
5. City Staff
 6. MID (Who are they?)
 7. PG&E
 8. County Env Health
 9. SBC

However, I have no documents that relate to any of these meetings and I cannot recall any record of any of these meetings kept in the file. Since all of these meetings were held at the merced civic center I must assume that someone from the city was present at all of the meetings, therefore the planning department and/or city must have retained a record which would include all documents that were presented, created, distributed, recorded etc at these meeting including agendas, minutes, records of those in attendance, decisions made, etc.

I appreciate your assistance with this matter.

Sincerely,

Schuyler Ellis

PS I am mailing you a hard copy as well.

"None but ourselves can free our minds!" - Bob Marley

New Yahoo! Messenger with Voice. Call regular phones from your PC and save big.

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Do you Yahoo!?

Next-gen email? Have it all with the all-new Yahoo! Mail Beta.

Espinosa, Kim

From: Schuyler Ellis [schuylerls@yahoo.com]
Sent: Monday, June 19, 2006 12:59 PM
To: Espinosa, Kim
Subject: Public Records Request

Hi Kim,

Attached is a formal public records request. It's intention is to receive any updates, applications, documents in relation to the the project that have been filed or recorded as well as obtain anything that I may have missed from the last one file review.

From reviewing the last set of documents I noticed a Schedule of meetings the Carter Burgess was supposed hold at the merced civic center,

The list has 9 meetings scheduled,
April 25, 2006

1. All Hands (what does this mean, I am assuming everyone involved with the project)
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6/19/2006

MEMO

TO: Kim Espinoza, Planning Manager
City of Merced Planning Department
Merced Civic Center
678 West 18th Street
Merced, California 95340

FROM: Schuyler Ellis
1344 W. Cass Street
Tampa, Florida 33606
SchuylerLS@yahoo.com

DATE: June 19, 2006

RE: Public Records Request

Pursuant to the California Public Records Act (CPRA), Sections 6350-6370 of the Government Code, I am writing to request copies of public records. In particular, **I request copies of any and all public records, including but not limited to: forms, applications, reports, analyses, memoranda, correspondence (including e-mails), notes, and plans either received or generated by the City of Merced Planning Department (including any staff member of the Planning Department), on or after September 1, 2005, regardless of source, pertaining in any manner to the proposed Wal-Mart Distribution Center.** This request encompasses all such records, whether or not they are contained with the official project file for the Distribution Center maintained by the Planning Department.

If any of these records exist and are available in electronic format, I request that they provided to me in that format as well, pursuant to Section 6253.9 of the CPRA.

Please *exclude* from reproduction the following specific documents, which I have previously received:

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August 15, 2005 in support of the Distribution Center.

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Flier's:

Wal-Mart and City Secretly Planning Distribution Center; Wal-Mart Distribution Center Information Points

Articles:

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Carter Burgess Development Team List

EIR Proposals for EDAW and Michael Brandman Associates

Further, in making this request, I ask that you recall or take note of the following specific requirements of the CPRA:

1. **By law, the definition of public records is extremely broad.** As you know, the pertinent portions of Section 6252 state that:

...(e) "Public records" includes **any** writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics...

(g) "Writing" means **any** handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

2. **By law, the City is required to take all reasonable steps to help me identify and secure copies of the specific records I seek.** Section 6253.1(a) requires that:

[w]hen a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do **all** of the following, to the extent reasonable under the circumstances:

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4. **By law, the City must retain and release all documents pertaining to the Wal-Mart Distribution Center, except under a very narrow set of conditions which will seldom if ever apply in this case.** Although the pertinent portion of Section 6254 of the CPRA provides that:

Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, **provided that the public interest in withholding those records clearly outweighs the public interest in disclosure...**

Section 6255 provides that if the City intends to claim that the public interest is best served by withholding information, the City must specifically substantiate the need for such non-disclosure, stating that:

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The fact is, however, the Distribution Center is of critical interest to the community, and the community has both a need and a right to be made aware of all communications between Wal-Mart and City staff. We further assert that, given the significance of this project and its potential impact on the City, it is clearly in the public interest for you to retain and make such documents available as part of this and all future records requests pertaining to this Distribution Center.

According to the California Attorney General's Office, based on a review of the CPRA and relevant case law, in order to withhold a record under the "public interest" exemption, the agency must specifically show how the public's interest in non-disclosure clearly outweighs its interest in disclosure. A preference on the part of the Planning Department of the City of Merced in non-disclosure is of little consequence, and when the two sets of interests are balanced, the courts have determined that the types of records that can be withheld from public view under the public interest exemption are extremely limited.

Therefore, if you decline to release any records, including those you allege to have not retained, you must indicate the nature of such documents, the specific authority under which you are claiming exemption from disclosure, and explain specifically how the public's interest is best served by the City's refusal to disclose them.

Once I receive the cost estimate from you, I will promptly remit payment so that copying may commence.

Thank you for your time and assistance. If you have questions or need additional information, please do not hesitate to contact me. I look forward to hearing from you.

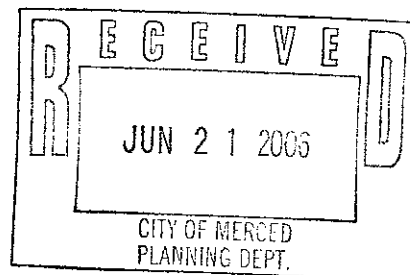
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Schuyler Ellis

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TO: Kim Espinosa, Planning Manager
City of Merced Planning Department
Merced Civic Center
678 West 18th Street
Merced, California 95340

FROM: Schuyler Ellis
1344 W. Cass Street
Tampa, Florida 33606
SchuylerLS@yahoo.com



DATE: June 19, 2006

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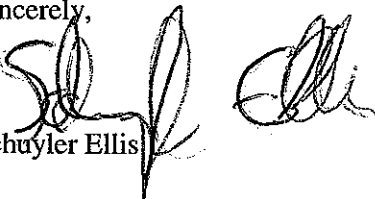
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Sincerely,


Schuyler Ellis

Franck, John

From: Fierro, Nat
Sent: Monday, June 05, 2006 11:39 AM
To: Franck, John
Subject: RE: Wal-Mart Distribution Center Design Questions

I did some connection fees for something called Project Whisper. If that is Wal Mart then Frank Q. has the info.

-----Original Message-----

From: Franck, John
Sent: Monday, June 05, 2006 11:11 AM
To: Fierro, Nat; Lang, Judy
Subject: FW: Wal-Mart Distribution Center Design Questions

See number 9. I don't know if we ever got any info to figure sewer fees. Yes/No?

John Franck

Senior Engineer

City of Merced Planning Dept.

-----Original Message-----

From: Tucker, David
Sent: Monday, June 05, 2006 11:07 AM
To: 'Bolton, Samuel C.'
Cc: Dalferes, Thomas E.; King, Bill; Kiharangwa, Adoga; Lesch, Jack; Quintero, Frank; Franck, John
Subject: RE: Wal-Mart Distribution Center Design Questions

Samuel, see responses to your questions:

1. Water meters are installed in area back of curb, typically within City ROW or within the normal 7' Public Utility easement directly adjacent to the City ROW.
2. Developer is expected to install back flow prevention in accordance with City Standards,
3. Gove Road WWTP serves the City, is located about 1 1/2 miles south of the Airport. Current capacity is 10 MGD. Current flow is about 8.5 MGD. We are going out to bid shortly on an interim project, and completing an EIR, that will boost the capacity to 12 MGD, by summer of 2007.
4. By cc, I am asking Adoga to supply the pre-treatment requirements for industrial flow. If Wal-Mart flow is just normal domestic sanitary flow, I don't think pre-treatment would be required.
5. I don't believe easement would be required. If pre-treatment is required, Wal-Mart would have an agreement with the City to allow monitoring of your effluent.
6. Yes, connection fees. By cc, I am asking John Franck to compute expected connection and usage fees.
7. The City will not allow a sanitary holding tank.

-----Original Message-----

From: Bolton, Samuel C. [mailto:Samuel.Bolton@c-b.com]
Sent: Wednesday, May 24, 2006 6:40 AM
To: Tucker, David
Cc: Dalferes, Thomas E.
Subject: Wal-Mart Distribution Center Design Questions

9/13/2006

my - JBW ✓
cc - Min C
cc - FR
cc - Bm C

May 22, 2006

MAY 24 2006



The Honorable James G. Marshall
City Manager
678 W 18th Street
Merced, CA 95340-4708

WAL*MARTWATCH

1730 M Street NW, Suite 601
Washington DC 20036
202 557 7440 Phone
202 557-7499 Fax
info@walmartwatch.com

Dear Mr. James Marshall:

I first contacted you a year ago to introduce Wal-Mart Watch and our ambitious campaign to make Wal-Mart a better corporate citizen. We aggressively tell a new, more truthful Wal-Mart story. We bridge the gaps between ordinary citizens and community organizations concerned about Wal-Mart's unchecked growth and negative impact on our society. We challenge Wal-Mart to embrace its moral responsibility as the nation's biggest and most important corporation.

We have made remarkable progress in getting Wal-Mart to respond to a wide array of concerns about their business practices. They have acknowledged the harm they cause by providing a poor health benefits plan that forces its employees to seek taxpayer-supported public assistance. They have taken some promising first steps on a long road toward creating a more environment-friendly business. We are hopeful the company is serious when it acknowledges that change is necessary, and we will continue to push Wal-Mart forward.

And in this first year, you and your colleagues across the nation have helped us put Wal-Mart under the magnifying glass. From local community benefits ordinances to state Medicaid disclosure, from aggressive questioning of Wal-Mart's risky banking plan to groundbreaking enforcement action by state attorneys general, Wal-Mart must now confront energized and engaged elected officials who want Wal-Mart to be as great as its promise. And hundreds of you have joined our Wal-Mart Watch Elected Officials Taskforce.

Wal-Mart Watch isn't here to give Wal-Mart a black eye. Our aim is real change — transparent and lasting — to benefit Wal-Mart communities. And while we will continue to put Wal-Mart under the magnifying glass, we embrace our responsibility to offer constructive suggestions for how Wal-Mart should improve its business practices.

Today I am proposing a new contract with Wal-Mart. Back in the days when Sam Walton ran the company, business was done with trust, respect, and honesty. Deals were sealed with a handshake. Whether between employees and employer or store and supplier, a handshake with Sam was a moral contract.


I'm offering Wal-Mart executives that chance if they want to take it. Attached to this letter are seven principles based on Sam Walton's business practices, titled *A HANDSHAKE WITH SAM*. If they will commit to these seven principles and assume the moral responsibility we expect of our biggest and most important American corporation, Wal-Mart will deserve our respect.

For more information, and to check the facts behind *A HANDSHAKE WITH SAM*, please visit www.walmartwatch.com. I believe you will find our website to be a serious, substantive place that provides policy makers with answers to your questions and solutions to vexing public issues. We have a special section just for elected officials, where you can join our Wal-Mart Watch Elected Officials Taskforce at www.walmartwatch.com/electeds.

Wal-Mart has a moral responsibility to protect human dignity, to be self-sufficient, to keep their operations clean, and to be completely transparent with the public. I am asking Wal-Mart to make those commitments and more, and to seal the deal with a handshake.

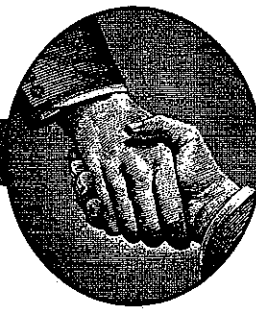
I hope you will join us in our call for change.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Grossman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Grossman
Executive Director

P.S. For more information, please visit www.walmartwatch.com.



A HANDSHAKE WITH SAM REACHING ACROSS THE WALL OF WAL-MART

*"I am absolutely convinced that the only way we can improve one another's quality of life, which is something very real to those of us who grew up in the Depression, is through what we call free enterprise — practiced correctly and morally."*¹

— SAM WALTON

WHAT DEFINES A GREAT AMERICAN INSTITUTION? And what are its obligations to the common good? These two questions have helped frame every historic clash between those inside and outside the walls of embattled American corporations. Without exception, the walls of distrust and division have not ultimately been lowered by an endless siege. Instead, there must be an enduring realization that all have an interest in both the health and welfare of the corporation and in those whose lives are touched by it.

AS OUR NATION'S LARGEST EMPLOYER and most financially successful company, Wal-Mart is a singular American institution. It occupies a unique position in our world by virtue of its size, reach and responsibility for the livelihoods of millions of workers and the needs of billions of consumers. And with such overwhelming influence comes certain moral responsibilities. It is the acceptance or rejection of those responsibilities that determines greatness.

TO THAT END, just as a corporation might reach an agreement with its shareholders, this "Handshake Agreement" broadens the scope to a global community of concerned citizens, and is an agreement of shared principles to be held in high regard.



*"Ours is a story about the kinds of traditional principles that made America great in the first place."*²

THE MORAL RESPONSIBILITIES OF WAL-MART

1. Protect Human Dignity

*"If you want people in the stores to take care of the customers, you have to make sure you are taking care of the people in the stores."*³

WAL-MART WILL AGGRESSIVELY WORK to ensure that employees are never mistreated through practices such as illegal firings, "off-the-clock" wage violations, intimidation, sexual harassment, violations of child labor laws, or discrimination of any sort. And Wal-Mart will justly compensate each associate with a family-sustaining wage that will enable the associate to raise a family without having to rely on public assistance.



2. Ensure Quality and Affordable Health Care Coverage

*"You can't create a team spirit when the situation is so one-sided, when management gets so much and workers get so little of the pie."*⁴

WAL-MART WILL SET A NATIONAL EXAMPLE by ensuring that all employees — salaried, hourly, full-time, and part-time — have quality affordable health insurance that fully covers the employee and their children. To make this commitment a sound financial investment for the company, Wal-Mart will actively promote full-time employment for its employees and discourage part-time hiring.

(Over)



3. Use Market Power to Improve Supplier Conditions and Wages

"We still want to drive a hard bargain, but now we need to guard against abusing our power."⁵

TO ENSURE THAT MERCHANDISE in its stores is produced under safe and humane conditions, Wal-Mart will require and ensure that foreign and domestic suppliers adhere to all internationally recognized labor standards and national laws. Furthermore, Wal-Mart will require that suppliers justly compensate their own employees to the same standard set forth in this agreement for Wal-Mart employees.



4. Enable & Embrace Self Sufficiency

"Maybe the most important way in which we at Wal-Mart believe in giving something back is through our commitment to using the power of this enormous enterprise as a force for change."⁶

BY PAYING A FAMILY-SUSTAINING WAGE, Wal-Mart will ensure that federal, state, and local taxpayers are not forced to spend billions of dollars on public assistance for Wal-Mart employees. Wal-Mart itself will not seek taxpayer-funded subsidies that locally-owned businesses do not receive. And Wal-Mart will not pit local communities against each other when selecting sites for Wal-Mart stores or other facilities.



5. Buy Local First

"For Wal-Mart to maintain its position in the hearts of our customers, we have to study more ways we can give something back to our communities."⁷

TO DEMONSTRATE ITS COMMITMENT to the communities and countries it serves, Wal-Mart will always "Buy Local First." Purchasing local agriculture and manufactured goods strengthens local economies and secures the long-term survival of small family-owned farms and other enterprises. And by expanding the focus of "Buy Local First" to each country in which it operates, Wal-Mart will show a firm commitment to supporting the suppliers in those countries that host its stores.



6. Keep it Clean

"I'd like to believe that as Wal-Mart continues to thrive and grow, it can come to live up to what someone once called us: the Lighthouse of the Ozarks."⁸

EVERY STEP IN WAL-MART'S SUPPLY CHAIN will demonstrate sound environmental stewardship. Wal-Mart will partner with local community and environmental leaders to avoid environmental damage and other disruptions caused by the site selection, construction, and operation of any Wal-Mart store or facility. This includes conserving wetlands, animal habitats, and green space, as well as minimizing traffic delays and air pollution. Wal-Mart will also strictly enforce this "Keep it Clean" policy with all of its suppliers, both foreign and domestic.



7. Prove Worthy of the Public Trust

"As long as we're managing our company well, as long as we take care of our people and our customers, keep our eyes on those fundamentals, we are going to be successful. Of course, it takes an observing, discerning person to judge those fundamentals for himself."⁹

AS THE WORLD'S LARGEST COMPANY and as a global institution in a position of great responsibility and trust, Wal-Mart will be open and transparent in its dealings with the public, the news media, and its own employees. Wal-Mart will actively work to demonstrate its dedication to the moral obligations described herein, and is committed to documenting and publicizing consistent progress and follow-through on all of its public proclamations and initiatives.

For more information, go to www.WalmartWatch.com



WAL*MARTWATCH

This agreement is proposed in good faith by Wal-Mart Watch –
A Campaign of Five Stones and the Center for Community and Corporate Ethics.

Espinosa, Kim

From: Schuyler Ellis [schuyleris@yahoo.com]

Sent: Tuesday, June 06, 2006 12:14 PM

To: Espinosa, Kim

Subject: File Copies

Hey Kim,

I just wanted to let you know that I did receive the copies that I requested today. Thanks for all of your assistance.

Sincerely,

Schuyler Ellis

"None but ourselves can free our minds!" - Bob Marley

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

**CASH RECEIPTS WORKSHEET
PLANNING DEPARTMENT**

DATE: 5-16-06

APPLICATION TYPE	PAY CODE	FEE	MISC. INFO. (Acct #/Customer/Type of Sale/etc.)
Abandonment	MS		01708033600101*
Annexation/Prezoning	AX		
Aerial Photo	A7		
App Filing Fee	A8		Sewer/Water/ZOA
Court Fees	CF		
Cash Over/Short	CO		
CUP	CU		
Design Review Fees	DF		
Eng. Imp Plan Check	E1		
Environ Review (ERC)	E2		
Environ Review (EIS)	E3		
Environ Impact (EIR)	E4		
Frontage Fee (Proc. Fee)	MS		01708043330413* (1.5% of water/sewer frontage fees)
General Plan Amendment	GP		
Maps	S7		
Misc. (copies)	MS	123.-	01708043600101* Copies of file docs for Wal Mart
Ordinances	S8		
Plan Checking Fee	PF		
Publications	S9		
Site Plan Review	SR		
Sale of Plans	SO		
Standard Designs	MS		01708043310323* \$30.00
Street/Parking Lot Closure	MS		01708043600149*
SUP Establishments	S1		
SUP Revision	S2		
Subdivision-Tentative	S3		
Subdivision-Final Map	S4		
Subdivisions-Minor	S5		
Specific Plan Rev/App	S6		
Variances	MS		01708043310306
Zone Change	CZ		
Zoning/PCN Letters	ZL		01708043330417
OTHER			
TOTAL		123.-	Receipt No. 59451
APN			

*Enter Account Number in Computer

Check No. 1032

Issued By: Schuyler B. Ellis

Address: 2834 4 Ave N
St Petersburg FL 33713

tll:P:forms:Cash Receipts Worksheet

Use F-10 to add description narrative on receipt.

The Merced Alliance For Responsible Growth Presents...

Stories from Porterville: How Life Has Changed Since the Wal-Mart Distribution Center Came to Town



In 1991 Wal-Mart came to Porterville. They welcomed the distribution center with open arms...

...15 years later, find out what residents of Porterville have to say about life with a Wal-Mart distribution center next door.

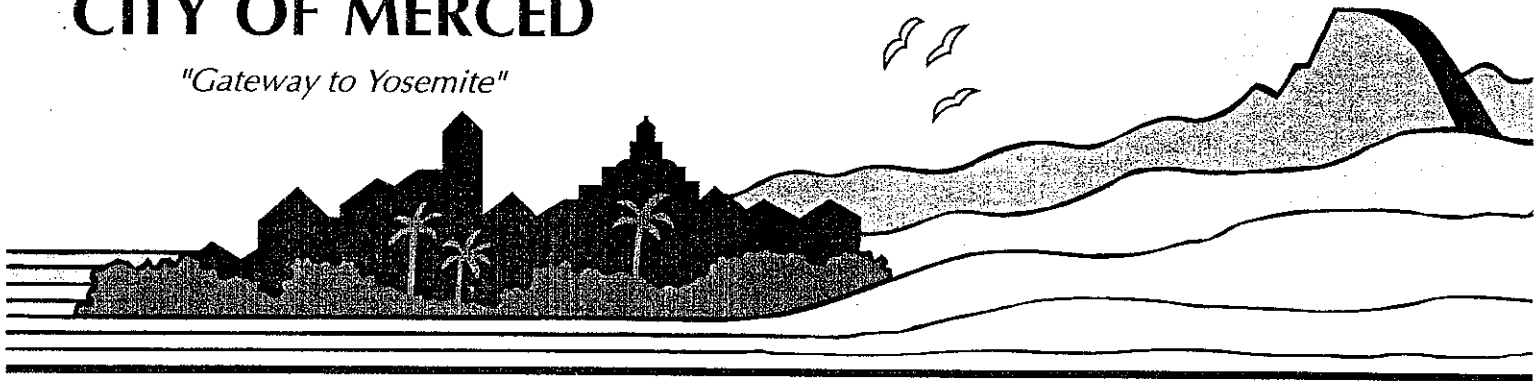
When : Saturday, June 10th
10:00 - 11:30am
Where : The Mainzer Theater
635 W. Main Street, Merced

For more information, please email wmat@mercedalliance.org or call 723-9458

Kim Espinosa

CITY OF MERCED

"Gateway to Yosemite"



Office of Economic Development 1-800-723-4788 209 385-4788 209 723-1780 Fax

May 4, 2006

Mr. Ken Brown
2273 Ruby Avenue
Merced, CA 95340

Re: Proposed Wal-Mart Distribution Center

Dear Mr. Brown:

At the direction Mayor Ellie Wooten, I am responding to your comments and inquiries concerning the proposed Wal-Mart distribution center you raised at the City Council meeting May 1, 2006. Enclosed with this letter is a factual information sheet about the proposed project. Please note the following responses to your comments and questions:

- Mission Avenue Interchange funding and schedule.

CalTrans and Merced County Association of Governments representatives confirmed the funding for the Mission Avenue Interchange project if fully secured. Furthermore, the project is on schedule. The construction schedules for the Mission Avenue Interchange, Campus Parkway, and proposed distribution center are contained in the following table:

Mission Avenue Interchange	Campus Parkway	Wal-Mart Distribution Center
December 2005, start construction	From Mission Avenue Interchange to Childs Avenue	Proposed schedule subject to securing permits and entitlements
September 2007, interchange open	March 2007, start construction	April 2007, start construction
November 2008, full project completed	November 2007, construction completed	April 2008, Operation/shipping begins

- Wal-Mart trucks will use Childs Avenue to access their distribution center.

The proposed site plan illustrates that trucks will enter and leave the facility from their ingress and egress point on Gerard Avenue. From Gerard Avenue, the trucks will access Highway 99 via the Campus Parkway thoroughfare. No driveways are proposed off Childs Avenue except for public safety access. At the roundtable meeting you attended, Wal-Mart officials stated that it is Wal-Mart's policy not to direct distribution center truck traffic through residential neighborhoods or by schools.

- Arboleda Drive is not used by truck traffic.

Arboleda Drive in conjunction with Le Grand Road are commonly used by truck traffic to serve industries and other businesses in Le Grand, Planada, and the University Industrial Park. Another way truck traffic currently accesses the University Industrial Park is via Highway 140 to Kibby Road. The traffic study that will be part of the Environmental Impact Report (EIR) will contain information about how the truck trips will be distributed.

- Wal-Mart is not paying any impact fees.

As noted on the enclosed information sheet, Wal-Mart is not receiving any financial subsidies, and will be paying all of the required fees. Staff estimates total fees to be over \$5 million. The total estimate includes Public Facility Impact Fees and Regional Transportation Impact Fees. Area schools should receive over \$400,000 from the project.

The Wal-Mart representatives you met invited the roundtable participants to call them with questions about the proposed distribution center project. Should you need their contact information again, I will be happy to provide it to you. Furthermore, City staff is also available to address your questions. Please call either Mike Conway at 385-6834 or me at 385-6827 if we could be of additional assistance to you.

Cordially yours,



Frank Quintero
Development Manager

cc: Ellie Wooten, Mayor
James G. Marshall, City Manager
Bill Cahill, Assistant City Manger
Kim Espinosa, Development Manager

Wal-Mart Distribution Center Information Points

For more information please contact Mike Conway, Public Information Officer
City of Merced 678 W. 18th Street (209) 385-6834

LAND USE

What does Wal-Mart want to do?

It proposed building a distribution center in the University Industrial Park. It is not proposing a retail or super center operation. The proposed facility is 1.2 million square feet.

Is the land zoned appropriately?

Yes, the site is zoned heavy industrial and is within the current Merced City limits.

PERMITS

What approvals are required for the project?

Wal-Mart must get a Site Plan Review, which includes an Environmental Impact Report. There also will be a general plan amendment to abandon the unbuilt southern extension of Kibby Road.

Did Wal-Mart get any fees waived?

No, Wal-Mart is paying all of the required fees, which is expected to be over \$5 million. Area schools should receive over \$400,000 in fees from the Wal-Mart project.

INCENTIVES

Did Wal-Mart get subsidies from the City for its project?

No, the City did not offer any financial relief. Subsidies -- none. Property tax rebates -- none. Fee waivers -- none. Sales tax rebates -- none. Tax-free land -- none.

TRUCK TRAFFIC

How much traffic would the project create?

Wal-Mart said there would be up to 450 truck trips into the facility a day, and 450 truck trips leaving the facility each day.

What route will the trucks take?

The trucks will leave from one of the two gates on Gerard Avenue, going to the Campus Parkway and then onto Highway 99.

How many people will the center employ?

Wal-Mart says there will be 600 fulltime employees at the plant.

When will the center be operating?

The center will operate 24-hours a day, 7-days a week. There will be two operating shifts and the overnight shift will perform maintenance on the facility.

JOBS

How much will the jobs pay?

Wal-Mart said the starting pay will between \$13.00 to \$14.00 an hour.

What is the typical starting pay in Merced?

According to the state Employment Development Department, the average starting pay in Merced is \$8.05 an hour.

Did Wal-Mart get CalTrans to put in the Mission Interchange on Highway 99?

No, the Mission Interchange was first designated in 1963 during the Kennedy Administration. The Campus Parkway is part of a traffic loop around the City of Merced that was first discussed in the 1980s and added to the General Plan in the 1990s.

IMPACTS

Is condemnation necessary?

No, the proposed site is vacant industrial zoned land.

Will the public have an opportunity to comment on the project?

Yes, there will be several opportunities available for public comment during the Environmental Impact Report phase on items such as traffic, noise, and glare.

Proposed Wal-Mart Distribution Center
University Industrial Park

CHILD'S AVE

GERARD AVE

To Highway 99

MISSION AVE

Campus Parkway

Industrial Zoned

Industrial Zoned

KIBBY RD

Proposed
Wal-Mart
Distribution Center Site

P G & E E a s e m e n t

Industrial Zoned

Industrial Zoned

Industrial Zoned

Wal-Mart Ingress & Egress
Truck Route via Campus Parkway

Not to scale.
For illustrative purposes only

Espinosa, Kim

From: Valencia, Joaquin [JJV7@pge.com]
Sent: Thursday, March 16, 2006 7:31 AM
To: Espinosa, Kim
Cc: city, council; city, manager; viewercomments@kmp.com
Subject: RE: Super Walmart Location
Importance: High

Thank You for the information but I still think it is a bad idea because they will most certainly not provide the 900 jobs they stated on the application to the city as they have not in other cities they are doing business in. Furthermore, traffic, sewer, water needs and pollution will most certainly be a big problem. The Campus Parkway was intended to provide a straight path from 99 to the university not by creating traffic from the 50 trucks per hour that Walmart plan to use. I know that we are planning to do an environmental report and that tab will pay for by Walmart but I hope that the agency doing the report is unbiased. Anyways, I am just voicing my opinion and that of most of my neighbors as they have signed a petition to stop this from happening. I just do not understand why Walmart keeps choosing to build near schools and neighborhoods, which are not safe at all. I have attached documents, which states how much Walmart is shifting the Health Care costs to states, which most certainly this Distribution center will increase to that percentage. Thank You for your help. Some other links to information where also included if you wish to read it. I hope that you inform yourselves more before making a decision on the center.

<http://www.mercedsunstar.com/opinion/letters/story/11881921p-12652955c.html>

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:10 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Joaquin,
The Walmart project is a distribution center, not a retail store. It is located between Gerard and Childs Avenues from the Doane Hartley Lateral to Tower Road (see attached site plan). If you have any more questions, please let me know. Thanks!
--Kim

Kim Espinosa, Planning Manager
City of Merced Planning & Permitting
678 West 18th Street
Merced, CA 95340
Phone: (209) 385-6858
Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

-----Original Message-----

From: Lesch, Jack
Sent: Tuesday, February 14, 2006 8:43 AM
To: Espinosa, Kim
Subject: FW: Super Walmart Location
Importance: High

-----Original Message-----

From: Valencia, Joaquin [mailto:JJV7@pge.com]

Sent: Tuesday, February 14, 2006 7:17 AM

To: Lesch, Jack

Subject: Super Walmart Location

Importance: High

Hi!

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Joaquin

Espinosa, Kim

From: Valencia, Joaquin [JJV7@pge.com]
Sent: Tuesday, February 14, 2006 10:40 AM
To: Espinosa, Kim
Cc: city, council; city, manager
Subject: RE: Super Wal-Mart Location
Importance: High

Kim,

Are you the correct person to contact about opposing such a development? I am very concern about this new proposed development because I just moved into my new house about 8 months ago and now aside from the campus parkway I have to deal with the increase traffic, noise and pollution, not to mention the 55,000 gallons of sewer per day, which this distribution center will bring. I live at 438 Azalea Ct in the new sandcastle community. I just do not want the city to be greedy and basically screw every resident and schools that reside close to this proposed facility. I move from Gerard and G st to this location because I thought I was getting away from highway 59 traffic and now I have to deal with these. On top of all the traffic what concerns me the most is all the air pollution that this facility will bring with its trucks, tractors, etc because there is a lot of children in the community including my son that have asthma and of course this will greatly affect their way of life. Please let me know if you are the right person to complain and oppose this project or provide me with the name of person that I can direct my complaint to. I plan to gather signatures and have people write letters to the city council because this is a not a good place for such a development. Thank You for your help.

Joaquin

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Tuesday, February 14, 2006 9:24 AM
To: Valencia, Joaquin
Subject: RE: Super Walmart Location

Oops--yes, I did. Here it is... Sorry about that.
--Kim

-----Original Message-----

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Tuesday, February 14, 2006 9:17 AM
To: Espinosa, Kim
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Kim Espinosa, Planning Manager
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Fax: (209) 725-8775
Email: espinosak@cityofmerced.org

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Joaquin

Espinosa, Kim

From: city, manager
Sent: Tuesday, February 14, 2006 11:33 AM
To: Bill Spriggs; Bill Spriggs (E-mail); Carl Pollard (E-mail 2); Carl Pollard (E-mail); Ellie Wooten; Jim Marshall; Jim Sanders; Joe Cortez; Joe Cortez; Michele Gabriault-Acosta; Michele Gabriault-Acosta (E-mail 2); Nobie Reynolds; Rick Osorio; Rick Osorio (E-mail); Sanders, Jim; Wooten, Ellie
Cc: Espinosa, Kim
Subject: FW: Super Wal-Mart Location
Importance: High

From the web site.

Nobie

Nobie Reynolds
Executive Secretary
City Manager's Office
Email: reynoldsn@cityofmerced.org
Telephone: (209) 385-6834; Fax (209) 723-1780

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From: Valencia, Joaquin [mailto:JJV7@pge.com]
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2/14/2006

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Joaquin

The Wal-Mart Tax

Shifting Health Care Costs to Taxpayers

AFL-CIO

March 2006

As job-based health coverage declines and employers shift growing costs onto employees, workers are turning to taxpayer-funded programs such as Medicaid to get care for themselves and their families. Medicaid is wrestling with explosive cost growth, with total federal and state spending in 2006 expected to be 58.7 percent greater than in 2000.¹ Medicaid is the fastest-growing expense for most states, accounting for 16 percent of state budgets, on average. States' spending on the program is expected to increase 8.1 percent this fiscal year.²

A number of factors account for Medicaid's growing costs and caseloads, but a clear component is a decision by employers—including some that are highly profitable—to shift onto taxpayers the costs of insuring their workers.

To shine a light on large employers forcing others to pick up their health care tab, the AFL-CIO developed the model Health Care Disclosure Act, which requires states to report which employers' workers are forced to rely on publicly funded health care. In 2005, legislators in nearly 30 states

introduced the model bill. Five state legislatures (Colorado, Hawaii, Illinois, Massachusetts and Washington) passed the bill, and three states (Hawaii, Illinois and Massachusetts) enacted it into law.

In addition, public pressure from the AFL-CIO, unions and allies has resulted in 23 states reporting publicly on the extent to which employers' workers utilize public health care programs to secure coverage for themselves or their families.

As of 2005, Wal-Mart was America's largest employer, with 1.39 million workers.

Wal-Mart's refusal to pay decent wages and provide affordable health insurance to its workers puts it atop the list in at least 19 of the 23 states surveyed here. This abuse of poverty health care programs means Wal-Mart is directly contributing to the nation's Medicaid crisis.

Here are just a few examples. In Arizona and Maine, roughly 10 percent of Wal-Mart's workers get their health benefits from the state. In Washington state, it's almost 20 percent. In New Jersey,

Wal-Mart tops the list of employers pushing workers into state-provided health care programs although the retailer is only the state's eighth-largest employer.

That Wal-Mart should play such a prominent role in the Medicaid crisis is unjustifiable by any measure. The company rakes in profits at the rate of more than \$21,000 per minute; its 2005 profits were \$11.2 billion.³ The 2005 compensation package for Wal-Mart CEO Lee Scott was more than \$17.5 million.⁴ Five members of the Walton family—all are major company stockholders—have a combined net worth exceeding \$90 billion, putting all five on the list of the 10 wealthiest Americans.⁵

On top of its health care subsidies, Wal-Mart has wrung at least \$1 billion in economic development assistance from state and local governments over the past 20 years.⁶

In a November 2005 poll by the national polling firm Lake Research Partners, 83 percent of U.S. voters said they support rules to require big, profitable companies to provide health insurance for their workers or to pay into a health care fund to cover them.⁷

Maryland is the first state to hold giant companies such as Wal-Mart accountable for paying their fair share of workers' health care costs. Maryland's legislature voted overwhelmingly in January to enact the Fair Share Health Care Act over the governor's veto. The new law requires employers with more than 10,000 employees to pay their fair share for health care, defined as 8 percent of wages and salaries, or pay into the Fair Share Health Care Fund.

As AFL-CIO President John Sweeney wrote in *The Washington Post* in January 2006, "Wal-Mart complains that it's being singled out in Maryland, but Wal-Mart isn't the only company affected by the Fair Share Health Care bill. It's just the only company that thinks its workers don't deserve any better."⁸

Leaders in 32 other states agree and have introduced bills similar to the Maryland fair share legislation.

Below is a survey of states that have made public the names of companies whose employees receive free or subsidized health care services from the state, and how these companies—some of America's biggest—are pushing state budgets and services past their breaking points, forcing states to cut Medicaid benefits and eligibility.

ALABAMA

A review of state records in 2005 found Wal-Mart first among 46 major Alabama employers with workers whose children receive health care through the state's Medicaid program. Altogether, 3,864 children of Wal-Mart employees were on the Medicaid rolls, representing one in five of the Medicaid-insured children whose parents worked for the major employers identified in the state's analysis. Wal-Mart accounted for more than twice as many children on Medicaid as McDonald's, the next highest-ranking employer, which had 1,615 Medicaid children.⁹

The cost to taxpayers of providing health care to children of Wal-Mart's workers in Alabama was between \$5.8 million and \$8.2 million per year. The Wal-Mart share is slightly more than 20 percent of the total cost (\$27 million to \$38 million) for Medicaid coverage for 18,000 children of 46 major Alabama employers.¹⁰

Even as Wal-Mart shirks its responsibility for providing its workers with basic health care, forcing taxpayers to pick up the tab, the company also has benefited from more than \$38 million in taxpayer-financed economic assistance in Alabama since 1983, with the majority of the benefits accruing since 2000.¹¹

Alabama has identified Medicaid as one of the top fiscal issues it will have to address in the 2006 legislative session.¹² During the past two fiscal years, the state has taken steps to rein in Medicaid costs,

including prescription drug cost-control initiatives and freezing provider payment rates.¹³ Funding for Medicaid will continue to be a concern in Alabama for FY 2007, when the state expects that it will need an additional \$90 million just to avoid cutbacks in the program.¹⁴

ARIZONA

According to statistics released by the Arizona Department of Economic Security in 2005, nearly 10 percent of Wal-Mart's workers in Arizona get their health benefits from the state, a total of almost 2,700 employees—more than any other private employer in the state.¹⁵

Even as Wal-Mart avoids providing its workers with basic health care, the company has benefited from more than \$8 million in taxpayer-financed economic assistance in Arizona since 1999, with \$7.6 million in infrastructure subsidies alone.¹⁶

Arizona had to address a \$269.1 million shortfall in its state Medicaid budget in FY 2005.¹⁷ The state took several steps to contain its Medicaid costs over the last two fiscal years, including freezing provider payment rates and making cuts to program eligibility.¹⁸

ARKANSAS

Wal-Mart tops the list of Arkansas' largest companies with workers who must rely on state programs to meet their health care needs. According to estimates reported in 2005 by the state's Human Services Department, 3,971 of Wal-Mart's 45,106 employees (8.8 percent) were enrolled in public assistance programs, mostly in Medicaid and primarily to provide health care for their children. The department estimated the average annual Medicaid cost per recipient at \$4,083. That means providing health care coverage to Wal-Mart's uninsured employees and family members in the corporate giant's home state costs taxpayers as much \$16.2 million per year.¹⁹

Wal-Mart benefited from more than \$350,000 in taxpayer-financed infrastructure assistance and state tax credits for distribution centers in 1989 and 1993 and additional state tax credit assistance (of an unknown amount) in 2000.²⁰

The state faced a \$200 million increase in Medicaid spending over the 2005-2006 period.²¹ According to Gov. Mike Huckabee (R), the Medicaid budget increases each year by 9 to 10 percent.²² Arkansas' Medicaid caseload has increased by nearly 80 percent since 1999, and the governor says one reason for the growth is the rising number of uninsured workers.²³ Arkansas has taken several steps to address Medicaid costs over the past two budget years, including freezing provider payments and implementing pharmacy controls.²⁴

CALIFORNIA

A 2004 study by the University of California at Berkeley Labor Center found that Wal-Mart employees' reliance on public assistance programs, including health care, costs California \$86 million annually, with health-related costs accounting for \$32 million.²⁵ According to the study, 23 percent fewer Wal-Mart employees participate in the company's health care plan than is typical for employees of large retailers in general.²⁶ And Wal-Mart families use 40 percent more in taxpayer-funded health care services and 38 percent more in non-health public services (food stamps, Earned Income Tax Credit, subsidized school lunches and housing) than the families of all large retail workers.²⁷

The study concluded that if other California retailers followed Wal-Mart's example when it comes to wages and benefits, it would cost state taxpayers an additional \$410 million annually to provide public assistance to workers.²⁸

While the company evades costs for worker health care, Wal-Mart has benefited from at least \$48.5 million in taxpayer financed economic assistance in California since 1991.²⁹

California has had to address significant budget shortfalls over the past several fiscal years, and future gaps are predicted through 2010.³⁰ Medi-Cal spending has been on the rise over the past several budget years, and more than 1 million additional people have enrolled in the program since the 2000-2001 fiscal year.³¹ Spending on the program increases by 10 percent per year as a result of increased costs and enrollment.³² Over the past two fiscal years, California has cut Medicaid benefits and taken a variety of other steps to control costs.³³

CONNECTICUT

Wal-Mart tops the list of Connecticut employers with workers receiving health benefits for themselves or their children through the state's HUSKY A (Medicaid) program. In December 2004, 824 Wal-Mart workers received health benefits through HUSKY A, and an additional 204, while not themselves covered by HUSKY A, had children who were covered by it.³⁴ In total, 1,028 Wal-Mart employees—more than 11 percent of the company's workforce in the state—were dependent on HUSKY A for their own coverage or for their children's.³⁵ A great many of the Wal-Mart workers who receive coverage for their children, but not themselves, through HUSKY A put in substantial work hours. Nearly four in five (78 percent) work more than 30 hours per week.³⁶

Wal-Mart workers' reliance on the state's health programs costs Connecticut taxpayers \$5.4 million a year,³⁷ or 13 percent of the \$43 million tab for the top 25 employers whose workers and children get health coverage under the state's programs.³⁸

Over the past two fiscal years, Connecticut has cut Medicaid eligibility and taken other steps to rein in program costs.³⁹

FLORIDA

Wal-Mart ranks first among Florida employers whose workers are eligible for Medicaid for themselves and/or their dependents. According to estimates released in 2005 by the state's Department of Children and Families, 12,300 Wal-Mart employees or their dependents qualify for Medicaid, although the precise number using Medicaid as their primary health care source is unknown.

Wal-Mart is one of five large Florida employers that receive economic incentives from the state at the same time their workers qualify for Medicaid for themselves or their dependents. Altogether, these five employers account for roughly 29,000 Medicaid-eligible individuals (employees or dependents), with Wal-Mart representing 42 percent of that group.⁴⁰

In addition, Wal-Mart has benefited from at least \$54.1 million in taxpayer-financed economic assistance in Florida since 1992, with 70 percent of that benefit accruing in 2004 and 2005.⁴¹

Florida ranks Medicaid costs among the top three fiscal issues it must address in the 2006 legislative session.⁴² The state's Medicaid costs have more than doubled over the past seven years, rising to more than \$15 billion.⁴³ Medicaid spending accounts for 25 percent of the state's budget,⁴⁴ and program expenditures exceeded FY 2005 budgeted amounts by \$372.1 million.⁴⁵ During the past two fiscal years, Florida cut Medicaid eligibility and took other measures to rein in the program's costs.⁴⁶ Most recently, Florida requested permission from the federal government to begin a pilot program that would privatize the Medicaid program for 43,000 recipients in eight counties in the state.⁴⁷

GEORGIA

Wal-Mart is at the top of the list of employers whose workers' children receive health coverage in Georgia through PeachCare for Kids, the state's health care program for low-income children. In September 2002, the Georgia Department of Community Health found that 10,261 kids (6.2 percent of *all* Georgia children who participated in PeachCare) had parents working for Wal-Mart.⁴⁸ PeachCare coverage for children of Wal-Mart employees costs state taxpayers an estimated \$6.6 million per year.⁴⁹ The number of Wal-Mart children in PeachCare was more than 14 times greater than the next highest-ranking employer, Publix Supermarket, whose employees had 734 children in the program.⁵⁰ And the ratio of children participating in PeachCare per number of employees was far greater for Wal-Mart than for the three next highest-ranked employers. Wal-Mart had approximately one child in PeachCare for every four workers in the state.⁵¹ The ratio of children participating in PeachCare per number of employees for the next highest ranking employers are as follows: one child for every 22 employees for Publix Supermarkets; one child for every 30 employees at Shaw Industries; and one child for every 26 workers at Mohawk.⁵²

Even as Wal-Mart forces taxpayers to pick up much of the tab for worker health care, the company has benefited from almost \$20 million in taxpayer-financed economic assistance in Georgia since 1987.⁵³

Medicaid spending accounts for 19 percent of state spending in Georgia.⁵⁴ In the 2005 legislative session, Georgia had to address an \$80 million deficit in the state's Medicaid program.⁵⁵ Medicaid will continue to be one of the top fiscal problems for the 2006 legislative session.⁵⁶ Over the last two fiscal years, Georgia has frozen provider payments, implemented pharmacy controls, and imposed other cost-containment measures to rein in Medicaid spending.⁵⁷

IOWA

Wal-Mart leads Iowa employers in the number of workers on Medicaid, according to an analysis by the state's Department of Human Services. Approximately five percent of Wal-Mart's Iowa employees (845 workers) received health care under the Medicaid program in 2004.⁵⁸ Wal-Mart accounted for more than twice as many Medicaid participants as the state's largest employer, supermarket chain Hy-Vee Inc., which had 361 of its 24,500 employees (1.5 percent) on the Medicaid rolls.⁵⁹ The remaining three employers among the top five with workers on Medicaid also had fewer than half of Wal-Mart number: 388 employees of Tyson Fresh Meats were participating in Medicaid, as were 371 employees of Casey's General Stores and 217 employees of Access Direct Telemarketing.⁶⁰

Meanwhile, Wal-Mart has benefited from almost \$17 million in taxpayer-financed economic assistance in Iowa since 1985.⁶¹

Medicaid funding continues to be of serious concern in Iowa. With the state forecasting a Medicaid budget shortfall of more than \$100 million in FY 2007, Iowa ranks Medicaid as one of the top three fiscal problems it must address in its 2006 legislative session.⁶² Over the past two fiscal years, Iowa has frozen provider payments, implemented pharmacy controls, and imposed other cost-containment measures to rein in spending on the program.⁶³

MAINE

Two separate tallies put Wal-Mart at or near the top of Maine employers with workers receiving public assistance.⁶⁴ According to the state's Department of Health and Human Services, Wal-Mart topped the list of companies in May 2005 with workers enrolled in Medicaid and other public assistance programs.⁶⁵ There were 751 Wal-Mart workers receiving benefits that month, representing more than 10 percent of its

employees.⁶⁶ Wal-Mart was followed by supermarket chain Hannaford and L.L. Bean, with 527 and 170 employees receiving public assistance, respectively.⁶⁷

According to a second count of the state's 50 largest employers from the Maine Department of Health and Human Services, Wal-Mart tied with Attendant Services of South Portland for the fourth-largest share of workers receiving state aid in October 2005, behind C.N. Brown Co, Goodwill Industries, and Irving Oil Corp.⁶⁸ More than one out of seven (15.4 percent) Wal-Mart workers received public assistance from Maine in October 2005.⁶⁹

In 2006, after two years of benefit and eligibility cuts, Maine is facing a Medicaid budget shortfall of \$31.5 million.⁷⁰ Medicaid is one of the state's top three fiscal issues that must be addressed in the 2006 legislative session.⁷¹ Even as Wal-Mart has dumped hundreds of workers on the state's overburdened Medicaid rolls, it has racked up more than \$22.2 million in state and local subsidies for its stores, with 72 percent of these subsidies for a store opening in 2005.⁷²

MASSACHUSETTS

According to a February 2006 report from the Massachusetts Executive Office of Health and Human Services, among employers with 50 or more employees receiving public medical assistance in the state, Wal-Mart has the largest number of workers and dependents receiving assistance.⁷³ In the 2005 fiscal year, 2,866 Wal-Mart workers were insured through the state's MassHealth program or received care through the state's Uncompensated Care Pool.⁷⁴ There were 3,280 Wal-Mart workers' dependents receiving health benefits through the MassHealth program during the same period.⁷⁵ The total cost in FY 2005 to Massachusetts' taxpayers for providing health care to Wal-Mart workers and their dependents was nearly \$8 million.

The study also reported on the share of health care premiums paid by employers for their employees in Massachusetts. Wal-Mart paid only 52 percent of covered workers' health insurance premiums, considerably less than the 2005 median employer contribution of 77 percent and less than B.J. Wholesale Club's 88 percent contribution, Target's 68 percent contribution, and the 66 percent share paid by Sears.⁷⁶ Wal-Mart's shifting of large premium costs to its employees is one reason so many Wal-Mart workers and their family members rely on public health assistance.

Medicaid and health care are rated as one of the top three fiscal problems the state must deal with in the 2006 legislative session.⁷⁷ Massachusetts has implemented pharmacy controls and imposed other cost-containment measures over the past two fiscal years to rein in Medicaid spending.⁷⁸

MONTANA

Wal-Mart tops the list of Montana companies whose employees' children are enrolled in the Children's Health Insurance Plan (CHIP) program. State records analyzed by the *Great Falls Tribune* in 2005 show the 193 Wal-Mart employees using CHIP represented about 4 percent of the company's workforce in the state. McDonald's, Pizza Hut, NAPA Auto Parts and Subway followed Wal-Mart on the list.⁷⁹

Over the past two fiscal years, Montana has frozen provider payments and implemented pharmacy controls and other cost-containment measures to control Medicaid spending.⁸⁰

NEBRASKA

Two separate studies in Nebraska put Wal-Mart at or near the top of a list of companies with workers receiving Medicaid benefits.⁸¹ In a 2005 analysis of companies with 25 or more workers receiving Medicaid benefits, the Nebraska Health and Human Services System put Wal-Mart at the top

of the list, with 654 workers receiving Medicaid benefits.⁸² Tyson, another company notorious for its race-to-the-bottom business model, was second with 548 workers on the rolls.⁸³ A second study, conducted by the Nebraska Appleseed Center for Law in the Public Interest, looked at the top 105 employers in the state and found that Wal-Mart was ranked fourth in the share of workers receiving Medicaid benefits, with 6.4 percent of its workers relying on Medicaid for their health care.⁸⁴

Meanwhile, the company has been able to pick up \$15.2 million in subsidies from state and local governments for the construction of a distribution center in central Nebraska.⁸⁵

Over the past two fiscal years, Nebraska has frozen provider payments and implemented other cost-containment measures to control Medicaid spending.⁸⁶

NEW HAMPSHIRE

New Hampshire's Department of Health and Human Services reported in 2005 that Wal-Mart tops the list of employers with workers and their dependents using the state's Medicaid and the Healthy Kids Silver program. Wal-Mart had 487 of its approximately 8,500 workers receiving subsidized health care as of Jan. 31, 2005.⁸⁷

Paired with cuts in federal spending on poverty programs, New Hampshire's \$1.5 billion budget is straining to meet the basic health care needs of hundreds of employees and dependents of America's largest company. Over the past two fiscal years, the state implemented cuts in Medicaid benefits and eligibility, and imposed other cost-containment measures to curb Medicaid spending.⁸⁸

NEW JERSEY

A 2005 report from New Jersey Policy Perspective (NJPP) revealed that Wal-Mart employees

use the state's FamilyCare program more than workers for any other employer. A total of 589 Wal-Mart employees and their dependents were participating in the government-funded program, compared to 335 for Home Depot, the company with the second-largest group on the list.⁸⁹ Wal-Mart tops the list, despite being only the state's eighth-largest employer.⁹⁰

New Jersey is facing a state budget gap of approximately \$4 billion, and it spends \$4.5 billion on Medicaid each year.⁹¹ Over the past two fiscal years, New Jersey has frozen provider payments in an effort to control Medicaid costs.⁹²

OHIO

According to a 2006 report from the Ohio Department of Job and Family Services, Wal-Mart is the number one employer of Medicaid recipients in the state. In FY 2005, an average of 12,184 Wal-Mart employees and their family members received health care through the Medicaid program each month, up by more than 2,000 recipients (a 20 percent increase) from the previous fiscal year.⁹³ McDonald's, Yum! Brands, Wendy's and Bob Evans followed Wal-Mart on the list.⁹⁴ State and federal taxpayers paid \$27.7 million in FY 2005 to provide Medicaid benefits to Wal-Mart employees in Ohio.⁹⁵

Over the past two fiscal years, the state has implemented Medicaid eligibility changes and benefit cuts and has imposed several other cost-containment measures to rein in Medicaid spending.⁹⁶ In 2005, Ohio dropped 25,000 parents from the program in order to cut costs.⁹⁷

PENNSYLVANIA

According to data released by the Pennsylvania Department of Public Welfare, the percentage of workers receiving Medicaid benefits is greater at Wal-Mart than at any of the other top 10 largest employers in the state. There were 7,577 Wal-Mart

workers in Pennsylvania enrolled in Medicaid between July and September 2005, representing 15.8 percent of Wal-Mart workers in the state.⁹⁸

While one out of every six Wal-Mart employees in Pennsylvania relies on state-funded health care, the company has received subsidies to locate stores within the state. Since 1993, Wal-Mart has benefited from \$26 million in state and local taxpayer-financed economic assistance.⁹⁹

Like many other states, Pennsylvania has experienced significant Medicaid budget shortfalls, with program expenditures exceeding the Medicaid budget by \$757 million in FY 2004 and \$57 million in FY 2005. Pennsylvania cut Medicaid benefits and eligibility and imposed other cost-containment measures over the past two fiscal years to limit spending on the program.¹⁰⁰ In FY 2004, Medicaid spending represented 31 percent of total state expenditures.¹⁰¹

TENNESSEE

Wal-Mart ranks first among Tennessee employers with workers participating in TennCare, the state's expanded Medicaid program. One in every four Wal-Mart employees (9,617 workers of 37,000 employees statewide) gets his or her health coverage through the program.¹⁰² The second ranked company, Randstad Staffing Services, accounted for 6,389 TennCare participants.¹⁰³ The 20 employers with the most workers covered through TennCare accounted for 68,303 program participants, 14 percent of whom work for Wal-Mart.¹⁰⁴

Even as the company avoids its responsibility for providing its workers with basic health care, Wal-Mart has benefited from \$11.6 million in taxpayer-financed economic assistance in Tennessee since 1983, with two-thirds of that coming in since 1997.¹⁰⁵

A July 2005 survey from the National Governors Association and the National Association of State Budget Officers reported that Tennessee's Medic-

aid expenditures exceeded its FY 2005 budget by \$644 million and exceeded its FY 2004 budget by \$507 million.¹⁰⁶ Tennessee cut Medicaid benefits and eligibility (including eliminating coverage for 226,000 adults in FY 2006) and imposed other cost-containment measures over the past two fiscal years to limit spending on the program.¹⁰⁷

TEXAS

Wal-Mart tops the list of employers in Texas whose workers must rely on public programs to get health care for their kids. According to data from the Texas Health and Human Services Commission, 4,363 children of Wal-Mart workers were in the state's CHIP program in February 2005, three times more than the number of children whose parents work for the No. 2 employer on the list, the Houston Independent School District.¹⁰⁸

Wal-Mart has benefited from more than \$100 million in taxpayer-financed economic assistance in Texas since 1980. This includes \$19 million in subsidies (\$18 million in property tax exemptions and \$1 million in improvements for infrastructure) for a distribution center that opened in 2005 in Baytown.¹⁰⁹

Over the past two fiscal years, Texas has frozen provider payments, implemented pharmacy controls, and imposed other measures to contain spiraling program costs.¹¹⁰ In 2003, the state used benefit cuts in Medicaid to help close a budget shortfall of \$10 billion.¹¹¹

UTAH

Utah's Department of Health data show that Wal-Mart tops the state's list of companies whose employees rely on state health care. In 2005, there were 234 Wal-Mart employees receiving Medicaid benefits. Meanwhile, Utah's largest employer, Intermountain Health Care, has only 48 workers receiving Medicaid benefits.¹¹²

Even as Wal-Mart shirks its responsibility for providing its workers with basic health care, forcing taxpayers to pick up the tab, Wal-Mart has wrangled at least \$13.7 million since 1993 in subsidies for construction of its stores, including \$2.5 last year to help Wal-Mart build a distribution center in Grantsville.¹¹³

Over the past two fiscal years, Utah has taken a number of steps to contain Medicaid costs, including pharmacy controls and freezing provider payments.¹¹⁴

VERMONT

According to a 2005 analysis by the state of Vermont, Wal-Mart is one of the state's top 10 employers ranked by total number of employees receiving Medicaid benefits. The figures indicate that 286 Wal-Mart workers rely on the state Medicaid program for health insurance.¹¹⁵

Medicaid is one of the top three fiscal problems Vermont must address in the 2006 legislative session.¹¹⁶ Spending on the state's program has increased from \$437 million in 2000 to \$849 million in 2006.¹¹⁷

A July 2005 survey from the National Governors Association and the National Association of State Budget Officers reported that Vermont's Medicaid expenditures exceeded its FY 2005 budget by \$20 million and its FY 2004 budget by \$57 million.¹¹⁸

Vermont cut Medicaid benefits and eligibility and imposed other cost-containment measures in fiscal years 2005 and 2006 to limit spending on the program.¹¹⁹ The state faces serious future budget shortfalls in its Medicaid program and has agreed to a cap on funding from the federal government in return for approval to use a managed care organization to run the Medicaid program.¹²⁰ Even if cost savings from moving to a managed care system are realized, the state will still face a five-year total Medicaid budget gap of \$300 million.¹²¹

WASHINGTON

According to the state government, more than 3,100 Wal-Mart workers in Washington and their dependents received taxpayer-funded health care in 2004, nearly 20 percent of all in-state Wal-Mart employees.¹²² A state Senate report in February 2006 estimated that providing government health care to Wal-Mart workers cost taxpayers \$12 million in 2004.¹²³

Even as Wal-Mart shirks its responsibility for providing its workers with basic health care, forcing taxpayers to pick up the tab, Wal-Mart benefited from \$1 million in publicly financed infrastructure assistance for a distribution center that opened in 2004 in Grandview.¹²⁴

In FY 2005, Washington had to address a \$34.2 million Medicaid budget shortfall.¹²⁵ Over the past two years, the state has frozen provider payments, implemented pharmacy controls, and taken other steps to rein in Medicaid costs.¹²⁶

WEST VIRGINIA

Wal-Mart tops the list in West Virginia for the largest number of workers with children receiving state-funded health benefits. According to data released in December 2004 by the West Virginia Bureau for Children and Families, 452 Wal-Mart employees get health coverage for their children through the State's Children Health Insurance Program (SCHIP).¹²⁷ Wal-Mart has more than three times as many employees with children covered by SCHIP than the next highest-ranked employer, Asplundh, which had 146 employees with children participating in the plan.¹²⁸

Even as Wal-Mart shirks its responsibility for providing its workers with basic health care, forcing taxpayers to pick up the tab, Wal-Mart has benefited from more than \$9.7 million in taxpayer-financed economic assistance in West Virginia since 1989, with most of the benefit accruing since 1998.¹²⁹

Medicaid is one of the top three fiscal problems that West Virginia must address in the 2006 legislative session.¹³⁰ Over the past two fiscal years, the state has implemented Medicaid benefit cuts, frozen provider payments, and imposed several other cost-containment measures to control Medicaid spending.¹³¹

WISCONSIN

According to a 2005 report from the Wisconsin Citizen Action Fund, Wal-Mart accounts for 6,628 people (4,722 workers and 1,906 dependents) participating in Wisconsin's public health care programs.¹³² The estimated annual cost to taxpayers for insuring these Wal-Mart workers and their family members is almost \$14 million.¹³³

Meanwhile, Wal-Mart has benefited from \$21.8 million in taxpayer-funded economic assistance

in Wisconsin since 1993, with almost all of the benefits accruing since 2000.¹³⁴

Included in this is \$7.7 million worth of city and state subsidies for a distribution center in Beaver Dam.¹³⁵ The distribution center has been the subject of controversy, due to reports in November 2005 that as many as eight prison laborers from the Fox Lake Correctional Institution were hired by the Wal-Mart building contractor to help construct the center.

Prisoners on work release from the correctional facility earn an average of \$9 per hour, which goes to the prison and for child-support payments, restitution and fines.¹³⁶

Wisconsin has frozen provider payments, implemented pharmacy controls and imposed other cost-containment measures over the past two years to rein in state health program costs.¹³⁷

APPENDIX I

Taxpayer-Financed Economic Development

Assistance Benefiting Wal-Mart, 1982-2005

(Subsidies and industrial revenue bond issues for Wal-Mart or developers of sites where Wal-Mart is building or expanding)

State	Subsidies for Retail Stores (\$ in millions)	Industrial revenue bond issues (\$ in millions)	Subsidies for Distribution Centers (\$ in millions)	Total
Alabama	19.6		19.2	38.8
Arizona	7.6		0.5	8.1
Arkansas			0.4	0.4
California	34.5		14.0	48.5
Connecticut				
Florida	1.7	2.6	49.8	54.1
Georgia		4.8	14.7	19.5
Iowa	1.2	5.5	10.0	16.7
Maine	6.2		16.0	22.2
Massachusetts				
Montana				
Nebraska		2.3	15.2	17.5
New Hampshire				
New Jersey				
Ohio	5.3		39.1	44.4
Pennsylvania	7.2		18.8	26.0
Tennessee		3.7	7.9	11.6
Texas	1.3	29.2	77.1	107.6
Utah	1.2		12.5	13.7
Vermont				
Washington			1.0	1.0
West Virginia	9.7			9.7
Wisconsin	6.7		15.1	21.8

Source: "Shopping for Subsidies: How Wal-Mart Uses Taxpayer Money to Finance Its Never-Ending Growth," *Good Jobs First*, May 2004. The *GJF* report provides state-by-state information on subsidies and other taxpayer-financed assistance that benefited Wal-Mart, either as a direct recipient of aid or because the company was anchoring a new development project that received assistance. The types of subsidies covered by the report include free or reduced-price land, infrastructure assistance, tax increment financing, tax breaks (property, corporate income and sales taxes), enterprise zone (and other zone) status, job training and worker recruitment funds, tax-exempt bond financing (industrial revenue bonds) and general grants.

According to the *GJF* report, Wal-Mart has benefited from at least \$1 billion economic development assistance since 1982. The *GJF* report, while thorough, is not comprehensive because state and local recordkeeping and reporting on corporate subsidies is spotty and incomplete. As a result, the *GJF* finding understates, perhaps substantially, the total amount of economic development assistance benefiting Wal-Mart.

The table above extracts data for the 23 states covered in this report.

APPENDIX II

Medicaid Cost-Containment Measures: Fiscal Year 2005 or Fiscal Year 2006

State	Benefit Cuts	Eligibility Cuts	Other Measures
Alabama			X
Arizona		X	X
Arkansas			X
California	X		X
Connecticut		X	X
Florida		X	X
Georgia			X
Iowa			X
Maine	X	X	X
Massachusetts			X
Montana			X
Nebraska			X
New Hampshire	X	X	X
New Jersey			X
Ohio	X	X	X
Pennsylvania	X	X	X
Tennessee	X	X	X
Texas			X
Utah			X
Vermont	X	X	X
Washington			X
West Virginia	X		X
Wisconsin			X

Source: Vernon Smith, et al., *Medicaid Budgets, Spending and Policy Initiatives in State Fiscal Years 2005 and 2006—Results from a 50 State Survey*, Kaiser Commission on Medicaid and the Uninsured, October 2005. The report contains national and state-by-state data on a number of factors related to the Medicaid crisis, including the types of cost-containment steps states have taken. According to the Kaiser report, every state imposed one or more cost-containment measures over the past two years, including benefit cuts (in 20 states) and eligibility restrictions (in 18 states). As used in the above table, “other measures” include reductions in provider payments, pharmacy controls, higher co-pays, expansion of managed care options, greater controls on fraud and abuse, implementation of disease and case management techniques, and long-term care savings initiatives. This table includes steps taken in either fiscal year 2005 or 2006; the Kaiser survey reports each fiscal year separately.

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⁷⁰ Victoria Wallack, "Lawmakers get working on budget," *The Times Record*, January 26, 2006; Vernon Smith et al.

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⁹⁴ Ohio Department of Job and Family Services, *Report Identifying the Number of Benefit Recipients by Employer*, February 24, 2006.

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MercedSunStar.com

Wal-Mart secrets continue

Editor: I would think that if Keith Morris of Wal-Mart really wanted to "talk candidly and get feedback," he would have talked to the public about the planned distribution center, not just "a handpicked welcome wagon of supporters" with a press conference at an undisclosed location.

As a founding member of the Merced Alliance for Responsible Growth (MARG) which was set up last month, I was also surprised to read that supporters of the Wal-Mart distribution center think MARG is a bunch of outside agitators. MARG is Merced County through and through. MARG is co-chaired by a local farmer and a retired educator. Members include the local progressive Democratic group, which has been meeting since 1968, the Community Alliance with Family Farmers, my own local progressive group which is mostly old time Mercedians, the grassroots citizens group fighting the Riverside Motorsports Park, the local Sierra Club, the local labor council, and on and on. I'm guessing the average our members have lived in the county is 10-15 years.

Wal-Mart should be willing to address the issues raised by MARG. We just want responsible growth that promotes quality of life, clean air, farmland preservation, and pays its own way. We want businesses that offer good quality jobs that pay good wages and have good benefits. Wal-Mart has an atrocious record of environmental and labor violations, and about half their employees nationwide are on publicly funded health insurance (by the way, that means you and I pay for it through our taxes).

NANCY GOODBAN, Ph.D.

Merced

Posted on 03/02/06 00:30:00

<http://www.mercedsun-star.com/opinion/letters/story/11881921p-12652955c.html>

Team as "outside agitators." Nancy Goodban has a wonderful response in the paper today, but in order to challenge these perceptions, we need more.

Please take a moment to write a letter to the editor of your own. It is suggested that the letter:

1. Identifies you as a Merced resident (if you are a long-term resident, indicate how many years)
2. Focuses on one or more environmental reasons you are concerned about a Wal-Mart distribution center coming to Merced (traffic, noise, air pollution, health implications, hazardous waste, property values, taxpayer subsidies, etc. – the attached frequently asked questions will give you specific information on these issues)

Letters should be sent to: jkieta@mercedsun-star.com
If you are willing, please copy the City Council at:
CityCouncil@cityofmerced.org

If you would like help drafting a letter, please send an email
MercedAlliance@hotmail.com with information about:

1. How long you have lived in Merced
2. Any other information you think might be useful (i.e. what neighborhood you live in, if you have children, if you work in Merced, etc.)
3. What issues are most important to you or if any issue would be fine for your letter

Also attached is the petition for those of you who have not received it. We have set a high goal of collecting 1,000 petitions by the end of March and can use your help!

Many thanks!

Kyle Stockard
Co-Chair, MARG Wal-Mart Action Team

Is your PC infected? Get a FREE online computer virus scan from McAfee@ Security. <http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3863>

GENERAL TALKING POINTS

Wal-Mart Distribution Center

THE PROPOSED WAL-MART DISTRIBUTION CENTER IS NOT A "DONE DEAL." Wal-Mart cannot build a distribution center in Merced until they have gone through the legally required planning process. This process will include a thorough review of all environmental impacts as well as a series of public hearings to gather input and hear citizen concerns. The eventual approval or rejection of the distribution center can still be based on what is best for Merced, not the backroom dealings that Wal-Mart would have you believe are set in stone.

THE PROPOSED DISTRIBUTION CENTER WOULD OCCUPY 160 PRIME ACRES OF MERCED LAND. The distribution center will include parking for 1,000 trucks with trailers and a 1 million square foot warehouse (equivalent to 24 football fields). It will add about 1 truck per minute to our existing traffic and create significant air and noise pollution. If the distribution center is approved and built, Merced can never reclaim that land for other uses or more beneficial economic development strategies.

A WAL-MART DISTRIBUTION CENTER IS BAD FOR OUR COMMUNITY. The distribution center will dramatically increase traffic and the risk of life-threatening accidents. As studies have shown, Wal-Mart jobs will drive down local wages and benefits, negatively impacting the overall the quality of local jobs. Additionally, a distribution center will significantly increase air and noise pollution, drive down property values in the surrounding neighborhoods and expose our precious farmland to potentially harmful pollutants and hazardous materials. Because of their significant impacts, Wal-Mart Distribution Centers have historically been built away from population centers. The proposed Merced Wal-Mart Distribution Center, however, would be directly next to residential homes and an elementary school!

A MERCED DISTRIBUTION CENTER WILL COST TAXPAYERS MILLIONS OF DOLLARS IN INFRASTRUCTURE COSTS. The proposed distribution center would be located directly adjacent to the planned Campus Parkway. While the distribution center would generate more than one truck per minute entering and exiting the parkway, Wal-Mart will not pay a dime towards construction or maintenance. Instead, taxpayers will be responsible for what experts believe could be nearly double the originally estimated \$60 million for the project.

WAL-MART HAS A PROVEN HISTORY OF FALSE PROMISES. As recently as last year Wal-Mart was breaking promises made during attempts to win approval for distribution centers. For instance, in 2005 Wal-Mart opened a distribution center in Lewiston, Maine. Wal-Mart promised the City Council 350 to 450 fulltime distribution center jobs for the residents of Lewiston. Only 225 positions were created – all temporary. Residents were promised wages of \$12 to \$15 dollars an hour. After the project was approved Wal-Mart offered positions paying \$8.50 to \$9.50 per hour. Additionally, Out-of-State contractors were used to build the distribution center, not local residents. Wal-Mart got their distribution center, but Lewiston did not get their jobs.

WE NEED YOUR SUPPORT. Since the announcement of Wal-Marts plans last fall, local residents have come together to stop the Wal-Mart Distribution Center from coming to Merced. However, we cannot do it alone. Participation from the community is essential! Please join our effort and let the City Council know that you do not support the Wal-Mart Distribution Center.

Frequently Asked Questions About the Proposed Wal-Mart Distribution Center

What is the Wal-Mart Distribution Center?

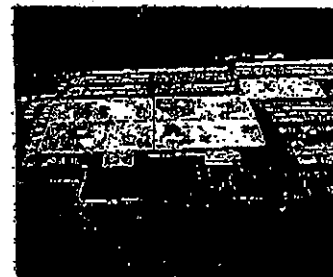
Wal-Mart has submitted an application to the City of Merced to build a Distribution Center that would supply many of Wal-Mart's California stores. If built, the Distribution Center will dramatically increase traffic; drive down local wages and benefits; significantly increase air, light and noise pollution; decrease property values and expose the community and local farmland to hazardous materials.

Where would the Wal-Mart Distribution Center be located?

The Merced site Distribution Center is proposed for 230 acres in Southeast Merced between Childs and Gerard. Typically, Wal-Mart Distribution Centers are located away from town centers and residential areas because of their size and environmental impacts. The Merced site, however, will be next to the Campus Parkway, residential homes and two elementary schools. The site currently has 11,000 almond trees on it that will be removed.

What does a Wal-Mart Distribution Center look like? How big is it?

The Distribution Center will include a 1.1 million square foot warehouse (the size of 24 football fields), 116,100 square feet of additional buildings, 100 acres of pavement, parking for 2,200 trucks, 300 trailers, 650 to 850 passenger vehicles and 400 loading dock doors.



Wal-Mart DC in Raymond, NH

Would a Wal-Mart Distribution Center have an impact on traffic?

Yes! The Distribution Center will generate 1,200 per day or about *one truck per minute*. This level of truck traffic will increase the risk of life-threatening accidents, cause costly road damage and overwhelm the Campus Parkway and Hwy 99 creating new traffic problems in Merced.

Will Wal-Mart help pay for construction of the Campus Parkway?

No. Even though Wal-Mart will be the single largest beneficiary of the Campus Parkway, they will pay nothing. The Parkway will cost taxpayers \$60 to \$120 million dollars. It will cost Wal-Mart \$0.

How will the Distribution Center affect our air quality?

Currently, Merced is the 6th worst area in the country for ozone air pollution according to the American Lung Association's latest rankings (2004). The additional 1,200 diesel trucks per day will further degrade our air quality and significantly increase health risks and diseases such as asthma.

How much noise and light will the Distribution Center generate?

The Wal-Mart Distribution Center will operate 24 hours a day, 7 days a week. Trucks will be routed on the Campus Parkway directly next to residential homes. They will create considerable noise and potentially cause hearing damage to those living nearest the facility. The exact number of lights has not yet been disclosed by Wal-Mart, but there will be powerful lighting throughout the night.

What kind of wages and benefits will Wal-Mart Distribution Center jobs offer?

Wal-Mart jobs are not quality jobs. The average Wal-Mart worker makes an average salary that is below the poverty line and only 48% of employees are covered by Wal-Mart health insurance (compared to 68% of employees covered at other firms with 200 or more workers). Under Wal-Mart's most affordable family health plan, an average full-time employee would have to spend 27% of their earnings before the health insurance covers any medical costs. Because of their poor compensation package, Wal-Mart workers cost California taxpayers an estimated \$86 million annually (\$32 million in health related expenses and \$54 million in other public assistance).

How many jobs will the Wal-Mart Distribution Center bring to Merced?

Wal-Mart has a history of using jobs as a tool to gain support for distribution centers. Unfortunately, they also have a history of false promises. In 2005, Wal-Mart opened a Distribution Center in Lewiston, Maine. They won support from the City by promising jobs to the community. Here is what happened:

	Wal-Mart Promise	Reality
Construction Jobs	Local Construction	Out-of-State Contractors
Distribution Jobs	350-450 positions	225 positions
Wages	\$12.00-\$15.50	\$8.50 - \$9.50

Will the Wal-Mart Distribution Center house hazardous materials? How will they be handled?

Yes. The Distribution Center will generate 55,000 gallons of sewage each day, include on-site storage and waste facilities for 28,800 gallons of petroleum products and house hazardous materials in transit to Wal-Mart stores. Wal-Mart does not have a responsible record handling hazardous materials. They have been fined in 13 states (including California) for environmental violations including water contamination and run-off infractions as well as petroleum storage and air pollution violations.

What will a Wal-Mart Distribution Center do to property values in Merced?

Increased traffic, noise, air pollution and light will lower the desirability of Merced homes. As a result, property values will drop, especially affecting home prices in Southeast Merced.

Can the Wal-Mart Distribution Center be stopped?

Yes! The Distribution Center is NOT a "done deal" as Wal-Mart would like you to think. The project must go through a thorough environmental review process and gain the support of the Merced Planning Commission and the City Council. Community participation in this process is critical.

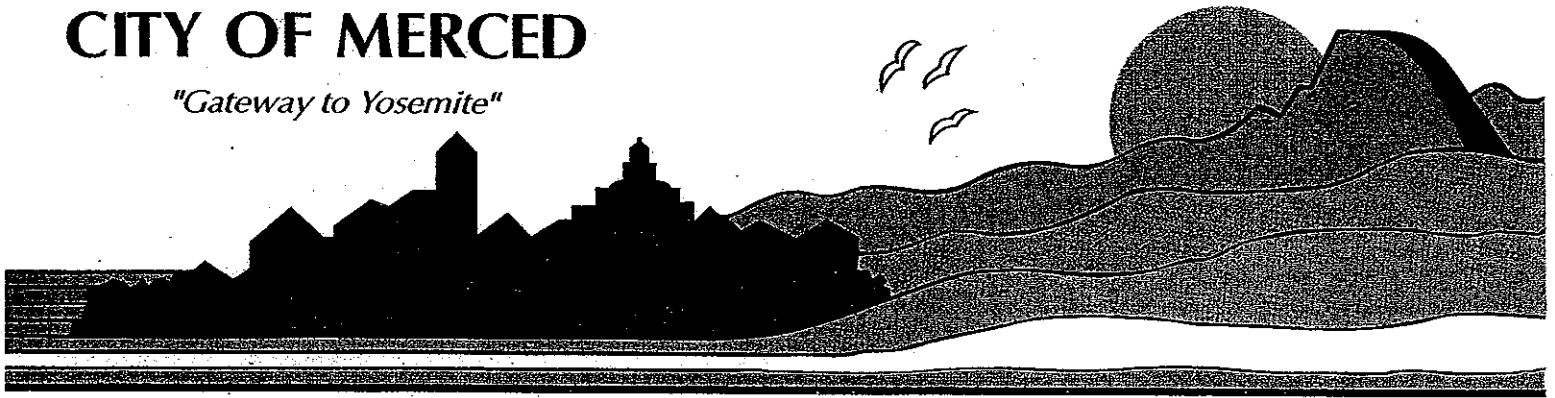
How can I help STOP the Wal-Mart Distribution Center?

1. **Collect Petition Signatures** – Collect petition signatures opposing the Distribution Center while educating your friends and neighbors. Email MercedAlliance@hotmail.com to receive the petition.
2. **Host a House Party** - Invite friends and neighbors to your home for a presentation about the proposed Merced Distribution Center. The Merced Alliance for Responsible Growth (MARG) will send a representative to talk in detail about the project and answer questions. If interested, please email MercedAlliance@hotmail.com.
3. **Contact the City Council** – Tell your representatives that you do not support a Wal-Mart Distribution Center in Merced and what concerns you most about the proposal. Contact the Council
 - By mail: 678 West 18th Street, Merced, CA 95340
 - By phone: (209) 385-6834
 - By email: CityCouncil@cityofmerced.org
4. **Write a letter to the Editor** – Raise awareness about the Distribution Center and the issues that concern you most! Send letters to jkieta@mercedsun-star.com.
5. **Donate** – Help us get the word out! Donate to the MARG Wal-Mart Action Team.
6. **Stay Involved** – Join our mailing list and receive updates and notices of new opportunities to help. Email your contact info to MercedAlliance@hotmail.com.

For more information or to get involved please email MercedAlliance@hotmail.com

CITY OF MERCED

"Gateway to Yosemite"



Office of the Mayor & City Administration

209 385-6834 Voice

209 723-1780 Fax

VIA E-MAIL

February 7, 2006

Ms. Tina Hill
tina@midvalleypools.com
Hill2459@comcast.net

Re: Proposed Wal-Mart Distribution Center

Dear Ms. Hill:

I appreciate the concern you expressed about the proposed Wal-Mart distribution center in the University Industrial Park.

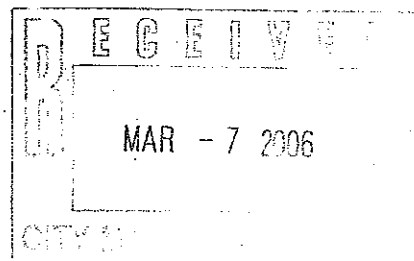
There are many benefits and opportunities the project brings to Merced. While the project will generate many badly needed jobs to the community, we must also consider how the project may effect the community's quality of life. Development Manager Frank Quintero has called to my attention that an Environmental Impact Report will be prepared to study the issues such as traffic and air quality. He and the Planning Department anticipate that the study will start some time in May. You are encouraged to keep in touch with Mr. Quintero and the Planning Department regarding the progress, availability, and public hearing dates relative to the Environmental Impact Report.

Please note, staff and I are available to discuss this project with you and others from your neighborhood. Feel free to contact me at 385-6834 or Mr. Quintero at 385-6827 should you have other inquiries or comments about the distribution center project. The City Council and I are grateful that residents like you are concerned about the well being of this City.

Sincerely,

Ellie Wooten, Mayor
City of Merced

cc: James G. Marshall, City Manager



Espinosa, Kim

From: Quintero, Frank
Sent: Monday, March 06, 2006 6:42 PM
To: Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

FYI

-----Original Message-----
From: Tina - Mid Valley Viking Pools [mailto:tina@midvalleypools.com]
Sent: Monday, March 06, 2006 1:53 PM
To: Quintero, Frank
Subject: RE: Wal-Mart Distribution Center

Thank you for the additional information regarding the Wal-Mart Distribution Center.

I am very interested in the Environmental Impact Report and how it will impact the futher development plan.

Tina Hill

>----- Original Message -----
>From: "Quintero, Frank"
><QUINTEROF@cityofmerced.org>
>To: <tina@midvalleypools.com>,
> <Hill2459@comcast.net>
>Sent: Mon, 6 Mar 2006 11:27:43
>
>Dear Ms. Hill:
>
>Thank you for your comments concerning the Wal-Mart
>Distribution Center. I left a message with my
>callback information on your cell phone, but also
>wanted to follow up with an e-mail.
>
>As part of the permit process, the Wal-Mart
>distribution center project must undergo an
>Environmental Impact Report (EIR) review. The EIR
>will address issues such as traffic generation and
>air quality. The City is selecting an
>environmental consultant to prepare the EIR, and
>will more than likely select a consultant by late
>April 2006. In the meantime, if there are other
>environmental concerns you feel should be included
>in the EIR or if there is other information about
>the project you would like to discuss, please feel
>free to share those items with me either via e-mail
>or by calling 385-6827.
>
>Please note, there will be opportunities for the
>public to comment and provide input concerning the
>EIR and distribution center project.
>
>Again, thank you for your comments, and I am
>available to discuss the EIR, process, and project
>with you.
>
>Respectfully submitted,
>

>Frank Quintero
>Development Manager
>City of Merced
>
>(209) 385-6827
>(209) 723-1780 Fax
>
>quinterof@cityofmerced.org

Tina Hill
Viking Pools Mid-Valley, Inc.
209-669-6874
Tina@midvalleypools.com

Espinosa, Kim

From: Quintero, Frank
Sent: Monday, March 06, 2006 11:28 AM
To: 'tina@midvalleypools.com'; 'Hill2459@comcast.net'
Cc: Marshall, Jim; Lesch, Jack; Espinosa, Kim
Subject: Wal-Mart Distribution Center

Dear Ms. Hill:

Thank you for your comments concerning the Wal-Mart Distribution Center. I left a message with my callback information on your cell phone, but also wanted to follow up with an e-mail.

As part of the permit process, the Wal-Mart distribution center project must undergo an Environmental Impact Report (EIR) review. The EIR will address issues such as traffic generation and air quality. The City is selecting an environmental consultant to prepare the EIR, and will more than likely select a consultant by late April 2006. In the meantime, if there are other environmental concerns you feel should be included in the EIR or if there is other information about the project you would like to discuss, please feel free to share those items with me either via e-mail or by calling 385-6827.

Please note, there will be opportunities for the public to comment and provide input concerning the EIR and distribution center project.

Again, thank you for your comments, and I am available to discuss the EIR, process, and project with you.

Respectfully submitted,

Frank Quintero
Development Manager
City of Merced

(209) 385-6827
(209) 723-1780 Fax

quinterof@cityofmerced.org

Espinosa, Kim

From: Quintero, Frank
Sent: Monday, March 06, 2006 12:10 PM
To: Espinosa, Kim
Subject: FW: Proposed Wal Mart Distribution Center

Importance: High

As you requested.

Kim, we need to synch up with WMRT, Carter Burgess, WMRT's Attorneys, etc. That is, we all need to working with the same facts, numbers, and responses. The problem is, the Site Plan Review and Env. Rev. Application have different information than what is being shared by WRMT officials. Let's discuss later.

Thanks,

FQ

-----Original Message-----

From: Marshall, Jim
Sent: Monday, March 06, 2006 10:27 AM
To: Quintero, Frank; Lesch, Jack
Subject: FW: Proposed Wal Mart Distribution Center
Importance: High

James G. Marshall, City Manager
City of Merced
marshallj@cityofmerced.org
209.385.6834

-----Original Message-----

From: city, council
Sent: Monday, March 06, 2006 9:29 AM
To: Bill Spriggs; Bill Spriggs (E-mail); Carl Pollard (E-mail 2); Carl Pollard (E-mail); Ellie Wooten; Jim Marshall; Jim Sanders; Joe Cortez; Joe Cortez; Michele Gabriault-Acosta; Michele Gabriault-Acosta (E-mail 2); Nobie Reynolds; Rick Osorio; Rick Osorio (E-mail); Sanders, Jim; Wooten, Ellie
Subject: FW: Proposed Wal Mart Distribution Center
Importance: High

From the web site.

Nobie

Nobie Reynolds
Executive Secretary
City Manager's Office
Email: reynoldsn@cityofmerced.org
Telephone: (209) 385-6834; Fax (209) 723-1780

-----Original Message-----

From: Tina - Mid Valley Viking Pools [mailto:tina@midvalleypools.com]
Sent: Friday, March 03, 2006 10:11 AM
To: city, council
Subject: Proposed Wal Mart Distribution Center

Dear City Council Members,

As a homeowner in Merced, and having purchased a home near Pioneer and Weaver School, I am very concerned with the Wal Mart Proposed Distribution Center!

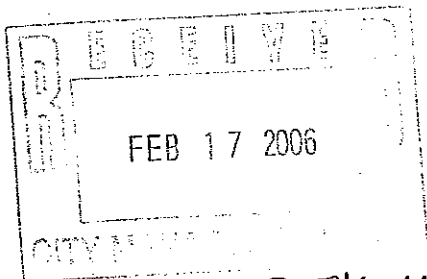
I am not only concerned that it would be near two schools and new home developments, but what will happen to our air quality. We already have too many children with breathing issues related directly to air pollution. The Central Valley is has always been known for its poor air conditions and yet the City Council would consider not only bringing in another source of air pollution to our Valley but would place it near three schools.

Please, for the residence of this Valley, consider all the ramifications this extremely large distribution center will have on our air quality and quality of life.

Please feel free to contact me at 725-9040 or my cell phone number of 628-1061.

Sincerely,

Tina Hill
Hill2459@comcast.net



HOWARD GENTRY
1619 KUSSO ST.
LIVINGSTON, CA. 95334
394-3215

DEAR MEMBERS OF THE MERCED CITY COUNCIL:

I'M VERY CONCERNED ABOUT THE "PROPOSED" 1 MILLION SQ. FT. WAL-MART DISTRIBUTION CENTER UNDER CONSIDERATION IN THE CITY OF MERCED. (OR ANY CITY IN CALIF. FOR THAT MATTER)

MY MAIN CONCERN IS WAL-MART IS ANTI-UNION. ANOTHER CONCERN IS THEY OFFER LITTLE OR NO BENEFITS FOR THEIR EMPLOYEES.

HOW MUCH MORE TRAFFIC ON HIGHWAY 99 SHOULD THE RESIDENTS OF MERCED COUNTY AND OUR SURROUNDING NEIGHBORS BE SUBJECT TO??

PROBABLY A WHOLE LOT MORE, IF THIS PROJECT IS ALLOWED.

AS A LIFELONG RESIDENT OF MERCED COUNTY AND A JOBHOLDER & UNION MEMBER OF THE UNITED FOOD & COMMERCIAL WORKERS LOCAL 1288 (32 YEARS), I FEEL THIS WAL-MART DISTRIBUTION CENTER WILL ELIMINATE A LOT OF HIGHER-PAYING JOBS WHILE ADDING MORE BURDEN TO OUR ALL-READY 'OVER BURDENED' SOCIAL SERVICES AGENCY (IE. HEALTH CARE).

PLEASE, PLEASE DO YOUR "HOMEWORK" ON THIS PROJECT!! (E.I.R., ECONOMIC IMPACT STUDY, TRAFFIC STUDY, ETC. ETC.) DO NOT BE MIS-LEAD BY THE NUMBERS & FIGURES WAL-MART WILL PROVIDE FOR YOU. IF IT WOULD TOO BIG OF A TASK FOR THE STAFF FROM THE CITY OF MERCED TO ACCOMPLISH, SEEKING AN OUTSIDE, INDEPENDENT SOURCE FOR THESE STUDIES WOULD BE MONEY WELL SPENT.

THANK YOU FOR HEARING MY CONCERNS...

FORMER LIVINGSTON CITY COUNCIL MEMBER,

Howard Gentry