

Proctor, Deneen

From: Marshall, Jim
Sent: Monday, December 03, 2007 9:43 AM
To: 'resco16@hotmail.com'
Cc: Proctor, Deneen; Thomas, Russ; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail); Michelle Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill; Wooten, Ellie
Subject: FW: I found this link
Importance: High

Mr. Escobedo - your e-mail to the City Council has been received. A copy will be included in the official record in re: WalMart application. I have also sent a cc of your e-mail to the Police Traffic Unit.

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

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

From: city, council
Sent: Monday, December 03, 2007 8:22 AM
To: Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Subject: FW: I found this link
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: Robert Escobedo [mailto:resco16@hotmail.com]
Sent: Saturday, December 01, 2007 4:49 PM
To: city, council
Subject: I found this link

http://www.cityofmerced.org/depts/city_council/default.asp

Dear Council members, before Carl Pollard left or was voted off the council I was dealing with him in regards to truck traffic along Gerard Avenue. I told him that I was opposed to the Wal Mart center primarily because of its location. It's close proximity to two schools and a proposed third made no sense whatsoever and to me was poor

12/3/2007

planning. The truck traffic, I stated, WOULD be a problem. Trucks park along Gerard now with no consequences at all. Carl did manage to get 'No Trespassing' signs posted but, as I argued would happen, the trucks park right next to those signs and I've seen police drive right by without blinking an eye. The signs have been there for a little over two weeks and so have the trucks. I am not doing this to make life difficult for those drivers who obviously live there. I'm doing this to prove a point. I stood before the council once at a meeting and stated that truck traffic will be a problem as they idle they will park in neighborhoods and use roads in front of schools. I work with truck drivers and I know that if they can find a short cut, they will use it. I told the council that there isn't any plan to enforce trucks using the roads or parking around the school now so how will they be able to enforce it later?

I've attached three photos to show exactly where I'm talking about. This is next to Pioneer. I also have video of a truck making a U turn at the intersection of Coffee and Childs in front of Weaver but it apparently is to big. Yes, A U TURN! Of course he jack knifed and blocked traffic in all directions. Pretty funny stuff.

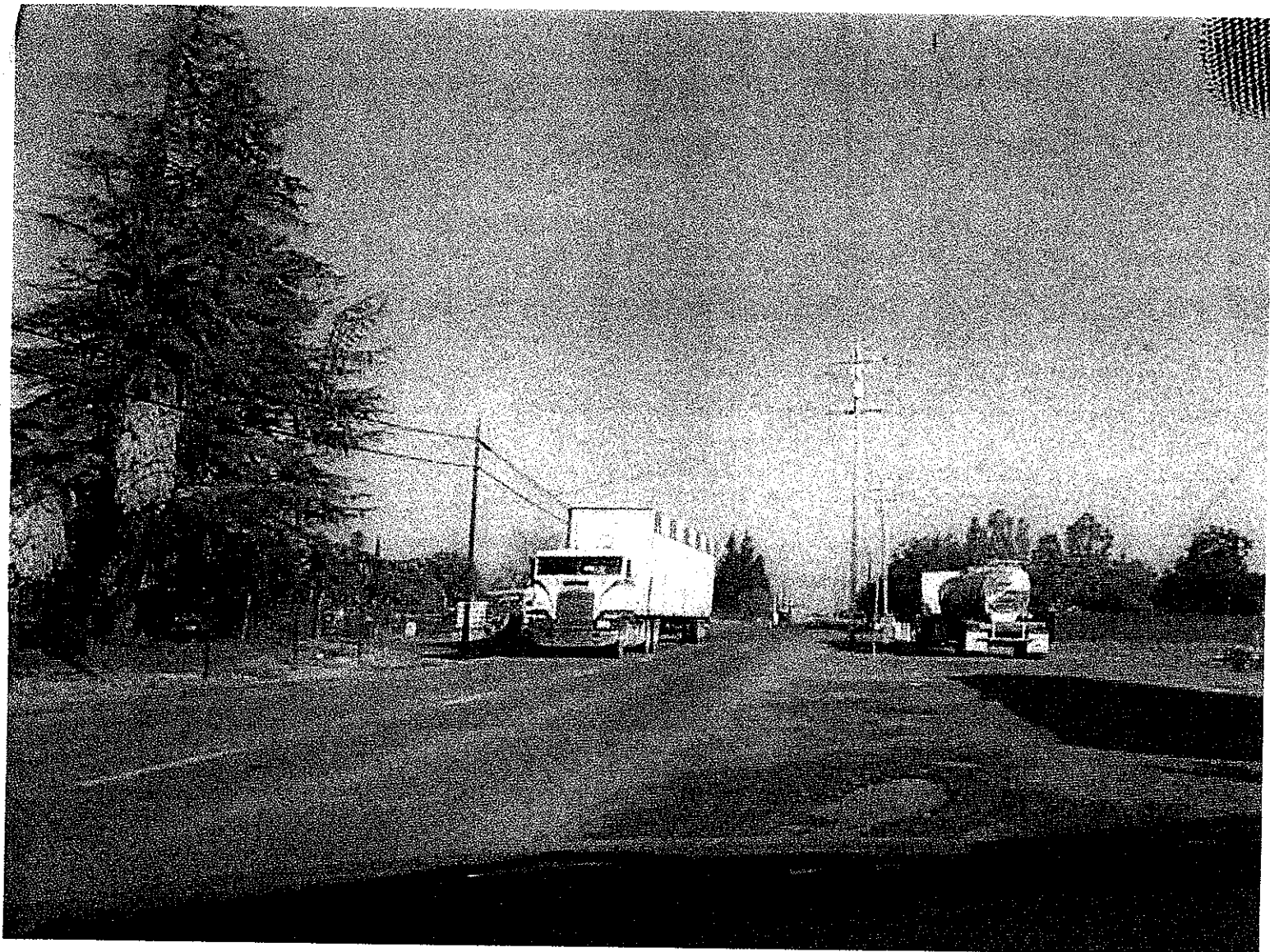
Is it possible to start enforcing the law in this area? Particularly the law that prohibits truck traffic near the schools? There is one, I checked. I have kids that go to these schools and if you have ever been at either school when it lets the kids out, and I doubt you have, it is a mess even without the trucks. If anything maybe we can get the police in the habit of at least looking for truck traffic violations.

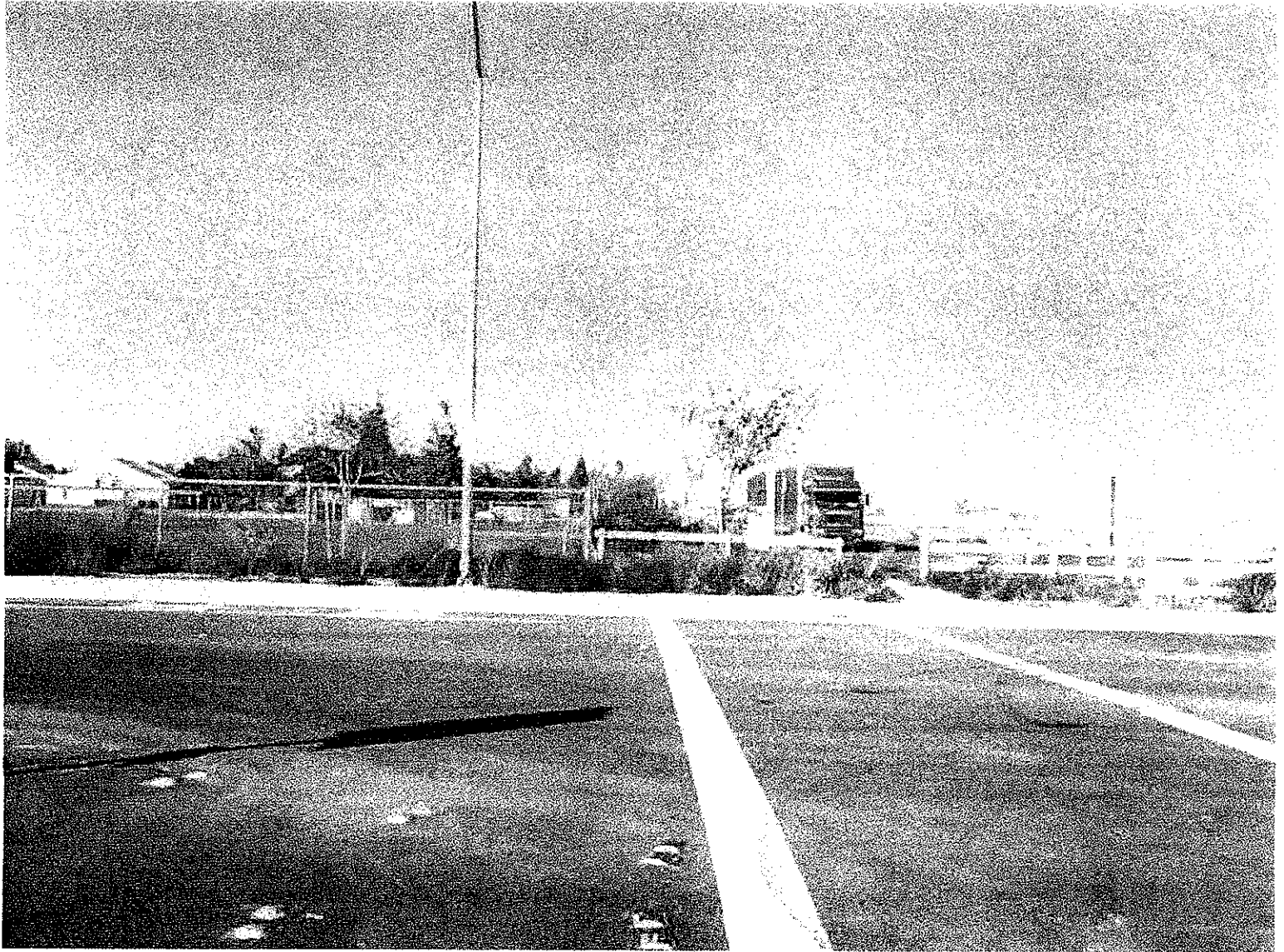
The photos are attached.

Robert Escobedo

Get the power of Windows + Web with the new Windows Live. Power up!







Espinosa, Kim

From: Espinosa, Kim
Sent: Thursday, December 06, 2007 2:11 PM
To: 'Schuyler Ellis'
Subject: RE: Voting on the E.I.R. and project applications

Schuyler,

I tried to send this message earlier but the attachment was too big so it got rejected. I now attached only the Admin Rpt text itself (no attachments) and the Resolution that adopted the Final EIR--I think that will give you all the info you need to understand my example. If not, let me know. Thanks!

--Kim

Schuyler,

It is probably easiest to illustrate how the process works with an example. Attached is the Administrative Report that was prepared for the City Council for approval of the Mercy Hospital EIR, General Plan Amendment, etc. As you can see under the recommendations section on page 1, there are several different actions that are being taken. Generally, a Council member will make a motion to approve all actions under one vote (in other words, each Council member will cast their vote--done electronically--either "yes" "no" or "abstain" on the whole package, which includes action on all items listed). However, the Council can elect to vote separately on each action if they desire. With the Mercy example, they took one vote which approved all four actions listed. Please note that the Resolution that adopted the EIR, included adoption of the Facts and Findings, Statement of Overriding Considerations, Mitigation Monitoring Program, and certification of the EIR. I hope that answers your questions. Let me know if you need further explanation. 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, December 05, 2007 2:25 PM
To: Espinosa, Kim
Subject: Voting on the E.I.R. and project applications

Kim,

below is an email that you had sent to me more than a year ago regarding the order of approvals for the Wal-Mart DC project. Could you please amend this to include the written findings that must be approved between the certification of the E.I.R. and the approval of the project?

Also can you please clarify the difference between an action and a vote? you had stated "The City Council will vote on the EIR first and then take action on the other applications, but this will likely be done with one vote, but the action on the EIR is the first action, then the general plan amendment, etc. ." what exactly do you mean with that statement?

Kim,

From our conversation earlier I drew the following conclusions:

At the scoping meeting the public will make all of their comments for what issues they feel need to

be addressed in the EIR, how they want to see the the scope of work altered (if necessary) , etc. Once the scope of work is finalized, then EDAW will draw up a draft EIR. When the draft EIR is completed , it will be released to the public (public notices per the requirements of CEQA will be published and copies the Draft EIR distributed to public agencies, members of the public, etc.). The public and interested agencies will have 45 days to make comments on the Draft EIR. However all comments must be in writing, if they are not in writing then they will not be considered. After the 45 day period the city and EDAW are required to respond to all public comments in writing. Once the city and EDAW have responded to all public comments the city will schedule the first public hearing with the Planning Commission as well as the second public hearing with the City Council. (the city intends on issuing 1 notice for both meetings) At the first Public hearing the planning commission will consider the EIR as well as all applications, including ROW abandonment (the Planning Commission's only task with an abandonment is to determine if the abandonment is consistent with the General Plan) , General Plan Amendment, Site Plan , etc. . At this public hearing no new issues should be raised by the public or the applicant regarding the Draft EIR , however there will be discussion about EDAW

Espinosa, Kim

From: System Administrator
To: 'Schuyler Ellis'
Sent: Thursday, December 06, 2007 9:56 AM
Subject: Undeliverable: Delivery Status Notification (Failure)

Your message did not reach some or all of the intended recipients.

Subject: RE: Voting on the E.I.R. and project applications

The following recipient(s) could not be reached:

'Schuyler Ellis' on 12/6/2007 9:56 AM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<merced-mail.cityofmerced.net #5.5.0 smtp;554 delivery error: dd Sorry your message to schuyleris@yahoo.com cannot be delivered because it is too large. - mta306.mail.mud.yahoo.com>



ADMINISTRATIVE REPORT

AGENDA

ITEM: _____

MTG _____

DATE: _____

TO: James G. Marshall, City Manager
FROM: Kim Espinosa, Planning Manager
DATE: September 5, 2006

SUBJECT: General Plan Amendment #04-06, Zone Change #384, and Environmental Impact Report #04-18, initiated by RBB Architects, applicants for Catholic Healthcare West, property owners. This application involves a change in General Plan/Zoning Designations from High Medium Density Residential (HMD/R-3-2) and Low Density Residential (LD/R-1-6) to Professional/Commercial Office (CO/C-O) to allow for the construction in three phases of a 607,428-square-foot, eight-story, 460-bed replacement hospital; 200,000 square feet of medical office buildings, and associated structures and parking. The project site consists of approximately 30 acres generally located at the northeast and southeast corners of G Street and Cormorant Drive.

RECOMMENDATION

Adopt a motion:

- a) Approving Resolution #2006-__, "A Resolution of the City Council of the City of Merced, California, Adopting Findings of Fact, Mitigation Monitoring Program, Statement of Overriding Considerations, As Well As Certifying the Final Environmental Impact Report for the Mercy Medical Center" (Attachment 6, pages 63 to 130); and,
- b) Approving Resolution #2006-__, "A Resolution of the City of Council of the City of Merced, California, Amending the General Plan Land Use Designation for Approximately 30 Acres Located on the Northeast and Southeast Corners of Cormorant Drive and G Street from Low Density Residential (LD) and High Medium Density Residential (HMD) to Commercial/Professional Office (CO)" (Attachment 7, pages 131 to 134); and,
- c) Introduce Ordinance No. ____, "An Ordinance of the City Council of the City of Merced, California, Amending the Official Zoning Map by Rezoning Certain Property Located at the Northeast and Southeast Corners of Cormorant Drive and G Street from Low Density Residential (R-1-6) and

- High Medium Density Residential (R-3-2) to Commercial/Professional Office (C-O)" (Attachment 8, pages 135 to 138); and,
- d) Approving the Developer Agreement with Catholic Healthcare West (Attachment 9, pages 139 to 176) and authorizing the City Manager to execute all related documents.

POSSIBLE CITY COUNCIL ACTIONS

- 1) Approve, as recommended by Planning Commission and staff; or,
- 2) Approve, subject to modifications as conditioned by City Council; or,
- 3) Deny the request completely; or,
- 4) Refer back to staff for reconsideration of specific items as requested by City Council; or,
- 5) Continue item to a future Council meeting (date and time to be specified in motion).

AUTHORITY

Under California Government Code Section 65358(a), a legislative body may amend, after a public hearing, all or part of an adopted General Plan if the body deems the amendment to be in the public's interest. Title 19 of the Merced Municipal Code outlines environmental review procedures and Title 20 of the Merced Municipal Code (Zoning) regulates the use of land within the "Commercial/Professional Office" (20.20) zone.

DISCUSSION

Background

The proposed project, containing an estimated 30 acres, is located at the northeast and southeast corners of G Street and Cormorant Drive (Attachment 1, page 1). The project area is currently vacant, except for the existing Mercy Cancer Center located at the northeast corner of G and Cormorant. Except for the Cancer Center, which is designated for "Professional/ Commercial Office" (CO) on the General Plan and zoned "Professional/Commercial Office" (C-O), the rest of the site is currently designated for Low Density Residential (LD) and High Medium Density Residential (HMD) and zoned Single-Family Residential (R-1-6) and High Medium Density Residential (R-3-2).

Development of the Project Site as proposed by the applicants will take place in three phases and would include, at build-out, a 659,100-square-foot, 452-bed

hospital, 200,000 square feet of medical office buildings, the 13,500-square-foot Cancer Center (existing), a 21,000-square-foot power plant, a helipad, and 2,090 parking spaces (including a 576-space, 179,400 SF parking garage to be built in Phase 3). The proposed General Plan designation and zoning for the entire site, approximately 30 acres, would be "Professional/Commercial Office" (CO and C-O). See Attachment 2, pages 2 and 3, for conceptual site plans for the three phases.

General Plan Amendment (Emergency Driveway Location)

The applicants have proposed an emergency vehicle/ambulance/service entrance off G Street, approximately 750 feet north of Cormorant Drive. *Merced Vision 2015 General Plan* policies restrict intersections on major arterials, such as G Street, to one full access (including full left turns) intersection at the ½ mile point between two arterials and two right-turn in and -out only intersections at the ¼ mile and ¾ mile points. However, exceptions have been granted by the City Council due to extenuating circumstances. Because this access point is vital for emergency vehicles and ambulance access to the hospital, City staff believes an exception to the policy is warranted in this case as well. The applicants have taken measures to ensure that only emergency vehicles, ambulances, and certain maintenance vehicles will use this driveway since it does NOT provide access to the parking lots that serve the public and employees. This access will be restricted to right-turn in and out only (Condition #7 of Planning Commission Resolution—Attachment 3, page 4).

Neighborhood Impact/Interface

The location of the hospital is adjacent to G Street, a major north-south arterial in the City which provides circulation access from South to North Merced. Merced College is directly to the west across G Street from the proposed hospital. All the land north of the proposed site (north of Cottonwood Creek) is currently undeveloped and designated for single-family residential development. Vacant multi-family residential land is located along G Street south of the southern parcel of the proposed site, which will be developed in Phases 2 and 3. However, the hospital is also adjacent to Cruickshank Middle School, which is directly to the east across Mercy Avenue. A significant amount of single-family residential development has taken place to the south and east of the proposed site along Mansionette Drive and further east. An aerial photo from 2005 at Attachment B of the Planning Commission Staff Report (Attachment 5, page 25) shows the extent of existing development in the vicinity of the proposed hospital.

Because of this adjacent single-family development and the school, much of the analysis in the EIR revolved around potential impacts on these uses and mitigation measures to address these impacts were developed. With the proposed mitigation measures along with the requirement (Condition #6 of Planning Commission Resolution—Attachment 3, page 4) for Conditional Use Permit review to address interface issues at each stage of hospital and medical office construction, City staff feels that the proposed hospital can be made to fit into this residential neighborhood. It is recognized, however, that there may be future applications to convert adjacent vacant residential land to commercial office uses due to the desire of many doctors and related medical facilities (labs, clinics, pharmacies, etc.) wanting to locate in close proximity to the hospital.

Impacts on Other Facilities

Catholic Healthcare West (CHW), the parent company of Mercy Medical Center, currently operates two hospital campuses in Merced. The Mercy Medical Center--Dominican Campus at M and 27th Streets currently houses outpatient facilities, lab and diagnostic services, minor surgeries, etc. No proposed changes as a result of opening the new hospital are anticipated. CHW currently leases from Merced County most of the facilities at the old County Hospital at 13th and D Streets for the Merced Medical Center--Community Campus. The Community Campus will be moved to the proposed project site, which would leave the space vacant. However, under a 31-year operating agreement with the County, CHW is obligated to provide outpatient services in South Merced, but the agreement does not specify a location. Even if these facilities were provided at the current facility, they would require only a small portion of the space to be vacated. The County has not determined how that space will be used, but the County intends to develop a plan to occupy the space once it becomes available, which may include health-related uses. Therefore, it has been determined that the project will not contribute to creating blight in the area of the existing medical center in South Merced.

Preparation of the Environmental Impact Report

The Draft and Final Environmental Impact Reports (EIR) for the Mercy Medical Center was prepared by Quad-Knopf, Inc. The following table provides a summary of key events leading up to the Final EIR.

Event	Date
EIR Contract Approved by City Council with Quad-Knopf	August 16, 2004
Notice of Preparation (NOP) Distributed	December 13, 2004

Event	Date
Comment Period on NOP Ends	January 14, 2005
Admin Draft EIR Completed for City Staff/Applicant Review	June 15, 2005
Draft EIR Completed	March 22, 2006
Draft EIR 45-day Public Review Period Begins	March 29, 2006
Draft EIR 45-day Public Review Period Closes	May 15, 2006
Final EIR Made Available to Public & Distributed to Those Who Submitted Comment Letters	July 28, 2006

Impacts Identified from the Project

The Draft EIR for the Mercy Medical Center has identified potentially significant physical environmental impacts that are expected to result from the development proposal. The EIR also provides appropriate measures to mitigate the impacts and to reduce anticipated *physical* environmental impacts to less than significant levels. Significant Environmental Effects Requiring Mitigation (summarized starting on page 5-3 of the Draft EIR) include impacts on light and glare, aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, public facilities and services, and traffic. These impacts and mitigation measures are summarized in the table in Finding K of the Planning Commission Staff Report—Attachment 5, page 12) and in more detail in Table ES-2 in the Executive Summary of the Draft EIR (Attachment F of the Planning Commission Staff Report—Attachment 5, page 20) as well as in the Mitigation Monitoring Program at Attachment 6, page 105.

The EIR for the Mercy Medical Center also identified Significant Environmental Effects That Cannot Be Avoided (summarized starting on page 5-6 of the Draft EIR and in Findings K and L of the Planning Commission Staff Report—Attachment 5, pages 20 and 21). These irreversible impacts cannot be mitigated below the relevant threshold of significance. These impacts include aesthetics (impacts on views), conversion of prime agricultural land, air quality, rerouting of the Sells Lateral and impacts to wetlands, land use conflicts with residential uses, and noise (sleep disturbance from helicopters).

Final EIR and Response to Comments

The Draft EIR (DEIR) for the Mercy Medical Center was distributed to interested agencies and the public for a 45-day-period (beginning on March 29, 2006 and ending on May 15, 2006). The City received eleven (11) letters commenting on the DEIR, which have been responded to as required by State law in the Final EIR—enclosed. Three of those letters arrived after the close of the comment

period, but they have been responded to as well. Responses to comments contained in those letters (along with the letters themselves) can be seen directly following each letter in Sections Three and Four of the Final EIR. As required per Section 21092.5(a) of the State of California Public Resources Code, a copy of the response to comments was sent to each individual who had submitted a letter on July 28, 2006 (at least 10 days prior to the Planning Commission hearing).

The Final EIR for the Mercy Medical Center also contains modifications to the text and mitigation measures in response to the comments received (Section Five). Appendix D of the Final EIR includes a revised table of proposed mitigation measures, which serves as the Mitigation Monitoring Program and is Exhibit B of the City Council Resolution for the EIR at Attachment 6, page 63.

Letter from Merced City School District

In a letter dated July 31, 2006 (Attachment E of the Planning Commission Staff Report—Attachment 5, pages 32 and 33), Merced City School District Superintendent, Dr. Terry Brace, acknowledged that the concerns raised by the School District regarding impacts on nearby Cruickshank Middle School had been adequately addressed in the Final EIR. Dr. Brace also noted that the Merced City School District has withdrawn its previous letter submitted during the Draft EIR public review period (included in the Final EIR) and supports the Mercy Medical Center project.

Findings of Fact and Statement of Overriding Considerations

The Environmental Impact Report (EIR) for the Mercy Medical Center identified significant impacts associated with the proposed development. Approval of a Project with significant impacts requires that findings be made by the City pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines. These findings must state that significant impacts of the Project would either: 1) be mitigated to a less-than-significant level pursuant to the mitigation measures identified in this EIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration.

Quad-Knopf in consultation with City staff has prepared these "Findings of Fact" (Exhibit A of the City Council Resolution for the EIR—Attachment 6, page 63). The findings are divided into five sections—A) findings associated with certification of the EIR; B) findings associated with specific impacts and

mitigation measures; C) findings associated with significant cumulative environmental effects; D) findings supporting rejection of Alternatives; and E) a Statement of Overriding Considerations.

All significant impacts associated with the Project have been mitigated to a level of insignificance except those described above. Therefore, a Statement of Overriding Considerations (beginning on page 101 of Attachment 6) has been prepared. It should also be noted that air quality and agricultural land impacts were recognized as "significant and unavoidable" in the *Merced Vision 2015 General Plan EIR* (SCH #94082050), and a Statement of Overriding Considerations (City Council Resolution #97-22) was adopted. The General Plan, the General Plan EIR and its associated findings and Statement of Overriding Considerations will be incorporated by reference into the Project record.


Planning Commission Recommendation

On August 9, 2006, the Planning Commission held a public hearing on the request. Five individuals testified, three in favor of the project (including the applicants) and two in opposition to the project. The opponents cited concerns about traffic and impacts on the school and requested additional time for the neighbors to study the project. After the public hearing, the Planning Commission voted 4-3 (4 ayes, 3 no) to recommend approval of the Certification of the Final EIR along with the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program; General Plan Amendment #04-06; and Zone Change #384. (See Attachments 3 and 4, pages 4 through 11 for the Planning Commission Resolution and Minutes.) Two of the Planning Commissioners who were opposed to the project cited their desire to see the existing hospital in South Merced remain open while the other Commissioner cited concerns about impacts on the residential neighborhood and parking.

Summary

Planning Commission and Staff are recommending that the City Council approve the certification of the Final EIR (along with the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program); the General Plan Amendment, the Zone Change, and the Developer Agreement. See Attachments 6 to 9, pages 63 through 176.

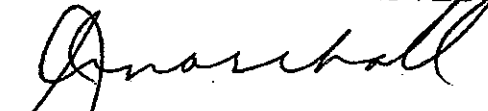
RESPECTFULLY SUBMITTED:


KIM ESPINOSA
PLANNING MANAGER

APPROVED:


JACK D. LESCH
DEVELOPMENT SERVICES DIRECTOR

REVIEWED AND APPROVED:


JAMES G. MARSHALL
CITY MANAGER

[ref: KE\Projects\2006\Mercy Hospital\Admin Rpts\MercyGPA-ZC-EIR-AR-9-5-06.doc]

ATTACHMENTS:

- 1) Location/Vicinity Map (page 1)
- 2) Conceptual Plans for 3 Phases of Development (pages 2 to 3)
- 3) Planning Commission Resolution #2893 (pages 4 to 7)
- 4) Planning Commission Minute Excerpts--August 9, 2006 (pages 8 to 11)
- 5) Planning Commission Staff Report #06-53 (pages 12 to 62)
- 6) City Council Resolution for EIR (Includes Facts and Findings; Statement of Overriding Considerations, and Mitigation Monitoring Program) (pages 63 to 130)
- 7) City Council Resolution for General Plan Amendment (pages 131 to 134)
- 8) Ordinance for Zone Change (pages 135 to 138)
- 9) Developer Agreement (pages 139 to 176)

ENCLOSURES:

- 1) Final Environment Impact Report for Mercy Medical Center (July 2006)

PLEASE BRING YOUR COPY OF THE DRAFT EIR FOR THE MERCY MEDICAL CENTER TO THE MEETING, DISTRIBUTED TO CITY COUNCIL IN MARCH 2006. (Please contact City staff if you need another copy.) THE FINAL EIR IS ENCLOSED.

CITY CLERK'S CERTIFICATE

I, JAMES G. MARSHALL, City Clerk of the City of Merced, California, do hereby certify that the attached document, entitled:

RESOLUTION NO. 2006-108

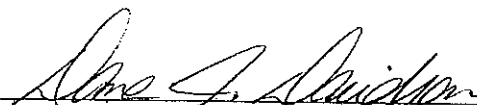
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ADOPTING FINDINGS OF FACTS, MITIGATION MONITORING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS, AS WELL AS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MERCY MEDICAL CENTER

is a true and correct copy of the original on file in the Office of the Merced City Clerk, Merced, California.

JAMES G. MARSHALL, CITY CLERK

DATED: September 8, 2006

BY:



Dana J. Davidson, CMC
Deputy City Clerk



RESOLUTION NO. 2006- 108

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MERCED, CALIFORNIA, ADOPTING
FINDINGS OF FACTS, MITIGATION MONITORING
PROGRAM, STATEMENT OF OVERRIDING
CONSIDERATIONS, AS WELL AS CERTIFYING THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE MERCY MEDICAL CENTER**

WHEREAS, the Draft EIR for the Mercy Medical Center was available for public review and comment beginning March 29, 2006 and ending on May 15, 2006 for the forty-five (45) day review period required by law; and,

WHEREAS, the Final EIR, which responds to all comments received during the review period was distributed to appropriate bodies for consideration on July 28, 2006; and,

WHEREAS, Section 21082.1 of the Public Resources Code, known as the California Environmental Quality Act ("CEQA"), and CEQA Guideline 15090 require the City Council to certify that the Final EIR has been completed in compliance with CEQA, and that it has independently reviewed and considered the information contained in the Final EIR before making a decision on the project; and,

WHEREAS, the City Council at a duly noticed public hearing held for the purpose of receiving comments on the Mercy Medical Center Final EIR did hear and consider all comments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council has reviewed and independently analyzed the information contained in the Final EIR and hereby certifies that the Mercy Medical Center Project (a/k/a "General Plan Amendment #04-06/Zone Change #384") Final EIR (the Draft EIR and responses to comments, which together comprise the Final EIR, on file in the City Clerk's Office) is complete and adequate and has been completed in compliance with CEQA.

SECTION 2. The City Council, in compliance with CEQA Guideline 15091, adopts the Findings of Fact set forth in the Findings of Fact and Statement of Overriding Considerations, labeled Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. The City Council, in compliance with CEQA Guideline 15093, adopts the Statement of Overriding Considerations set forth in the Findings of Fact and Statement of Overriding Considerations, labeled Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. The City Council, as required by Section 21081.6 of the Public Resources Code, adopts the Mitigation Monitoring Program for the monitoring of the implementation of the mitigation measures set forth in the Mitigation Monitoring Program, labeled Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 5. The City Council directs the City Manager, upon approval of the project, to file or cause to be filed with the Merced County Clerk a Notice of Determination in regard to the environmental impact of the project.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 5th day of September 2006, by the following vote:


AYES: Council Members: OSORIO, SPRIGGS, CORTEZ, GABRIALT-ACOSTA, POLLARD, WOOTEN

NOES: Council Members: NONE

ABSENT: Council Members: SANDERS

ABSTAIN: Council Members: NONE

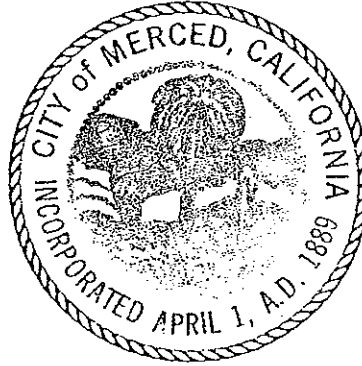
APPROVED:



Mayor

ATTEST:
JAMES G. MARSHALL, CITY CLERK

BY: *[Signature]*
Deputy City Clerk



(SEAL)

APPROVED AS TO FORM:

[Signature] 8/11/06
City Attorney Date

Note: Exhibits A & B ^{of this Resolution} are
filed in the Mercy
Medical Center
EIR #04-18 file.

City Clerk

NOTICE OF DETERMINATION

FILED

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

2006 SEP 11 AM 8:54



X County Clerk
County of Merced
2222 M Street
Merced, CA 95340

K. JONES
MERCED COUNTY CLERK
BY: *Recor*
DEPUTY

From: City of Merced
678 West 18th Street
Merced, CA 95340

Filing of a Notice of Determination in compliance with
Section 21108 or 21152 of the Public Resources Code.

Project Title: General Plan Amendment #04-06/Zone Change #384/Environmental Impact
Report #04-18 for Mercy Medical Center

Lead Agency Contact: Kim Espinosa, Planning Manager Phone No. 209/385-6858

Project Location - City: Merced Project Location - County: Merced

Description of Project: General Plan Amendment #04-06, Zone Change #384, and
Environmental Impact Report #04-18, initiated by RBB Architects, applicants for
Catholic Healthcare West, property owners. This application involves a change in
General Plan/Zoning Designations from High Medium Density Residential (HMD/R-3-2)
and Low Density Residential (LD/R-1-6) to Professional/Commercial Office (CO/C-O) to
allow for the construction in three phases of a 607,428-square-foot, eight-story, 460-bed
replacement hospital; 200,000 square feet of medical office buildings, a 17,074-square-
foot power plant, a helipad, and 1,990 parking spaces within surface lots and a parking
garage. The project site consists of approximately 30 acres generally located at the
northeast and southeast corners of G Street and Cormorant Drive.

This is to advise that the City of Merced (Lead Agency) has approved the above-described
project on September 5, 2006 and has made the following determination:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to provisions of CEQA.
3. Mitigation measures and monitoring program were made a condition of approval of the project.
4. A Statement of Overriding Considerations was adopted for the project.
5. Findings were made pursuant to provisions of CEQA.

This is to certify that the Final Environmental Impact Report (State Clearinghouse #
2004121055) and a record of the project approval are available to the general public at the
City of Merced, 678 West 18th Street, Merced, CA 95340, 209/385-6858.

Signature: Jack D. Lesch
Jack D. Lesch, Director of Development Services
City of Merced

Date: September 8, 2006

M. STEPHEN JONES
County Clerk
2222 M Street
Merced, CA. 95340

Public	P		
Rcpt #	26516	09/11/06	00:54AM
Description			Fee
NCD/EIR			\$885.00
Total Amount Due			\$885.00
Total Paid			
Check# 112463			\$885.00

PLEASE KEEP AS REFERENCE

12/3/07

Merced SWAT

The Merced Stop Wal-Mart Action Team

12/03/2007

We are here today for several reasons. First, we want to congratulate Mayor Wooten and Michelle Gabriault-Acosta on their re-election, and welcome John Carlisle and Noah Lor to the Council. SWAT hopes to have an open, honest and productive relationship with all members of City Council.

First, we have an offer. As Merced residents, we want a strong, vibrant economy with good jobs for Merced residents that don't sacrifice the health and quality of life of current residents. In that spirit, we propose the creation of a task force or series of study sessions on alternative sustainable, cleaner job creation that benefits, rather than sacrifices, the lives of current residents.

One example is the city of Mendota's development of California's largest solar farm in an otherwise unused industrial buffer zone. While the project itself won't create many jobs at first, it will attract other clean energy jobs, and includes job training for local residents, a commitment even Wal-Mart won't make in Merced.

Second, we've argued that the health and quality of life costs outweigh the questionable economic benefits of the proposed distribution center. A recent report shows that the City's property tax revenue from the proposed distribution center could be less than you might think. Wal-Mart has a pattern of using its high-priced legal team to challenge and reduce property tax assessments at its facilities across the country and especially in California.

For example, since 1994, Wal-Mart has challenged the property tax assessment at its Red Bluff distribution center 11 times and succeeded in keeping \$794,000 from the City of Red Bluff that could have otherwise been used for maintaining the roads used by Wal-Mart trucks. When Wal-Mart makes a promise, it's smart to be skeptical and look at their full impact on a community.

Thank you.

12/3/07

Good Jobs First — Oct. 2007

ROLLING BACK PROPERTY TAX PAYMENTS EXECUTIVE SUMMARY

When Wal-Mart proposes to build another of its giant stores, local residents often raise concerns about increased car and truck traffic, a loss of open space, higher crime rates and other negative impacts that they argue will lower the quality of life in the neighborhood and thus depress property values. The company responds to these concerns by painting a different picture, claiming that its stores provide substantial benefits to communities.

Yet what Wal-Mart does not disclose in site fights—but is revealed for the first time in this report—is the extent to which the company later in effect concedes the point about reduced property values. Once a store has been in operation for a while, Wal-Mart frequently challenges the assessed value that local officials assign to it for tax purposes. In an effort to cut the property tax it pays to local governments—revenue that pays for public education, police and fire protection and other vital services—Wal-Mart routinely tries to belittle the value of its own facilities.

Good Jobs First discovered this behavior in a labor-intensive, nine-month investigation of Wal-Mart's property tax behavior at more than 500 stores and distribution centers around the United States. We researched local property tax records, looking at assessment appeals on both real property (buildings and land) and business

personal property (fixtures and equipment), and found what appears to be a company policy of *systematically* challenging assessments.

While we did not explore the merits of individual appeals, the high volume of these actions suggests that Wal-Mart, rather than occasionally disagreeing with particular valuations, is engaged in a large-scale effort to roll back its assessments, lower its tax payments and thereby increase its after-tax profits. Our finding that the challenges are handled at the corporate level rather than by individual store managers reinforces this conclusion.

OUR KEY FINDINGS

- An examination of a 10 percent random sample of Wal-Mart's 2,833 Supercenters and discount stores in operation as of the beginning of 2005 finds that at least one assessment challenge has been filed at 35 percent, or more than one-third, of the stores. Applying that rate to all Wal-Mart stores, we estimate that the company has brought challenges at more than 1,000 of its retail outlets nationwide.
- An examination of *all* of Wal-Mart's giant distribution centers in operation as of the same date shows that 40 percent have had an assessment

challenge—this despite the fact that many of the warehouses had previously been granted property tax abatements (exempting them from property taxes in whole or in part as an economic development subsidy) when they were first built.

- At many locations, Wal-Mart has filed challenges in multiple years—either because it was not initially successful or because it wanted an even bigger tax reduction. We estimate that the company has filed a total of more than 2,100 appeals at its stores and distribution centers nationwide.

Our findings are consistent with Wal-Mart's reputation for obsessive cost-cutting; they suggest that the company treats property taxes the same way it treats suppliers and workers. But in this case, entire communities are affected. For only two things can happen when large companies like Wal-Mart reduce their property tax payments: either local public services are cut back or small businesses and homeowners are asked to pay more in taxes. Usually, it is some of both.

Our numbers probably understate the true extent of Wal-Mart's challenges to its assessments, given that they do not include all the informal initiatives taken by the company, which are often not reflected in the local government records we obtained. Our figures also exclude those appeals that were filed but later withdrawn by the company before the hearing date. Finally, our totals are limited by the fact that many local governments keep appeals records for

only a limited number of years. The earliest data we were able to obtain were usually from the mid-1990s.

As aggressive and persistent Wal-Mart is in these challenges, the company frequently loses. In fact, when it comes to Supercenters and discount stores, Wal-Mart is denied more assessment reductions than it is granted. Wal-Mart's win rate in appeals at these stores is only 45 percent. The rate at distribution centers is higher

“Wal-Mart pushes, pushes and pushes, but I’m not bowing down to them.”

(64 percent), but the company still loses more than one-third of those cases. For stores and distribution centers combined, Wal-Mart's win rate is just under 50 percent. There are no comparable statistics available on other

companies or on commercial property owners in general.

Wal-Mart's mixed record can be attributed to the worthy efforts of assessors such as those in Johnson County, Arkansas, the company's home state. When Good Jobs First phoned and said we were calling about Wal-Mart, a county official immediately responded: “We just kicked their butt.” The company had tried to get the valuation of its distribution center in Clarksville reduced from \$33 million to \$23 million. The county refused, so Wal-Mart sued. When we contacted the county, a circuit court judge had just ruled in its favor. “Wal-Mart pushes, pushes and pushes,” a county official said, “but I’m not bowing down to them.”

Thanks to such perseverance by local officials, the total dollar value of tax

ROLLING BACK PROPERTY TAX PAYMENTS

savings that Wal-Mart has achieved in its appeals has apparently been kept to a moderate level. We found that the cumulative tax savings achieved by Wal-Mart at outlets that have had successful appeals averages \$43,000 per store; at distribution centers it is \$289,000. We estimate the company's *cumulative* tax savings nationwide for all Supercenters and discount stores at about \$23 million; for all distribution centers the amount is about \$6 million. This puts Wal-Mart's total cumulative tax savings in the neighborhood of \$30 million, or roughly \$3 million a year over the last decade.

Wal-Mart does not disclose how much it pays in annual property taxes nationwide, but a few years ago a company official implied that the amount was about \$400 million. If that is still the case, the amount it is recouping through assessment appeals is approaching one percent of its total property tax bill. The amount it *seeks* through those challenges is much higher, yet the sums involved would still be tiny for a company with \$350 billion in revenues and \$11 billion in profits. The fact that Wal-Mart goes to such lengths in assessment challenges is another example of its obsession with cost-cutting.

The amounts involved in the appeals are also a far cry from the hundreds of millions of dollars Wal-Mart has received in economic development subsidies, which Good Jobs First documented in our 2004 report *Shopping for Subsidies*, now updated on our website Wal-Mart Subsidy Watch (www.walmartsubsidywatch.org). If local government officials were less vigilant in defending their property valuations from Wal-Mart's appeals, it is likely that the gap between the two sets of numbers would be much smaller. In some cases, the two tax

avoidance methods go together. We found 12 cases of Wal-Mart distribution centers with property tax abatements or exemptions that also filed assessment appeals.

There are significant variations in the frequency of assessment challenges from state to state. In Texas, where the challenges are called appraisal protests, Wal-Mart engages in the practice to a much greater degree than we found in other states. In our research, Texas accounts for the largest absolute number of both total appeals and total successful protests. Because of the high numbers for Texas that turned up in our random sample, we did additional research on other Wal-Mart stores in the state. As a result, we documented more than 100 other locations in the Lone Star State with protests that have brought Wal-Mart more than \$6 million in total tax savings. (These additional Texas findings are summarized separately from the random sample.)

Here are the top six states in percentage of stores in our random sample that have at least one challenge (limited to those with 5 or more stores in the sample):

- Texas 83%
- Colorado 71%
- Kansas 71%
- California 67%
- New Hampshire 60%
- Georgia 55%

The states with the most frequent appeals are not always those in which Wal-Mart has the most success. While Texas has the most appeals, the company's success rate in the state is only 43 percent, far below the 82 percent success rate in Florida, for example. In California, the state where we

found the second largest number of appeals, its success rate is even lower—25 percent.

There is no clear relationship between the frequency of Wal-Mart's challenges and the property tax rates in different states. The list above includes Texas, which is considered to have high property taxes (it has no state income tax), and California, which since Proposition 13 has had low property taxes—as well as states that are not necessarily high or low.

Although Wal-Mart's overall campaign to downsize its property tax payments has been blunted in some states, the company has enjoyed substantial gains in certain individual communities. We document more than 20 locations at which Wal-Mart has won total tax savings of more than \$100,000. For example:

- In 2004 Wal-Mart proposed that the assessment of its distribution center in Tomah, Wisconsin be lowered from \$43.6 million to \$23 million. The city resisted, but Wal-Mart kept up the pressure. This year the matter was finally settled, with the city agreeing to drop the assessment to \$31.4 million and refund the company more than \$300,000 for each of three years—a total of \$949,000.
- Wal-Mart has filed 11 separate challenges at its distribution center in the northern California city of Red Bluff. The company first appealed for the years 1994-1996 but got no change. It then appealed for the years 1997-2002 and reached agreement on changes for each year, achieving total savings of \$644,000—a substantial amount but much less than what Wal-Mart was

seeking. The company returned with appeals for 2005 and 2006 and recouped another \$150,000.

- In 2003 Wal-Mart succeeded in getting the real property assessment of its Supercenter on East Hampden Avenue in the Denver suburb of Aurora reduced from about \$22 million to \$9.6 million. This brought the company tax savings of \$456,000.

Even when local governments defeat a Wal-Mart appeal entirely, there still may be substantial costs for the community. Assessors told us of major cases in which they had to spend tens of thousands of dollars on outside lawyers, appraisers and other consultants to prepare their defense.

While we may suspect that many of Wal-Mart's assessment challenges are motivated by obsessive cost-cutting rather than a belief that a facility is being taxed unfairly, this study does not analyze the merits of the company's claims. Like all other taxpayers, Wal-Mart has a right to challenge its assessments.

Good Jobs First typically presents public policy recommendations to go along with our research findings. Doing so in this report posed a special challenge, since we did not examine the standards and procedures used by different states in handling appeals.

Nonetheless, it seems to us that local officials are doing reasonably well in defending their valuations, thereby preventing Wal-Mart from drastically reducing its tax payments. The ability of these officials, confronted with the vast resources of a company such as Wal-Mart, to prevail in more than half the cases

ROLLING BACK PROPERTY TAX PAYMENTS

strikes us as a respectable track record. Rather than offering any changes in public policy dealing with assessment appeals, we commend those local officials who have held their ground and urge others to do the same.

To local public officials, we also say: be sure to take into account the likelihood of future assessment appeals when you consider whether to welcome Wal-Mart into your community in the first place. If you refuse to give Wal-Mart a property tax abatement up front, you may later find yourself facing a demand from the retailer for a reduced assessment. Even if you grant

Wal-Mart a partial abatement, especially for a distribution center, you could later be asked for a lower assessment as well.

To Wal-Mart, we say: cease your assault on property taxes. If you are serious about being a responsible corporate "citizen" and you really care about the communities in which you operate, you should forget about assessment challenges and pay your tax bills in full without complaint. You can easily afford to do so, and the amounts involved mean a lot more to those communities than to your enormous bottom line.

COMPREHENSIVE TALLY OF WAL-MART ASSESSMENT APPEAL FINDINGS

Random sample of Supercenters and discount stores, with results extrapolated to all stores in those categories:

Number of locations (out of 2,833) with at least one appeal	1,000
Share of stores with any appeal	35.3%
Number of locations with at least one successful appeal	550
Total number of appeals	2,060
Total number of successful appeals	880
Success rate (excluding pending appeals)	46.8%
Average tax savings among stores with successful appeals.....	\$43,000
(calculated excluding stores where information on savings was not available)	
Total cumulative tax savings	\$23 million
Approximate annual tax savings.....	\$2.3 million

Distribution centers (actual, not extrapolated):

Number of centers (out of 78) with at least one appeal	31
Share of centers with any appeal	39.7%
Number of centers with at least one successful appeal	20
Total number of appeals	65
Total number of successful appeals	41
Success rate (excluding pending appeals)	64.1%
Average tax savings among distribution centers with successful appeals	\$289,000
Total cumulative tax savings	\$5.8 million
Approximate annual tax savings.....	\$600,000

EXECUTIVE SUMMARY

National estimates for stores and distribution centers combined:

Number of locations with at least one appeal	1,031
Locations with an appeal as a portion of all locations	36.3%
Number of locations with at least one successful appeal	570
Total number of appeals	2,125
Total number of successful appeals	921
Success rate (excluding pending appeals)	49.8%
Total cumulative tax savings	\$28.8 million
Approximate annual tax savings	\$3 million

Note: Details on the facilities researched to obtain the results above can be found on the Good Jobs First website at www.goodjobsfirst.org. The Appendix below contains a complete list of all the facilities in these samples where appeals occurred plus additional appeal locations obtained through our

supplementary work on Texas and through searches of news archives and court dockets.

The information in the Appendix below is also available in searchable form on our website Wal-Mart Subsidy Watch (www.walmartsubsidywatch.org).

Espinosa, Kim

From: Espinosa, Kim
Sent: Friday, October 26, 2007 9:01 AM
To: 'Albrecht, Leslie - Merced'
Subject: RE: wal-mart EIR estimated timeline

Leslie,
The Draft EIR will come out in January. City staff will be reviewing an Administrative draft (basically a rough, working draft), which is not public record. Since the City is responsible for the document, we need to review it before it becomes public and make sure it is complete and accurate. The consultants will then make any changes we request and then a Draft EIR is prepared for public release. The Admin Draft is not available to the public nor is it given to elected officials. Thanks!
--Kim

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

From: Albrecht, Leslie - Merced [mailto:LAlbrecht@MercedSun-Star.com]
Sent: Friday, October 26, 2007 8:55 AM
To: Espinosa, Kim
Subject: RE: wal-mart EIR estimated timeline

Thanks Kim. I called Planning and the receptionist gave me the January estimate via Jack Lesch, so it worked out. Is there a draft version of the EIR that will come out before January?

Leslie Albrecht
Reporter
Merced Sun-Star
direct phone: (209) 385-2484
fax: (209) 385-2460

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Friday, October 26, 2007 8:32 AM
To: Albrecht, Leslie - Merced
Subject: RE: wal-mart EIR estimated timeline

Leslie,
Sorry I couldn't get back to you yesterday before your story had to run, but the good news is that January is still our timeline for getting the EIR out, so your story was right. Let me know if you need anything else. Thanks!
--Kim

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

From: Albrecht, Leslie - Merced [mailto:LAlbrecht@MercedSun-Star.com]
Sent: Thursday, October 25, 2007 1:53 PM
To: Espinosa, Kim
Subject: wal-mart EIR estimated timeline

Hi Kim:

I'm writing a story today about City Council candidates' opinions on the Wal-Mart distribution center.

What is the current ETA (estimated time of arrival) for the EIR?

I want to include an update in the story.

thanks,

10/26/2007

Leslie Albrecht

Leslie Albrecht
Reporter
Merced Sun-Star
direct phone: (209) 385-2484
fax: (209) 385-2460

Espinosa, Kim

From: Espinosa, Kim
Sent: Thursday, October 18, 2007 11:47 AM
To: 'Ridge Sutter'
Subject: RE: Wal-Mart EIR

Ridge,
Sorry it took so long to get back to you, I've been on vacation. The City expects to release the Draft EIR for its 45-day public review in January 2008. Public hearings on the project will likely happen in Summer 2008. Let me know if you need any more info. 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: Ridge Sutter [<mailto:rsutter@sutcoconstruction.com>]
Sent: Thursday, October 04, 2007 1:35 PM
To: Espinosa, Kim
Subject: Wal-Mart EIR

Kim,
What is the status of the Wal-Mart Regional Distribution Center approval and or EIR.

Thanks,
Ridge Sutter
Sutco Construction, Inc.
Phone (209) 529-6361
Fax (209) 529-6098

9/17/07

When Wal-Mart Came
Josh Osborne, 11th grade

When Wal-Mart came,
There was no one to blame,
Except for the thousands of trucks.

When the dust cleared,
And the children breathed,
With those newly infected lungs.

The jobs weren't great,
But they put food on the plate,
With all the Wal-Mart items imaginable.

The schools nearby,
With their students awry,
And the teachers mad with the smile.

Oh, that lovely little smile,
Watching all the while,
Thinking what to destroy next.

A nice little town,
Half price on all the gowns,
Clean up on aisle 99.

Wishing and taking action are two different things

Rachel Seymour, 11th grade

"Man it stinks here!" Barry yelled plugging his nose with his two fingers.

"Yeah, it does..." Jake paused. "It started smelling here ever since they moved that Wal-Mart thing next to our school."

"I don't want to go here anymore...I mean with the smell, the roaring of the trucks, not to mention the beeping noise that goes off every second," Barry complained.

Why did they have to build this place so close to our school anyway?"

"I'm not sure, but Mrs. Apple tells me it's because there weren't enough jobs or something."

"Weren't enough jobs?!" Barry yelled. "My dad applied for a job there, and he didn't even get one! They lied when they said they were going to give jobs to Merced residents; my dad said the only people who get the jobs were already working for Wal-Mart."

"Well, at least you don't have to live by it. My family moved into a new house down the street from the thing, and we hear that beeping noise day in and out. There's also the lights that shine in my room every few hours. My parents are trying to sell the house, but no one will buy a house next to the distribution center," Jake said sadly.

"Man I thought I had it bad," Barry said, patting Jake on the back for sympathy.

They both walked through the doors of Pioneer Elementary School, upset and coughing from the horrible air quality made by the nine hundred trucks the day before. The only thing they could do now was wish they could have stopped the center from being constructed before it ruined their environment.

This is my home

By Chou Xiong, 11th grade

This is my home
I live right here
What I don't need
Is this constant fear
The nine hundred trucks
Coming my way
Just crossing the street
Will take all day
With its location
Right next to our school
The noise and the lights
Will surely turn us into fools
This place to unload
Is something we don't need
Something so wrong
I fear it is greed
What of the jobs it offers to bring
Sounds so exciting
That I can sing
But what are the guarantees?
Well, here's one for you
It promises to kill thousands of trees
Destruction of our land
Contaminating our water
Polluting our air
That's all we'll get
If this distribution center is built here

Taming the Beast

Patrick Lauppe, 11th grade

[Turn key]
The monster reawakens
From uninterrupted slumber
Of dreamless sleep
Or sleepless dreams
Grumbling in monotone.
Suddenly,
A chorus
Spreading far across
Black
Broken
Asphalt.
Beasts in harmony
Singing of daily toil,
Disgruntled.
Hundreds
Coughing morning phlegm
Of chain smoker
Spreading
Upward
Outward.
Skeletal structure creaks
Under precious cargo
In steel turtle shells.
Display bright
Inviting
Colors
(camouflage, perhaps?)
Making subservience
Servitude.
[Pedal down]
They move;
Now faster:
Packs
Migrating
Swiftly but surely.
Now a stampede:
A fatal
Display,
A wall.
Not overcoming:
Menageries
Minutiae
No match for stampede.
A rubber ball

A symbol of innocence
Swallowed.
A rogue textbook
Knowledge
Burned.
Surroundings
Melt
Mix
Boil
With speed.
Lumbering packs
Spasmodic coughing
Burning rubber.
[Brake depressed]
Strange behavior
Slowing
Pack condenses
Grabs asphalt
Protesting joints.
Halt:
Sanctuary found.
Mild grumbling
Shells open
Cargo extracted.
The mindless predator
The bloodthirsty crusher
The tenacious pack
Belches excrement
And turns
To face the enslaved.
[Turn key]

The Giant

By Fue Xiong, 11th grade

The 1,100,000 feet giant stands over all
Covering the land
Destroying the 11,000 crops of nature
The 324,000 armies it possesses
Their poisonous gas released into the
ether
Evading the seminary
In search for the weak
Shrinking the air of life
Many acres, it conquers
Its palace of solitary, stretch over
4,353,000 square feet
Machinery troops crowd the boulevards
of destination
Travel the world
Polluting the heavens
Innocents suffer the torture
Of destruction
Stop not this madness
But that that cause this device of treachery
This giant of disaster

What we don't need

Fue Xiong, 11th grade

Wal-Mart is considered one of the top retail businesses within the business industry. Compared to other businesses, Wal-Mart is a big growing giant that is destroying all of its competitors. Wal-Mart defines many of the key principles of the American society: free enterprise and competition being in the top two among all else. Because of America's reputation as a capitalist nation, she must not allow entrepreneurs to take full advantage of the economic pillars of America to grow and become monopolies, as Wal-Mart should not become.

Considering the status of the Wal-Mart Corporation, we must recognize the pros and cons of the construction of a Wal-Mart distribution center in South Merced. If such a center is built in Merced, countless number of jobs will become available to the people, including local Merced residents and residents of neighboring towns. Jobs will be great towards the local and national economy because our Central Valley contributes considerably to the national unemployment percentage. Wal-Mart will have more room to grow and greater opportunities to become a monopoly.

As Merced residents, we must consider the effects the new Wal-Mart distribution center will have on our local environment. We must recognize that numerous 16-wheeler trucks will be rolling into town daily and destroying our roads doing so. We need to know that we already live in the Central Valley and air quality is not at its best in our area and that Wal-Mart trucks will only add on to decrease the quality of our air. We have to understand that bad air quality anywhere is a threat to air quality everywhere, and air quality is in a direct relationship with the current climate change we call Global Warming.

As inhabitants of the planet Earth, we need to not destroy our home. We have already ruined our lawn, and we can stop the destruction before it reaches the door. But we can only do that with a sacrifice: we need to sacrifice the proposed Wal-Mart distribution center.

Merced SWAT

Sept. 5, 2007

The Merced Stop Wal-Mart Action Team

The Merced Stop Wal-Mart Action Team is writing to commend the City for taking a proactive stance toward new development in Southeast Merced, and we recommend approval of item 4.2 on the agenda.

We have comments on several areas of the draft resolution.

- **Freeway-oriented traffic.** We agree that the “substantial public investment” in the Mission Interchange and Campus Parkway should be protected for its intended use: to act as a conduit between the expanded UC campus and the City. The City will need to carefully plan and prioritize which projects will take priority over others to be absorbed into an area that will quickly become congested. The over 2,000 Merced residents who have signed petitions opposing the distribution center have made their priority clear.

If approved, the proposed Wal-Mart distribution center’s estimated daily 900 truck trips and 2,150 car trips will clog the entrance to the Interchange and Phase One of the Parkway. We also remind Council that the western edge of the Parkway is less than 500 feet from a proposed elementary school, and similarly close to the growing Sandcastle neighborhood (and Dwight Amey Park).

The handouts I have for you demonstrate that children who live less than a quarter mile from a freeway – similar to what the Parkway and Interchange could become – have significantly diminished lung capacity and are at a greater risk for asthma, heart disease, even emphysema. As a new mother, I understand the fear in families whose only hope is to move – either to North Merced, Atwater, or elsewhere.

- **Impact fees.** The Stop Wal-Mart Action Team also commends the City for resolving to impose consistent impact fees for new development with the principle that “growth needs to pay for itself.” We encourage the Planning Commission, City Council, and City Staff to examine the full range of impacts of any given development in light of the Air District’s re-designation of the Valley into extreme non-attainment of our ozone goals. The 2006 Jane Hall study, for example, estimates that non-attainment of air quality standards costs the San Joaquin Valley \$3.2 billion, or \$1,000 per person, due to hospitalization, lost productivity and absenteeism from school and work. Approving new development impact fees without recognizing the full range of massive social and economic costs of our air quality public health crisis is inadequate and irresponsible.

Thank you,
Raquel Ortega
The Merced Stop Wal-Mart Action Team

RECEIVED AT Planning
Commission MEETING
OF 9/5/07
(DATE)

Living Near Freeways Hurts Kids' Lungs

RECEIVED AT Planning
Commission MEETING
OF 9/5/07
(DATE)

By Steven Reinberg, HealthDay Reporter
Friday, January 26, 2007; 12:00 AM

FRIDAY, Jan. 26 (HealthDay News) -- Children growing up alongside freeways risk having their lung development impaired, which can increase the likelihood of serious respiratory diseases later in life, researchers report.

Other studies have shown that children living next to highways are more likely to develop respiratory problems, such as asthma. But this is the first study to show that long exposure to car and truck exhaust actually affects the growth of the lungs, and hence their capacity.

The report is published in the Jan. 26 online issue of The Lancet.

"Exposure from tailpipe emissions from motor vehicles potentially carries chronic health risks to children's lung development," said lead researcher W. James Gauderman, an assistant professor in the Department of Preventive Medicine at the University of Southern California, Los Angeles. "We found that kids who live closer to freeways had significantly less lung capacity, compared with kids who lived further from freeways."

In the study, Gauderman and his colleagues followed 3,677 children for eight years, tracking their lung development. The children were 10 at the start of the study, and came from 12 southern California communities. The air quality differed in each community.

The researchers found that lung growth in children who lived within 500 meters of a freeway (about a quarter of a mile) was significantly less than children who lived 1,500 meters or more from a freeway.

Gauderman's group also found that exposure to freeways and regional air pollution had negative and independent effects on the growth of lung function. In addition, there was a significant drop in percentage of expected lung function among 18-year-olds who lived within 500 meters of a freeway.

Gauderman thinks that these effects on lung development are serious. "Lung capacity is something that once a child is done growing, that amount of lung capacity they have is carried with them throughout their adult life," he explained.

Lung capacity is further reduced as people age, Gauderman said. "Reduced lung capacity is a known risk factor for cardiovascular disease and respiratory diseases, such as emphysema," he added.

"What we worry most about are kids who have compromised lung function to start out with," Gauderman said. "When they are older, they will have a significantly increased risk for respiratory diseases."

One expert thinks that the problem is real, but the solution is elusive, and only changes in neighborhoods or automobile emissions seem likely to have an impact.

"Prior studies and common sense both suggest that breathing in a great deal of automobile exhaust cannot be good for the healthy development of children's lungs," said Dr. David L. Katz, an associate professor of public health and director of the Prevention Research Center at Yale University School of Medicine.

These data show a clear and clinically important association between the proximity of a child's home to a major freeway and deficits in lung function by age 18, Katz said. "The deficits observed in the force and volume of each breath suggests increased risk of asthma and bronchitis, as well as a decreased capacity for physical exertion," he said.

What these investigators cannot do is fix the problem, Katz said. "Can we redesign urban neighborhoods so that no home or school is near highway traffic? Can we reduce the volume and/or composition of car exhaust so that highways no longer represent threats to the lungs of growing children?" he asked.

SOURCES: W. James Gauderman, Ph.D., assistant professor, Department of Preventive Medicine, University of Southern California, Los Angeles; David L. Katz, M.D., M.P.H., associate professor, public health, and director, Prevention Research Center, Yale University School of Medicine, New Haven, Conn.; Jan. 26, 2007, The Lancet online

<http://www.healthfinder.gov/news/newsstory.asp?docID=601324>

Fact Sheet

Updated March 2005

California Environmental Protection Agency

 Air Resources Board

The Children's Health Study

The Children's Health Study, which began in 1992, was a large, long-term, study of the health effects of children's chronic exposures to southern California air pollution. About 5500 children in twelve communities were enrolled in the study; two-thirds of them were enrolled as fourth-graders. Data on the children's health, their exposures to air pollution, and many factors that affected their responses to air pollution were gathered annually until they graduated from high school.

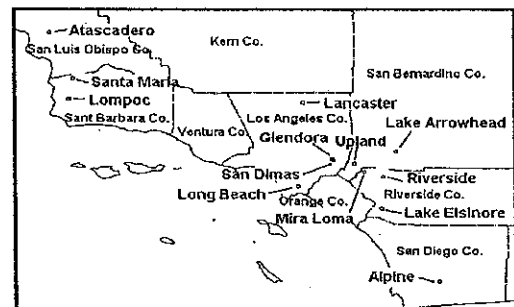
Importance of the Children's Health Study

The information provided by the study will help the Air Resources Board (ARB) protect public health. The ARB sets California's ambient air quality standards to protect people who are the most sensitive to air pollution. Children may be more strongly affected by air pollution because their lungs and their bodies are still developing. Children are also more exposed to air pollution than adults since they breathe faster and spend more time outdoors in strenuous activities.

The Communities and Pollutants Studied

The twelve communities in the study were chosen because they have different patterns of high and low levels of these four pollutants:

- Ozone
- Nitrogen dioxide
- Acid vapor
- Particulate matter that is breathed deep into the lungs



The Information Gathered by the Study

Concentrations of the four pollutants were continuously measured in each community throughout the study and for brief periods in schools and some homes. In addition, each child's lung function was tested every spring. Annual questionnaires asked about the children's respiratory symptoms and diseases, such as chronic cough and asthma; level of physical activity; time spent outdoors; and many other factors known to influence children's responses to air pollution, such as parental smoking and mold and pets in the household.

Major Results of the Study

- One of the most consistent results has been a reduction of lung development with exposure to higher concentrations of particulate matter, nitrogen dioxide, acid vapor, and elemental carbon. Children living in communities with higher concentrations of these pollutants had lungs that developed and grew more slowly and were less able to move air through them.
- Children who moved away from study communities had increased lung development if the new communities had lower particulate pollution, and had decreased lung development if the new communities had higher particulate pollution.
- Decreases in lung development were seen at age 18 in the polluted communities. By age 18 the lungs are nearly mature and the decreases in lung development are unlikely to be reversed. Therefore, the children may have permanent adverse respiratory health effects in later life.
- Children living in high ozone communities, who actively participated in several sports, were more likely to develop asthma than children in these communities not participating in sports.
- Days with higher ozone concentrations resulted in significantly higher school absences due to respiratory illness.
- Children with asthma who were exposed to higher concentrations of particles were much more likely to develop bronchitis.

For More Information

Please contact the ARB's Public Information Office at (916) 322-2990, or visit our web site at <http://www.arb.ca.gov/research/chs/chs.htm>. You may obtain this document in an alternative format by contacting our ADA coordinator at (916) 322-4505 (voice); (916) 324-9531 (TDD, Sacramento area only); or (800) 700-8326 (TDD, outside Sacramento).

Espinosa, Kim

From: Espinosa, Kim
Sent: Friday, August 31, 2007 1:57 PM
To: 'Schuyler Ellis'
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,
The WSA will be an appendix to the Draft EIR so it will be subject to public comment once it is released, likely in January 2008. Thanks!
--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Friday, August 31, 2007 1:31 PM
To: Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Kim,

is this the final WSA that the council will ultimately approve with the EIR? or is this considered a draft as well for public comments?

Schuyler

"We are one nation, in a box, with choices and low prices for all." - Mike Thomas

"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>
Cc: "Lucas, Terri" <Lucast@cityofmerced.org>; "Lesch, Jack" <LeschJ@cityofmerced.org>; "Davidson, Dana" <DavidsonD@cityofmerced.org>
Sent: Thursday, August 30, 2007 5:56:53 PM
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,
I'll have to look through the files for those missing pages for the emails (sounds like maybe the copier skipped pages while copying--that happens sometimes), but here is a pdf file of the Water Supply Assessment. Thanks!
--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 2:39 PM
To: Espinosa, Kim
Cc: Lucas, Terri; Lesch, Jack; Davidson, Dana
Subject: Re: Wal-Mart Distribution Center - Merced

Kim et al,

Can you please include the following documents in the recently filed records request:

An electronic copy of EDAW's Merced Wal-Mart Water Supply Assessment, sent to Ms.

Espinosa on September 15th, 2006.

A string of e-mails with the subject :FW: Wal-Mart: There are multiple recipients to this string including, Randy Chafin, Jim Emerson, Lynn McAlexander, ainslied@cityofmerced.org, Keith Morris, Brian Gordon, Thomas Dalferes, Kim Espinosa, Meriam Montesinos, Frank Quintero, Ted Daum, and jadavidoff@steefel.com. I believe the total string should be approximately 3 pages, I currently have pages 2 and 3 but would really appreciate the first one. I believe the date of the e-mail is February 7th, 2007, however I am unsure as I never received the first page.

A 6-page string of e-mails. The subject line starting on page 3 reads: questions for refinement of the HRA. This e-mail is dated December 18th, 2006 and is sent from Austin Kerr to Lynn McAlexander with a cc to Jim Emerson, Kim Espinosa, Randy Chafin, gwolffe@ensr.aecom.com, Judy Davidoff, and Monique James. Again, I am unaware of the subject or date of the original e-mail that begins this string as I have only received pages 3 through 6.

A 3-page string of emails. The first e-mail in this string is from John Franck to Jennifer King with a cc to Michael Wegley. The subject is :RE: Wal-Mart Distribution Center EIR:. I would appreciate all three pages of this e-mail string as I have only received pages 1 and 3 and not the second page.

Thank you,

Schuyler

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
 To: Schuyler Ellis <schuylerls@yahoo.com>
 Cc: "Lucas, Terri" <Lucast@cityofmerced.org>; "Lesch, Jack" <LeschJ@cityofmerced.org>; "Davidson, Dana" <DavidsonD@cityofmerced.org>
 Sent: Thursday, August 30, 2007 1:48:35 PM
 Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,

As far as I know Jack doesn't have any correspondence on this project that is separate from mine (he is 'cc'd' a copy of all of my emails on this project that go to EDAW and Wal-Mart's reps), but if there is any, it will be included. The copy of my emails that shows it was sent to him is sufficient documentation to show that it was sent to him--otherwise, there would have to be 2 copies of every email in the files, which is duplicative. Thanks!
 --Kim

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

From: Schuyler Ellis [<mailto:schuylerls@yahoo.com>]
Sent: Thursday, August 30, 2007 9:47 AM
To: Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Kim,

Thank you for your clarification. I trust that all of Jack Lesch's communications will be included then, correct?

Schuyler

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>; "Lucas, Terri" <Lucast@cityofmerced.org>
Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>
Sent: Thursday, August 30, 2007 11:41:01 AM
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,

I have asked that all other depts in the City send me copies of any correspondence etc on the Wal-Mart project and all those that I have received are in the official project files. This includes other planning staff members. The City Clerk's office also forwards the Wal-Mart related materials to me that they receive as well. However, since at this time, no other planning staff members have been assigned to the Wal-Mart project so they don't have regular correspondence (if any) regarding the project as I do, being the project planner. I would not expect other planning staff members to have much correspondence at this time on the project. Nick Robinson has received all copies of public records that he has asked for—he comes and looks through the files and asks for copies of what he wants. I hope that clarifies things. The Planning Dept will send all the records we have for the dates requested to the City Clerk's office for them to process your records request, but they are mostly, as you observed, my correspondence, etc. Thanks!

—Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 8:12 AM
To: Lucas, Terri
Cc: Davidson, Dana; Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Ms. Lucas:

Yes, I would like to receive the planning departments documents for the entire time period requested.

It is my understanding that the Planning Department is attempting to maintain one project file with all records from all departments regarding this project could you please clarify this?

The records that I have received via Nick Robinson appear to be limited, to only the communications of Kim Espinosa. I anticipate that this current request will include all communications of all planning staff members regarding the Wal-Mart project, and will not be limited to just Kim Espinosa's records.

Sincerely,

Schuyler Ellis

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

From: "Lucas, Terri" <Lucast@cityofmerced.org>
To: schuyler1s@yahoo.com
Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>;
"Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
Sent: Tuesday, August 28, 2007 4:00:42 PM
Subject: Wal-Mart Distribution Center - Merced

Hello Schuyler:

Kim Espinosa has forwarded your memo dated August 28, 2007, regarding your public records request for documents (between May 1 and September 1, 2007) related to the Wal-Mart Distribution Center for processing.

As you know, Nick Robinson (on your behalf) has been in receipt of all of Planning's current documents related to this project as of August 21, 2007. I would like to confirm that you would still like to have duplicates of documents already received between 5-21-07 and 8-21-07 or just documents from 8-22-07 thru 9-1-07.

If the documents received from Planning thru August 21, 2007, are sufficient, please confirm with me so that the City Clerk's office can process your request as it relates to documents from other City Departments.

Please let me know as soon as possible regarding Planning's documents so that I may complete your request in a timely manner or refer it to the Clerk's Office.

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

Boardwalk for \$500? In 2007? Ha!
[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

Yahoo! oneSearch: Finally, [mobile search that gives answers, not web links](#).

Pinpoint customers who are looking for what you sell.

Looking for a deal? Find great prices on flights and hotels with Yahoo! FareChase.

Espinosa, Kim

From: Espinosa, Kim
Sent: Friday, August 31, 2007 10:25 AM
To: 'Schuyler Ellis'
Cc: Davidson, Dana; Lucas, Terri
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,
Thanks for giving me that date--I finally found that last email. Attached is a pdf of the 3 emails that you requested in your 8/30/07 email (I previously sent you the electronic copy of the Water Supply Assessment). The City Clerk's office will be taking care of the rest of your public records request per your 8-28-07 letter. Thanks!
--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Friday, August 31, 2007 8:34 AM
To: Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

oh kim,

sorry about that. the john franck emails start on September 19 2006.

thanks for the others though.

schuyler

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>
Sent: Thursday, August 30, 2007 7:02:19 PM
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,
I think I've located the other 2 emails (I'll send them along soon) but do you have any date at all for the email from John Franck to Jennifer King? Without a date, it is hard to know where to look as they are all filed by date. Thanks!
--Kim

Schuyler,
I'll have to look through the files for those missing pages for the emails (sounds like maybe the copier skipped pages while copying--that happens sometimes), but here is a pdf file of the Water Supply Assessment. Thanks!
--Kim

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

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Sent: Thursday, August 30, 2007 2:39 PM

8/31/2007

To: Espinosa, Kim
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Sent: Thursday, August 30, 2007 9:47 AM
To: Espinosa, Kim

8/31/2007

Subject: Re: Wal-Mart Distribution Center - Merced

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From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 8:12 AM
To: Lucas, Terri
Cc: Davidson, Dana; Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Ms. Lucas:

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

To: schuylerls@yahoo.com

Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>;

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

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Please let me know as soon as possible regarding Planning's documents so that I may complete your request in a timely manner or refer it to the Clerk's Office.

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

Boardwalk for \$500? In 2007? Ha!
Play Monopoly Here and Now (it's updated for today's

economy) at Yahoo! Games.

Yahoo! oneSearch: Finally, mobile search that gives answers, not web links.

Pinpoint customers who are looking for what you sell.

Building a website is a piece of cake.

Yahoo! Small Business gives you all the tools to get online.

Attachment
to 8/31/07
email

Espinosa, Kim

From: Emerson, Jim D. [Jim.Emerson@c-b.com]
Sent: Wednesday, February 07, 2007 12:51 PM
To: Chafin, Randy; lynn.mcalexander@wal-mart.com; Ainslie, Daniel; Keith.Morris@wal-mart.com; Brian.Gordon@wal-mart.com; Dalferes, Thomas E.
Cc: Espinosa, Kim; mmontesinos@steefel.com; Quintero, Frank; j davidoff@steefel.com; Daum, Ted; WMEDMS; Joseph Loethen
Subject: RE: Wal Mart

Responses to Ted Daum's request for additional information. The number corresponds to his comment.

1. An agreement has not been made with MID for our storm water discharge point of connection. MID has provided us with three discharge options. Two of the options involve discharging to Fairfield Canal and the other option is to Doane Lateral. We will be evaluating each option during the design process and provide Wal-Mart with our recommendation. Then after discussions with Wal-Mart, we will have a meeting with MID to discuss our preferred option.

2. The comment is asking for volume and not flow rate nor is it specifying for what event. As was stated in the preliminary drainage analysis, we will be limiting our discharge to 2200 gpm for all storm events. The volume of runoff will vary significantly from one storm event to another. The 10-Year, 24-Hour storm runoff volume for the entire 235 acre site for predeveloped conditions is 10.1 ac-ft and for developed conditions is 26.2 ac-ft. As stated in the preliminary drainage analysis memo, the storm water runoff will remain onsite in the detention ponds for several days due to the discharge restrictions from the City of Merced and MID. This detainage of stormwater will allow additional storm water runoff to infiltrate in the soil.

3. The impervious area will be surrounded by either large flat bottom detention ponds or drainage channels that are connected to the detention ponds. The detention ponds and the drainage channels will be grassed lined to help filter the storm water runoff. The capacity of the detention ponds with their flat bottom provide additional attenuation time and area for settlement of particles such as sediment or grit that may be transported within the water. In addition all of the ponds are interconnected to each other and there will be a discharge pipe that connects the detention ponds to the wet well basin of the pump station. The inlet side of this discharge pipe will have a skimmer plate on it. The purpose of the skimmer plate will be to prevent any floating contaminants from entering the wet well basin and leaving the site.

4. As stated in the preliminary drainage analysis report, the development of the 235 acre site will create approximately 110 acres of impervious area (building and pavement). The impervious area will be surrounded by detention ponds or drainage channels that are connected to the detention ponds. Per the Draft Geotechnical Report, the upper site soils encountered generally consisted of at least three feet of silty clay material which was underlain by interbedded sandy silts and silty clays as well as well-graded sands to a depth of approximately 40 feet. (The Draft Geotechnical Report was previously provided.) Groundwater was encountered in several borings at depths ranging from 22.5 to 25 feet below the existing ground surface.

5. A preliminary grading plan is being prepared so that it can be provided.

Jim Emerson

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

From: Chafin, Randy [mailto:Randy.Chafin@edaw.aecom.com]
Sent: Tuesday, February 06, 2007 12:17 PM
To: Emerson, Jim D.; lynn.mcalexander@wal-mart.com;
ainslied@cityofmerced.org; Keith.Morris@wal-mart.com;
Brian.Gordon@wal-mart.com; Dalferes, Thomas E.
Cc: espinosak@cityofmerced.org; mmontesinos@steefel.com;
quinterof@cityofmerced.org; jdavidoff@steefel.com; Daum, Ted
Subject: FW: Wal Mart

Gentlemen:

As I mentioned during our telephone conference yesterday, there remain some information gaps in the surface hydrology water quality analysis that require your attention, as described in the message below.

Please provide responses to the questions below directly to Ted Daum (ted.daum@edaw.com) with a copy to me.

Thanks!

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

From: Ted Daum [mailto:Ted.Daum@edaw.com]
Sent: Monday, February 05, 2007 11:19 AM
To: Chafin, Randy
Subject: RE: Wal Mart

Hi Randy;

There are still the following data gaps pertaining to hydro and water quality outstanding issues:

1. Has an agreement been made with MID as to where proposed project site runoff will be discharged? Not Doane Lateral according to Jim Emerson in his memo of 12/21/06. Runoff generated within sub-watershed H where the site is located flows into Doane Lateral according to the City's Storm Drain Master Plan and the original project site plans.

2. Are there data available for estimated stormwater runoff volume generated from the project footprint and alternatives? This is needed in order to show that the City's Storm Drain Master Plan design standards can accommodate the project flow.

3. Are there any descriptions available of the permanent BMPs to be utilized for mitigation of urban contaminants in stormwater runoff (for surface and groundwater), per the general requirements in the Storm Drain Master Plan?

4. Data (Geotech report or equivalent) as to the effect of the proposed project's impervious surfaces on groundwater recharge. We have groundwater depth and quality data, and can quantify the amount of groundwater use reduction going from agricultural to developed land use, but no data to address the concerns of groundwater recharge underneath the proposed project.

5. Even a draft Drainage Plan would help.

Since it is likely that this EIR will be legally challenged, I feel that the above information at minimum will be necessary for a defensible hydro/wq section. Let me know if you have any questions. Thanks Randy.

Ted

>>> "Chafin, Randy" <Randy.Chafin@edaw.aecom.com> 02/02/07 10:01 AM >>>
Thanks, Ted.

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

From: Ted Daum [mailto:Ted.Daum@edaw.com]

Sent: Friday, February 02, 2007 9:51 AM
To: Chafin, Randy
Subject: Re: Wal Mart

Thanks Randy. I am working on the analysis today and will let you know if there are any data gaps.

Ted

>>> "Chafin, Randy" <Randy.Chafin@edaw.aecom.com> 01/31/07 1:25 PM >>>
Ted:

Were you waiting for a site plan? If so, here's a cleaner version. Let me know what, if anything, else you may need.

Randy M. Chafin, AICP

Principal

Direct 916.414.5855

Randy.Chafin@edaw.aecom.com <mailto:Randy.Chafin@edaw.aecom.com>

EDAW

2022 J Street

Sacramento, CA 95814

T 916.414.5800 F 916.414.5850

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secured or error-free as information could be intercepted, corrupted, lost, destroyed, received late or incomplete, or could contain viruses. The sender therefore does not accept liability for any error or omission in the contents of this message, which arises as a result of e-mail transmission. If verification is required, please request a hard-copy version from the sender.

Attachment
to 8/31/07
email

Espinosa, Kim

From: Lynn McAlexander [Lynn.McAlexander@wal-mart.com]
Sent: Wednesday, December 20, 2006 8:45 AM
To: Espinosa, Kim; Randy Chafin; Austin Kerr
Cc: Jim Emerson; Brian Gordon
Subject: FW: questions for refinement of the HRA

More answers.

Thanks,
Lynn J. McAlexander, P. E.

Project Manager
Distribution Center Design
2001 SE 10th St.
Bentonville, AR 72716-0550
479-273-8538
479-366-6296 Cell
479-273 1964 Fax

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

From: Kim Bowen
Sent: Wednesday, December 20, 2006 9:21 AM
To: Eric Bengé; Lynn McAlexander
Cc: Murray Farr
Subject: RE: questions for refinement of the HRA

Lynn,

Additional responses...

% of trucks that are wal-mart vs. non wal-mart: wal-mart trucks would account for 40-45% of the truck traffic inbound into the distribution center...

we do have only one scale on the yard... trailers are typically weighed when pulled from the dock, prior to being parked on the lot.

From: Eric Bengé
Sent: Wednesday, December 20, 2006 7:38 AM
To: Lynn McAlexander
Cc: Murray Farr; Kim Bowen
Subject: RE: questions for refinement of the HRA

Hello Lynn...

Please find below our response in regard to your question related to Truck Fleet Model Years:

- Yard Trucks.....As a standard practice we will typically open a new facility (RDC or HVDC) with year model equipment relative to the opening date. The objective is to start up the new facility with all new equipment. Example: Facility opening in 2008 will normally include 2008 year model yard trucks. These trucks will be equipped with standard EPA required emissions equipment for off road application. In the event Yard trucks are required to go off the facility the specification is upgraded to the required DOT and EPA expectations.
- On Road Trucks.....As indicated below WM Fleet Trucks at the time of the Merced, CA DC opening will be 2002 model year and newer. However, the domiciled vehicles will predominantly be relative to the DC opening date following the same logic as Yard Trucks above. (2008 opening includes 2008 model year trucks, et.) There may be a sprinkling of older vehicles (2002-2007) transferred in as part of the start up depending on equipment needs across the Fleet at the time. These trucks will also be equipped with standard EPA required emissions equipment to meet certification expectations to include some variation of PM traps and Diesel Oxidation Catalyst as necessary by model year.

Hope this helps...Let me know if I can do anything else...

Eric Bengé

Regional Maintenance Manager

Office: (479) 277-9855

Fax: (479) 277-9880

Cell: (479) 640-7574

e-mail = ewbenge@wal-mart.com

From: Jeff P Byrne
Sent: Tuesday, December 19, 2006 1:16 PM
To: Lynn Mcalexander
Cc: Eric Bengé; Murray Farr; Kim Bowen
Subject: RE: questions for refinement of the HRA

Eric

Can you get this truck information for Lynn? marked it in red below? Thanks Jeff

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

From: Lynn Mcalexander
Sent: Tuesday, December 19, 2006 8:15 AM
To: Jeff P Byrne; Murray Farr; Jeff Hammonds
Subject: FW: questions for refinement of the HRA

Gentlemen,

More questions. Unless I am mistaken, there is only one truck scale. I can provide the location. Please respond to the other questions below at your earliest convenience.

Thanks,
Lynn J. McAlexander, P. E.
Project Manager
Distribution Center Design
2001 SE 10th St.
Bentonville, AR 72716-0550
479-273-8538
479-366-6296 Cell
479-273 1964 Fax

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

From: Austin Kerr [mailto:Austin.Kerr@edaw.com]
Sent: Monday, December 18, 2006 6:44 PM
To: Lynn Mcalexander
Cc: Jim Emerson; ESPINOSAK@cityofmerced.org; Randy Chafin; gwolffe@ensr.aecom.com; Judy V. Davidoff; Monique James
Subject: questions for refinement of the HRA

Lynn,

Greg Wolffe has conducted some preliminary model runs for the Health Risk Assessment (HRA) and the preliminary risk levels are fairly high and would be considered a significant impact. Greg can refine the HRA model further with some additional, more specific information:

Truck Fleet Model Years

Can we assume an age range (i.e., range of model years) for the yard trucks? Are all the yard trucks a particular model year or newer?

What about for walmart's fleet of on-road trucks? Are all the on-road walmart trucks a particular model year or newer? **They are 2002 or newer**

What percentage of on-road trucks that come to the distribution center are walmart trucks vs. non-walmart trucks?

Because walmart is a volunteer member of U.S. EPA's SmartWay Transport Partnership and one of the winners of the 2006 SmartWay Excellence Awards (<http://www.epa.gov/smartway/>), it may very well be the case that walmart uses a truck fleet that is newer (i.e., cleaner with respect to emissions) than the national- or state-average fleet.

Weigh Scales

From your response earlier today we just now know that every trailer is weighed on a scale before it departs the distribution center. We need to account for this activity and its associated emissions in the HRA. I just looked at some photos of the Apple Valley distribution center and it appears that there are multiple weigh scales on the site. I don't think I can see all of them in the photos we have because they were only taken from off-site. Could you please indicate the locations of all the weigh scales at the proposed distribution center in Merced? It would be ideal if they could be shown on the site plan that Thomas Dalferes e-mailed me on Nov. 14. This file is attached.

Please feel free to contact me if you need any clarification.

Thanks,
Austin Kerr

J. Austin Kerr
 Air Quality & Noise Analyst
 EDAW, Inc.
 tel 916.414-5800
 fax 916.414-5850

>>> "Lynn McAlexander" <Lynn.McAlexander@wal-mart.com> 12/18/2006 3:03 PM >>>

This should answer all of the outstanding questions that I am aware of.
 If you are waiting on WM or C&B for any other information, please let us know.

Thanks,
 Lynn J. McAlexander, P. E.
 Project Manager
 Distribution Center Design
 2001 SE 10th St.
 Bentonville, AR 72716-0550
 479-273-8538
 479-366-6296 Cell
 479-273 1964 Fax

> -----Original Message-----

> From: Murray Farr
 > Sent: Monday, December 18, 2006 5:00 PM
 > To: Lynn McAlexander
 > Subject: FW: Merced DC: weigh scales and yard trucks

>
 >
 > Lynn, this should be all the answers. Please advise if I've missed
 > anything, sorry for the delay.
 > Murray

>
 > _____
 >
 > I can answer one of the questions, The yard trucks just have a
 > standard exhaust system. Jeff

>
 >
 >
 > Is every truck trailer weighed before it leaves the site?
 > Yes.
 > At the Apple Valley facility I noticed a scale located on the site
 > (near
 > stall areas I and H4). What proportion of loaded trailers are
 > pulled
 > to
 > this scale by a yard truck to be weighed?
 > Every outbound trailer is supposed to be pulled to the scale by a

yard
 > truck.
 >
 > Is there also a scale located at the departure side of the guard
 > station
 > that trucks use just before they depart?
 > No, there is only the one scale on the yard.
 >
 > Also, the make and model of the yard trucks I observed at the Apple
 > Valley facility were Ottawa Commando 30. These trucks have off-road
 > engines and are only used on site. Are these trucks equipped with
 > any
 > type of PM trap or diesel oxidation catalyst in addition to their
 > standard exhaust system?
 >
 > Feel free to call me if you need clarification or would like to
 > discuss
 > any of these questions.
 >
 > Thanks,
 > Austin Kerr
 >
 >
 >
 >
 >
 >
 >
 >
 > Please note: Effective immediately, my e-mail address has changed
 > to:
 > austin.kerr@edaw.com
 >
 > *****
 > J. Austin Kerr
 > Air Quality & Noise Analyst
 > EDAW, Inc.
 > tel 916.414-5800
 > fax 916.414-5850
 >

 *** This email and any files transmitted with it are confidential
 and intended solely for the individual or entity to whom they are
 addressed. If you have received this email in error destroy it
 immediately. *****
 ***** Wal-Mart Confidential *****

 *** This email and any files transmitted with it are confidential
 and intended solely for the individual or entity to whom they are

**addressed. If you have received this email in error destroy it
immediately. *****
***** Wal-Mart Confidential *****

Franck, John

Attachment
to 8/31/07
email

From: Franck, John
Sent: Tuesday, September 19, 2006 11:18 AM
To: 'Jenifer King'
Cc: Wegley, Michael
Subject: RE: Wal-Mart Distribution Center EIR

The sewer line TV log is something you can ask Dept. of Public Works about. Often, it is used to mark pavement prior to construction but perhaps the log could be used to put things on the plans also. The water main is being rerouted in public streets as a 16-inch main in Childs, Tower and Gerard. Only the portion from the well (City's 10R2) to Gerard would remain. Also, coordinate with MID Electric to supply power to well prior to removing their overhead electric in Kibby (Childs to Gerard).

John Franck <mailto:franckj@cityofmerced.org>
Senior Engineer
City of Merced Planning Dept.

-----Original Message-----
From: Jenifer King [mailto:Jenifer.King@edaw.com]
Sent: Tuesday, September 19, 2006 10:42 AM
To: Franck, John
Subject: RE: Wal-Mart Distribution Center EIR

Mr Frank - I have just a couple of more questions regarding utility infrastructure. Has the City been determined where the Kibby water and wastewater mains on the project site would be relocated? If not, would this be determined at a later time in coordination with the Department of Public Works?

Thank you again for your help,
Jenifer

Thank you,
Jenifer King
Environmental Analyst
EDAW, Inc.
2022 J Street
Sacramento, CA 95814

Please note: Effective immediately, my e-mail address has changed to:
jenifer.king@edaw.com

>>> "Franck, John" <FranckJ@cityofmerced.org> 08/18/06 9:39 AM >>>

WATER

Item 1 There is a 16 inch water main on the Childs Ave frontage from the west property line to a point 1000 feet east of Kibby Road. There is a 16 inch water main in Kibby From Childs to Gerard (this is the one they want to reroute to miss buildings. No water mains yet in Gerard or Tower Road,

Item 2 They would connect where convenient for them. They will be adding water extensions so mains will be in all 3 street frontages when they are built out.

Item 3 Potable water is available with adequate capacity in this area.

SEWER

- Item 1 See previous information on "per acre" amounts.
- Item 2 Gerard Avenue has a 36 inch main and Kibby from Childs to Gerard has a 30 inch. Childs Avenue has 12 inch. None in Tower Road.
- Item 3 The Kibby main will be rerouted to miss buildings and that new route or any old route that might be saved could be likely connection areas.
- Item 4 Treatment and conveyance are adequate.

ELECTRIC-- Contact PGandE OR MID Electric except the Wilson substation is immediately south of Highway 140 and BNSF railroad west of Tower Road. It is definitely NORTH of Childs Avenue.

John Franck <mailto:franckj@cityofmerced.org>
Senior Engineer
City of Merced Planning Dept.

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

From: Jenifer King [mailto:Jenifer.King@edaw.com]
Sent: Thursday, August 10, 2006 4:03 PM
To: Franck, John
Subject: Wal-Mart Distribution Center EIR

Mr. Franck - I am working on the Wal-Mart Distribution Center EIR, and I am hoping to find out some information on utility infrastructure in the project area. The following is a brief summary of the project location and proposed development.

The approximately 230-acre Project site is bounded on the north by Childs Avenue, on the East by Tower Road and on the South by Gerard Avenue. Kibby Road, which heads north from this area, terminates at Childs Avenue at the north end of the Project site.

The project consists of an approximately 1.1-million-square-foot regional distribution warehouse, which would include administrative and support functions; a 17,000-square-foot truck maintenance building; a 1,600-square-foot fire pump house; and a 500-square-foot truck gate. The facility will operate 24 hours per day continuously throughout the year, and employ approximately 900 people.

I am looking for information regarding water, wastewater, and electrical infrastructure.

Water: Total annual water demands for the Project would be 63.4 AFY.

1. Where are existing water mains and what is their diameter in the vicinity of the proposed project?
2. Where would the project likely connect to existing mains?
3. Is there adequate water treatment and conveyance capacity to serve the project?

Wastewater:

1. Does the City have a specific wastewater generation factor for industrial/warehouse uses?
2. Where are existing sewer mains and what is their diameter in the vicinity of the proposed project?

3. Where would the project likely connect to existing mains?

4. Is there adequate wastewater treatment and conveyance capacity to serve the project?

Electrical Transmission Lines:

1. Could you please verify if the following information is correct: "The Wilson Substation is located south of Childs Avenue. Two parallel transmission lines originate from this substation and extend to the northwest: a 115 KV line, called the Wilson-Atwater, and a 230 KV line called the Belotta-Harndon. These transmission lines generally run north to south through the central area of the site and terminate south of the project site at the Wilson Substation."

2. Are these exclusively PG&E transmission lines?

Thank you for your time and help,
Jenifer King
EDAW
Environmental Analyst

Please note: Effective immediately, my e-mail has changed to
jenifer.king@edaw.com

Espinosa, Kim

From: Espinosa, Kim
Sent: Thursday, August 30, 2007 2:57 PM
To: 'Schuyler Ellis'
Cc: Lucas, Terri; Lesch, Jack; Davidson, Dana
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,

I'll have to look through the files for those missing pages for the emails (sounds like maybe the copier skipped pages while copying--that happens sometimes), but here is a pdf file of the Water Supply Assessment. Thanks!

--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 2:39 PM
To: Espinosa, Kim
Cc: Lucas, Terri; Lesch, Jack; Davidson, Dana
Subject: Re: Wal-Mart Distribution Center - Merced

Kim et al,

Can you please include the following documents in the recently filed records request:

An electronic copy of EDAW's Merced Wal-Mart Water Supply Assessment, sent to Ms. Espinosa on September 15th, 2006.

A string of e-mails with the subject :FW: Wal-Mart: There are multiple recipients to this string including, Randy Chafin, Jim Emerson, Lynn McAlexander, ainslied@cityofmerced.org, Keith Morris, Brian Gordon, Thomas Dalferes, Kim Espinosa, Meriam Montesinos, Frank Quintero, Ted Daum, and jadavidoff@steefel.com. I believe the total string should be approximately 3 pages, I currently have pages 2 and 3 but would really appreciate the first one. I believe the date of the e-mail is February 7th, 2007, however I am unsure as I never received the first page.

A 6-page string of e-mails. The subject line starting on page 3 reads: questions for refinement of the HRA. This e-mail is dated December 18th, 2006 and is sent from Austin Kerr to Lynn McAlexander with a cc to Jim Emerson, Kim Espinosa, Randy Chafin, gwolffe@ensr.aecom.com, Judy Davidoff, and Monique James. Again, I am unaware of the subject or date of the original e-mail that begins this string as I have only received pages 3 through 6.

A 3-page string of emails. The first e-mail in this string is from John Franck to Jennifer King with a cc to Michael Wegley. The subject is :RE: Wal-Mart Distribution Center EIR:. I would appreciate all three pages of this e-mail string as I have only received pages 1 and 3 and not the second page.

Thank you,

Schuyler

"We are one nation, in a box, with choices and low prices for all." - Mike Thomas

"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>

8/30/2007

Cc: "Lucas, Terri" <Lucast@cityofmerced.org>; "Lesch, Jack" <LeschJ@cityofmerced.org>;
"Davidson, Dana" <DavidsonD@cityofmerced.org>
Sent: Thursday, August 30, 2007 1:48:35 PM
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,

As far as I know Jack doesn't have any correspondence on this project that is separate from mine (he is 'cc'd' a copy of all of my emails on this project that go to EDAW and Wal-Mart's reps), but if there is any, it will be included. The copy of my emails that shows it was sent to him is sufficient documentation to show that it was sent to him--otherwise, there would have to be 2 copies of every email in the files, which is duplicative. Thanks!

--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 9:47 AM
To: Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Kim,

Thank you for your clarification. I trust that all of Jack Lesch's communications will be included then, correct?

Schuyler

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"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>; "Lucas, Terri" <Lucast@cityofmerced.org>
Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>
Sent: Thursday, August 30, 2007 11:41:01 AM
Subject: RE: Wal-Mart Distribution Center - Merced

Schuyler,

I have asked that all other depts in the City send me copies of any correspondence etc on the Wal-Mart project and all those that I have received are in the official project files. This includes other planning staff members. The City Clerk's office also forwards the Wal-Mart related materials to me that they receive as well. However, since at this time, no other planning staff members have been assigned to the Wal-Mart project so they don't have regular correspondence (if any) regarding the project as I do, being the project planner. I would not expect other planning staff members to have much correspondence at this time on the project. Nick Robinson has received all copies of public records that he has asked for--he comes and looks through the files and asks for copies of what he wants. I hope that clarifies things. The Planning Dept will send all the records we have for the dates requested to the City Clerk's office for them to process your records request, but they are mostly, as you observed, my correspondence, etc. Thanks!

--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 8:12 AM
To: Lucas, Terri
Cc: Davidson, Dana; Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Ms. Lucas:

Yes, I would like to receive the planning departments documents for the entire time period requested.

It is my understanding that the Planning Department is attempting to maintain one project file with all records from all departments regarding this project could you please clarify this?

The records that I have received via Nick Robinson appear to be limited, to only the communications of Kim Espinosa. I anticipate that this current request will include all communications of all planning staff members regarding the Wal-Mart project, and will not be limited to just Kim Espinosa's records.

Sincerely,

Schuyler Ellis

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"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

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

To: schuylerls@yahoo.com

Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>; "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>

Sent: Tuesday, August 28, 2007 4:00:42 PM

Subject: Wal-Mart Distribution Center - Merced

Hello Schuyler:

Kim Espinosa has forwarded your memo dated August 28, 2007, regarding your public records request for documents (between May 1 and September 1, 2007) related to the Wal-Mart Distribution Center for processing.

As you know, Nick Robinson (on your behalf) has been in receipt of all of Planning's current documents related to this project as of August 21, 2007. I would like to confirm that you would still like to have duplicates of documents already received between 5-21-07 and 8-21-07 or just documents from 8-22-07 thru 9-1-07.

If the documents received from Planning thru August 21, 2007, are sufficient, please confirm with me so that the City Clerk's office can process your request as it relates to documents from other City Departments.

Please let me know as soon as possible regarding Planning's documents so that I may complete your request in a timely manner or refer it to the Clerk's Office.

Terri Lucas
Secretary III
City of Merced

8/30/2007

Development Services
678 W 18th Street
Merced, CA 95340
(209) 385-6858
lucast@cityofmerced.org

Boardwalk for \$500? In 2007? Ha!
Play Monopoly Here and Now (it's updated for today's economy) at
Yahoo! Games.

Yahoo! oneSearch: Finally, mobile search that gives answers, not web links.

Pinpoint customers who are looking for what you sell.

Espinosa, Kim

From: Schuyler Ellis [schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 10:56 AM
To: Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Kim,

I appreciate that. The only reason I am pressing this, is that from the previous requests, I have received communications between Mr. Lesch, Frank Quintero, and others in which you were excluded. I just want to be as thorough as possible as to understand this project and process from all departments and city staff involved, directly and indirectly. Without all the facts, it is easy for the rumor mill to start, only making your job more difficult. I think we are on the same team in this one!

Thanks,

Schuyler

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"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis <schuylerls@yahoo.com>
Cc: "Lucas, Terri" <Lucast@cityofmerced.org>; "Lesch, Jack" <LeschJ@cityofmerced.org>; "Davidson, Dana" <DavidsonD@cityofmerced.org>
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Sent: Thursday, August 30, 2007 9:47 AM
To: Espinosa, Kim
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From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>

8/30/2007

To: Schuyler Ellis <schuylerls@yahoo.com>; "Lucas, Terri" <Lucast@cityofmerced.org>
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--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Thursday, August 30, 2007 8:12 AM
To: Lucas, Terri
Cc: Davidson, Dana; Espinosa, Kim
Subject: Re: Wal-Mart Distribution Center - Merced

Ms. Lucas:

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Schuyler Ellis

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

From: "Lucas, Terri" <Lucast@cityofmerced.org>
To: schuylerls@yahoo.com
Cc: "Davidson, Dana" <DavidsonD@cityofmerced.org>; "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
Sent: Tuesday, August 28, 2007 4:00:42 PM
Subject: Wal-Mart Distribution Center - Merced

Hello Schuyler:

Kim Espinosa has forwarded your memo dated August 28, 2007, regarding your public records request for documents (between May 1 and September 1, 2007) related

8/30/2007

to the Wal-Mart Distribution Center for processing.

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If the documents received from Planning thru August 21, 2007, are sufficient, please confirm with me so that the City Clerk's office can process your request as it relates to documents from other City Departments.

Please let me know as soon as possible regarding Planning's documents so that I may complete your request in a timely manner or refer it to the Clerk's Office.

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

Boardwalk for \$500? In 2007? Ha!
[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

Yahoo! oneSearch: Finally, [mobile search that gives answers](#), not web links.

Park yourself in front of a world of choices in alternative vehicles.
[Visit the Yahoo! Auto Green Center.](#)

Espinosa, Kim

From: Lucas, Terri
Sent: Tuesday, August 28, 2007 1:01 PM
To: 'schuyleris@yahoo.com'
Cc: Davidson, Dana; Espinosa, Kim
Subject: Wal-Mart Distribution Center - Merced

Hello Schuyler:

Kim Espinosa has forwarded your memo dated August 28, 2007, regarding your public records request for documents (between May 1 and September 1, 2007) related to the Wal-Mart Distribution Center for processing.

As you know, Nick Robinson (on your behalf) has been in receipt of all of Planning's current documents related to this project as of August 21, 2007. I would like to confirm that you would still like to have duplicates of documents already received between 5-21-07 and 8-21-07 or just documents from 8-22-07 thru 9-1-07.

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

MEMO

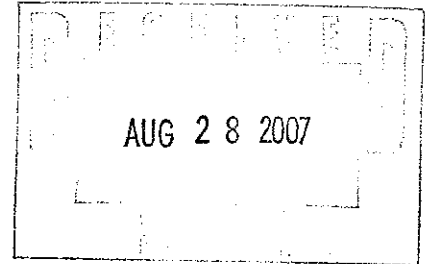
TO: Dana Davidson, City Clerk
City Clerk's Office
City of Merced
678 West 18th Street
Merced, California 95340

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

FROM: Schuyler Ellis
17 Dr. MLK Jr. Street South
Suite 206
St. Petersburg, Florida 33705
SchuylerLS@yahoo.com

DATE: August 28th, 2007

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 all City of Merced Departments (this including any staff members or elected officials of the City of Merced), on or after May 1st 2007 up to September 1st 2007, 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, in other words this request pertains to all records maintained by **any and all** departments and offices of the City of Merced.

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

In addition, I request that either the City Clerk, Dana Davidson or Planning Manager, Kim Espinosa, be made the custodian of these records and gather every item from each department and office pertaining to the above referenced project.

Please *include* in reproduction the following documents:

Any and all documents from the Planning Department during the stated time period. **Specifically please include an Administrative Draft of the EIR, or parts thereof, if it has not been completed.**

Any and all documents from the City Attorney's Office during the stated time period.

Any and all documents from the City Budget Office during the stated time period.

Any and all documents from the City Clerk's Office during the stated time period.

Any and all documents from the City Council Office (Includes all Council Members and the Mayor) during the stated time period.

Any and all documents from the City Manager's Office during the stated time period.

Any and all documents from the Building and Housing Divisions of Development Services during the stated time period.

Any and all documents from the Economic Development Department during the stated time period.

Any and all documents from the Engineering Division during the stated time period.

Any and all documents from the City Finance Office during the stated time period.

Any and all documents from the City Fire Department during the stated time period.

Any and all documents from the City Geographic Information Systems (GIS) Department during the stated time period.

Any and all documents from the Information Technology (IT) Office during the stated time period.

Any and all documents from the City Insurance Office during the stated time period.

Any and all documents from the City Parks and Community Service Department during the stated time period.

Any and all documents from the Personnel Office during the stated time period.

Any and all documents from the City Police Department during the stated time period.

Any and all documents from the City Public Information Office during the stated time period.

Any and all documents from the City Public Works Department during the stated time period.

Any and all documents from the City Redevelopment Agency during the stated time period.

Any and all documents from the City Stormwater Department during the stated time period.

Any and all documents from the any additional department that may have accidentally been omitted in the list above.

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:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

3. By law, upon payment, the City must provide me with copies of all records that are not specifically exempt from disclosure. Section 6253(b) states that:

Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

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:

- (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- (b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

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 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.

Sincerely,

Schuyler Ellis

August 31, 2007

6. Press release regarding General Plan Community Workshop – September 12.
7. Correspondence from Merced Lao Family Community, Inc., seeking sponsorship for 2008 Merced Hmong New Year.
-  8. Newsletter from the Stop Wal-Mart Action Team translated into Spanish and mailed to residents of the Southeast Merced community. (This letter was provided to the City by Melissa Hernandez.)

B. Items From Other Agencies (blue paper)

1. Employment Development Department, State of California – Merced Metropolitan Statistical Unemployment Labor Force Data.
2. State of California Department of Finance – Finance Bulletin and Economic Update, August 2007.
3. Amtrak California Newsletter – Summer 2007.
4. MID Electrical Services Update “The Switch” – Summer 2007.

C. Calendar Items (pink paper)

1. League of California Cities Annual Conference reception – Willdan Engineers -- September 6, 2007.
2. League of Women Voters presentation by California State Librarian – September 24, 2007.
3. Merced County NAACP 47th Annual Freedom Fund Banquet – October 20, 2007.

✓ Orig - Densen (Walmart file)
CC - JBM

La Alianza de Merced para el Crecimiento Responsable

Pare Acción de Wal-Mart



Volumen 1, Asunto 2

El Verano 2007

La Pisada del Gigante

Hablando con amigos, los vecinos y colegas acerca del impacto del centro de distribución propuesto de Wal-Mart son uno de los mejores maneras nosotros podemos educar nuestra comunidad. Cuando partidarios de Pare Acción de Wal-Mart propagan la noticia acerca del centro de distribución propuesto, nosotros hemos encontrado que pocos residents de Merced entienden que enorme el propuso centro de distribución de 270 acres es realmente y cómo cierra cerca de nuestra escuelas y vecindarios.



Si construyen el centro, el centro de distribución cubriría el centro de Merced de 22 a 16 calles y la calle "R" a MLK.

La mayoría de los centros de distribución son localizadas dónde no hay nada y distante de casas y escuelas residenciales. Este alto-contaminante proyecto industrial localizado entre Childs y Gerard en Merced del sudeste es menos de 500 pies de una nueva escuela y docenas de nuevas casas.

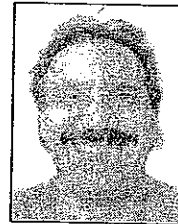
Qué hace esta ubicación y esta proyecto inadecuados? No es solamente el 24 horas de la luz y el ruido de la facilidad, o del peligro verdadero colocado a nuestros niños que andan educar en un camino sin aceras. El fuerzo en la infraestructura de la ciudad y el transporte tal como la Campus Parkway ('Autopista de Wal-Mart') son también las diferencias importantes.

Miremos este proyecto de la perspective de residents de Merced que serán muy afectados por su impacto.

(Gire la página para un mapa del area.)

Planificación Compasiva

By Joel Knox



Presidente, Golden Valley Neighborhood Association

No fue hace mucho tiempo que el cruce de Childs y Parsons fue "arruinado."

Dos esquinas fueron ensuciadas con una cabaña desértada cubierta de hierba y el abandonado Century Bowl, una estructura ruinososa ahora es dueño por una iglesia local; los dueños esperan para sacar partido del Mercado caliente de bienes raíces de "rayo en la cazuela."

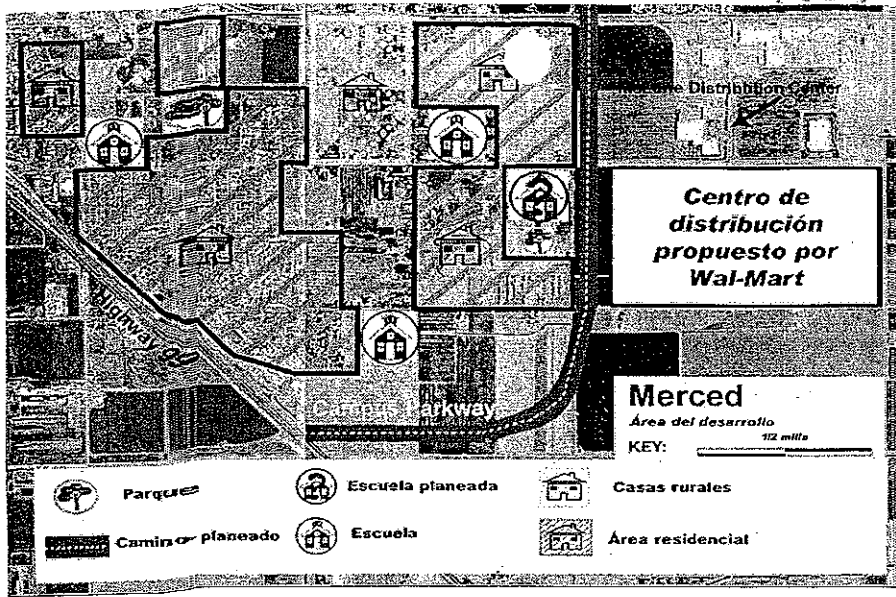
Los dos estructuras se pararon en contraste a los apartamentos bien-mantenidos y Golden Valley High School en los otros esquinas. Los vecinos de Merced fueron encantados cuando la cabaña abandonada fue transformada dentro de una local y atractiva cafetería para automovilistas, Chiller's. Pero hoy, este establecimiento ha sido expulsado del negocio por la planificación pobre en parte de la ciudad. ¿Porqué? La ciudad de Merced recompense Chiller's el espíritu empresarial y ayuda a limpiar Merced del sudeste permitiendo un Starbucks para abrir un bloque lejos.

Manejado por una creencia la ciudad es medido por los números de Starbucks, el Concilio careció la planificación, y la compassion para una familia que había invertido personalmente su vive en Merced.

Al principio, el Concilio indicó que Starbucks sería solo una "sienta" establecimiento, permitiendo Chiller's proveer a una clientele con necesidades diferentes. Sin embargo, las aprobaciones finales dejaron descuidadamente la puerta abierto para este grande franquicia a sumar una entrada para carros.

Mientras Starbucks fue construido, una tagedia pego a los dueños de Chiller's, cuando su niño pasó graves problemas-de-salud. La comunidad se recuperó para ayudar con donaciones para las cuentas inmensas de medico. Desgraciadamente, el niño nunca recuperó. La familia continuo valientemente esperando otro disaster en el horizonte.

(Continuó Página 2)



(Continúa de la Página 1) Esperado, el negocio en Chiller's ha sufrido desde que la apertura del Starbucks. El número de empleados en Chiller's fue reducido al dueño y su familia, debido a la incapacidad local del negocio para competir con un conglomerado inmenso tal como Starbucks. Tarde en Mayo, los signos "En Venta" aparecieron fuera Chiller's, y ellos cerrarán para bueno en agosto.

¡Pero oye, en los ojos de la ciudad, es solo la pérdida de un pequeño negocio local en un área del pueblo que ellos pronto se olvidarían!

Gracias, Chiller's, para su servicio en esta área descuidada de Merced. ¡Somos sinceramente arrepentidos perderle, pero a veces nuestras prioridades son diferentes de los prioridades de los líderes de este ciudad! ♦

Los niños, los ancianos, y residentes de bajo-ingresos que viven por calles mayores son la mayoría que están en peligro de permanente pulmonar y el daño de corazón de los 900 camiones de diesel que tropieza en un día por sus vecindades. Vivimos en una aérea urgente de sanitaria en la valle, donde 22% de niños tiene el asma. Merced necesita nuevas escuelas y niños sanos y seguros más que necesitamos este centro de distribución. Nuevos propietarios, ya golpeados de bajo valores de sus casas, necesitan el valor a su inversión.

Llama y conóce con consejales de la ciudad, y explicé sus representantes elegidos sus conciernes. Pare Acción de Wal-Mart está aquí para usted si usted tiene preguntas o necesita más información. ♦

Métase con SWAT!

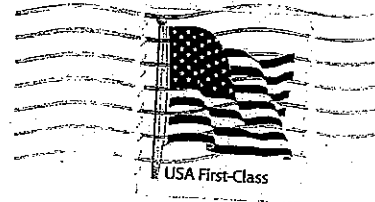
Contacte el Ciudad Concilio
E-mail: citycouncil@cityofmerced.org o llame
385-6834

Escribe una carta al Director del Periodico
E-mail: jkietz@mercedsun-star.com

Suscribese a la lista de distribución de SWAT
Visite www.mercedalliance.org

SWAT se junta el Segundo martes todos los meses a las 6:30 en 1735 Canal St. suite 13
E-mail: swat@mercedalliance.org o llame 723-9458

The Stop Wal-Mart Action Team
1735 Canal St, Suite 13
Merced, CA 95340



Melisa Hernandez
1283 Weaver Ave
Merced, CA 95340

ADDRESS CORRECTION REQUESTED

Novel 3-

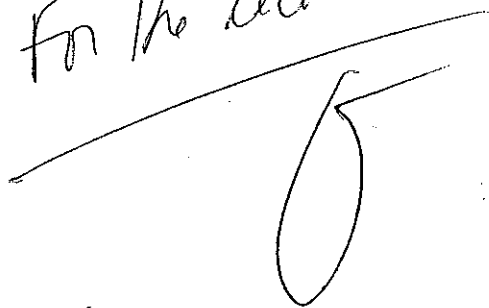
Marshall, Jim

From: city, council
Sent: Thursday, August 23, 2007 8:15 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 2); Michele Gabriault-Acosta (E-mail); Osorio, Rick; Pollard, Carl; Reynolds, Nobie; Rick Osorio (E-mail); Sanders, Jim; Spriggs, Bill
Subject: FW: Wal-Mart's Commitment to Health Care Solutions

From the web site.

Nobie


*Menzer -
 For the Record*



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

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

From: John Menzer [mailto:john.menzer@walmartgetsmart.com]
Sent: Thursday, August 23, 2007 7:45 AM
To: city, council
Subject: Wal-Mart's Commitment to Health Care Solutions

	Health Care
WAL*MART	
www.walmartfacts.com	Good for America's Communities

Dear Friend,

Last month, Linda Dillman, executive vice president of risk management, benefits and sustainability for Wal-Mart, gave a well-received presentation at the annual Dorsey Hughes Symposium in Colorado. As *The Denver Business Journal* ("Wal-Mart wows health care observers," by Bob Mook, August 3, 2007) remarked, "Colorado health care professionals have seen the future of their industry, and some believe its name might very well be Wal-Mart."

Linda's presentation covered our efforts as an employer, retailer and business leader to bring solutions to our health care system. The article reported that Dillman's presentation wowed about 200 attendees. To that

end, I wanted to share some of the key highlights of Linda's discussion.

- As an employer, we are committed to affordable, accessible health benefits that give our associates peace of mind. Individual health coverage that costs as little as \$23 per month in the continental United States, \$3 co-pays on generic medications for common conditions, and eligibility for both full- and part-time associates, along with their children, are just a few of the features of the medical coverage we offer.
- As a retailer, we introduced the \$4 generic prescription program last September. Response to the program has been outstanding and it has saved consumers, employers and the government more than \$350 million since its launch. In-store medical clinics are expanding access to affordable, convenient health care in our communities. Over the next two to three years, we look forward to working with local and regional hospitals and providers to open as many as 400 more of these clinics in our stores.
- As a business leader, we have collaborated with business, labor and non-profit organizations, including the SEIU, to found Better Health Care Together, a coalition which is dedicated to using common sense principles to reform health care by 2012. We are also a founding member of Dossia, a collaboration between Wal-Mart and other employers to develop a framework for building and maintaining safe and secure electronic medical records for employees and their families.

In closing, the article noted other participants' reactions to what we're doing to provide answers to some of the biggest issues facing our nation's health care system. Brian Vogt, former director of Colorado's Office of Economic Development, described our efforts in the health arena as a "good example of corporate leadership and self-imposed reform," and Jon Gabel, a senior fellow at the National Opinion Research Center said Wal-Mart shows "what businesses could do when they make health care a priority without government mandates."

We look forward to sharing more news about other efforts Wal-Mart is undertaking to bring health solutions to our associates, customers and communities in the coming months.

Sincerely,

John Menzer
Vice Chairman, Chief Administrative Officer
Wal-Mart Stores, Inc.

[Click here to unsubscribe.](#)

August 20, 2007

The Merced City Council
678 W. 18th St.
Merced, CA 95340

RECEIVED AT MERCED
CITY COUNCIL MEETING OF

8/20/07

The Merced Stop Wal-Mart Action Team is writing to thank Council for considering concepts such as this land bank which try to balance job creation with environmental, agricultural and human health impacts of new development. As stakeholders in Merced and the San Joaquin Valley, we have several concerns with tonight's agenda item L-1, which would authorize the City of Merced to issue a letter of support for the Merced County Chamber of Commerce's land bank concept.

Our concerns include the following points:

Administration and composition. We believe that community stakeholders most affected by new high-polluting development should decide whether and how that development happens in their community. Does a plan exist for involving a broad cross-section of the community in the decision-making process of the land bank itself? What mechanisms will be put in place to ensure that the land bank will be "based on principles promoting sound planning and livable and sustainable communities" as the Mayor requests?

Land bank process. Will this Committee only exist through the General Plan Update process? Will the Committee also decide who sits on the Land Trust Board when it is created? At what point in the General Plan Update process will it be decided which land will be pre-entitled as industrial and commercial? Why does land already zoned as industrial or commercial in the General Plan also need to be pre-entitled? Will this also apply to projects within City limits?

Environmental review. The Land Bank Committee writes that the land bank would pre-entitle commercial and industrial land to "streamline the industrial development process." Elsewhere, the Committee writes that their intent is to resolve "all mitigation involving land-use, agricultural preservation, zoning, annexing and environmental impact concerns." How does this pre-mitigation interact with CEQA review? Will it pre-empt and replace CEQA entirely? If CEQA wouldn't be necessary for pre-entitled projects, how would the land bank maintain a similarly high level of citizen participation for new "streamlined" development?

Air quality. We live in the midst of an air quality public health crisis, where one in five children have asthma in the San Joaquin Valley and 1,200 Valley residents die prematurely every year due to air pollution. How will the land bank also mitigate for a further decline in air quality and more sickness in our community while approving more industrial development? How will the land banking process balance the urge to "take advantage of the major transportation corridors that exist within the County" with the health needs of most affected communities who live next to those freeways and byways, such as in South and Southeast Merced, or communities throughout the Valley who also suffer from the cumulative impact of polluted air?

We urge you to table this item until the public has seen a more concrete plan for how the land bank program will be administered. Thank you.

The Merced Stop Wal-Mart Action Team | 1735 Canal St. Suite 13, Merced, CA 95340
swat@mercedalliance.org | 209.723.9458

8/20/10

Highways bad for children's lungs

USC study finds respiratory impairment greatest in kids who live near busy roads

Thomas H. Maugh II, Los Angeles Times
Friday, January 26, 2007

(01-26) 04:00 PDT Los Angeles -- Children living near busy highways have significant impairments in the development of their lungs that can lead to respiratory problems for the rest of their lives, University of Southern California researchers have found in the largest and longest study of its kind.

The 13-year study of more than 3,600 children in 12 Southern California communities found that the damage from living near a freeway is about the same as that from living in communities with the highest pollution levels, the team reported Thursday in the online version of the medical journal *Lancet*.

"If you live in a high-pollution area, and live near a busy road, you get a doubling" of the damage, said lead author, W. James Gauderman, an epidemiologist at USC's Keck School of Medicine. "Someone suffering a pollution-related deficit in lung function as a child will probably have less-than-healthy lungs all of his or her life."

The greatest damage appears to be in the small airways of the lung, damage that is normally associated with the fine particulate matter emitted by automobiles.

There has been a growing body of research about the effects of air pollution on the lungs and cardiovascular system, but most have focused on short-term effects, linking pollution episodes to heart attacks, asthma attacks, hospitalization and so forth.

What is unique about this study is the large number of children involved and the length of time they were studied.

Gauderman and his colleagues recruited groups of fourth-grade students, average age 10, in 1993 and 1996. Their schools were scattered from San Luis Obispo to San Diego counties.

Once each year, the team visited the schools and measured the children's lungs, assessing how much air could be expelled in one breath and how quickly it could be expelled.

Results from the study reported in 2004 indicated that children in the communities with the highest average levels of pollution suffered the greatest long-term impairment of lung function.

In the new study, Gauderman and his colleagues found that, by their 18th birthday, children who lived within 500 yards of a freeway had a 3 percent deficit in the amount of air they could exhale and a 7 percent deficit in the rate at which it could be exhaled, compared with children who lived at least 1,500 yards from a freeway.

The effect was independent of overall pollution levels.

The most severe impairment was observed in children living near freeways in the communities with the highest average pollution.

"Even if you are in a relatively low regional pollution area, living near a road produces (lung problems)," Gauderman said.

About a third of the children moved during the course of the study but stayed in the same community. Lung impairment was smaller among those who moved farther from the freeways.

The finding is important "because it shows that within communities some children are at higher risk than others," wrote Dr. Thomas Sandstrom and Dr. Bert Brunekreef in an editorial accompanying the paper.

"Thus, environmental equity is an issue of local rather than regional dimensions."

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/01/26/MNGVLPFF7V1.DTL>

This article appeared on page A - 4 of the San Francisco Chronicle

8/20/07

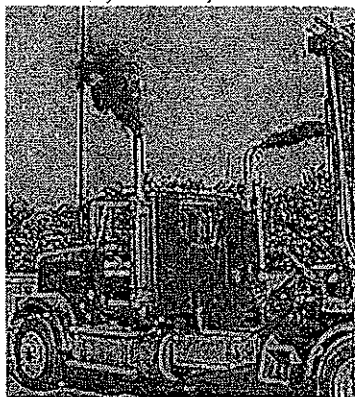


backgrounder

Diesel Pollution Primer

soot formation, emissions, dispersal, and health effects

At some point or another, we've all gotten caught behind an 18-wheeler, a garbage truck, a tractor, or a bulldozer and seen, smelled, and even felt the clouds of soot coming from their tailpipes.



But how and why does diesel fuel produce this haze of soot and how does it affect the bodies of those who breathe it in? In this backgrounder we take a look at the lifecycle of soot and explore its implications for your family's health.

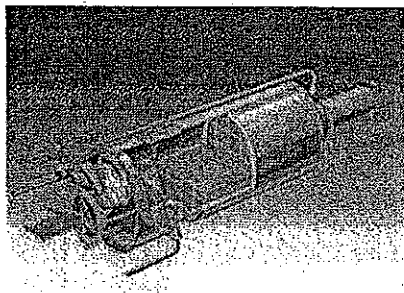
The Birth of Soot

Soot begins its life in the belly of both gasoline and diesel-powered engines. These engines create chemical and organic compounds from the combustion of hydrocarbon-based fuels (fossil fuels). These compounds then cluster together in particle form to create soot, which is released into the air as exhaust. Soot's composition often includes hundreds of different chemical elements, including sulfates, ammonium, nitrates, elemental carbon, condensed organic compounds, and even carcinogenic compounds and heavy metals such as arsenic, selenium, cadmium and zinc.¹

One of the reasons conventional diesel engines release more soot than their conventional gasoline counterparts has to do with the way fuel is injected and ignited: on gas engines, fuel is injected during the intake stroke and ignited with a spark; on diesels, fuel is injected during the compression stroke, and the fuel ignites spontaneously from the pressure. As a result, gas engines have two emissions advantages: The ignition process is more carefully controlled and the air and fuel are more thoroughly mixed before ignition occurs, thereby reducing the amount of unburned fuel.

In a conventional diesel, fuel is injected late in the cycle and the air is not as well mixed as in a gasoline engine. As a result of this less homogeneously mixed fuel and air, there are fuel-dense pockets in the combustion chamber. The consequence is that diesel engine exhaust contains incompletely burned fuel in the form of soot.

But it's not "engine-out" pollution that really matters—it's what comes out of the tailpipe. Gasoline engines have gotten a lot cleaner over time through the use of add-on pollution controls, like catalytic converters. The environmental Protection Agency (EPA) has passed increasingly stricter standards for gasoline engines, and as a result, catalytic converters are now standard on every new gas car.



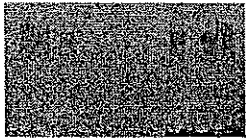
A diesel engine particulate filter system

The real reason diesels pollute more soot is that EPA has not forced them to meet the stricter standards facing gasoline engines. The soot standard for diesel cars under EPA's Tier 1 regulation is at least ten times the average emission from a gasoline car. But under the new Tier 2 regulations, which will phase in between 2004 and 2009, diesels will finally have to meet the same strict standard as gasoline cars. Diesel cleanup technology has come a long way. From diesel particulate traps to oxidation catalysts, there are now various methods of catching or converting much of diesel pollution before it escapes the tailpipe.² Starting in 2009, all diesel light trucks and cars will have to meet the same tailpipe standards as gasoline vehicles.

But new engine standards alone are not enough to protect the public from diesel pollution. New standards for diesel engines will be slowly phased in over the next 10 years. Plus, the durability of diesel engines means that older, high-polluting vehicles can continue to operate for decades. Diesel soot emissions are furthered by the fuel itself, as today's conventional diesel fuel contains significantly more sulfur than does gasoline.³

Soot's exact composition is difficult to characterize because different engine technologies and conditions produce different types of soot. Indeed, the smoke clouds coming from diesel engines can even have different colors. For example, blue smoke (mainly oil and unburnt fuel) can indicate a poorly serviced and/or tuned engine; black smoke (soot, oil and unburnt fuel) can indicate a mechanical fault with the engine; and white smoke (water droplets and unburnt fuel) is produced when the engine is started from cold and may disappear when the engine warms up.⁴

The soot in your neighborhood may be different than the soot in someone else's hometown, but no matter the source and type, soot can present a grave health threat.



Soot's Journey Across the Land

As previously mentioned, soot particles come directly from the tailpipe and contribute to unhealthy levels of particulate matter (PM) in the air we breathe. In addition, the gaseous tailpipe emissions of nitrogen oxides (NOx) and sulfur oxides (SOx) from diesel engines form additional particulates when they react with other atmospheric agents. Particulate matter comes in many sizes, though all just a fraction of the width of a human hair, from coarse PM (less than 10 microns in diameter) to fine PM (less than 2.5 microns) to ultrafine PM (less than 0.1 microns). Most diesel soot is in the fine and ultrafine categories, with ultrafine particles making up 80-95% of soot. Ultrafine particles are the most dangerous, however, as they are small enough to penetrate the cells of the lungs. Soot particles can have an environmental lifetime of one to three weeks, and they can travel long distances, journeying to communities in far regions. Soot particles have even been found at the South Pole, where no major emission source exists for thousands of miles.⁵

But in general, soot tends to fall out of the atmosphere close to the source of the pollution. The further you are away from diesel exhaust sources, the better for your health, and vice-versa. In California, the home of the nation's largest fleet of diesel vehicles, roughly 80 percent of the state's diesel pollution sources are found in 5 of the 15 air basins. Showing that the effects of diesel soot are, mostly close to the source, about 87% of California's over \$21.5 billion yearly diesel exhaust-related health care costs come from the same 5 air basins.⁶

Estimated Premature Deaths by Diesel Exposure by CA Air Basin

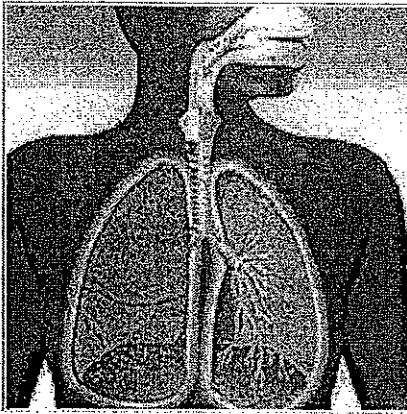


NOTE: Premature deaths are a result of exposure to diesel particulate matter, both direct from the tailpipe and from the conversion of NOx emissions to particulates in the atmosphere. Estimates for indirect particulate exposure for each air basin are based on a conversion of NOx emissions to particulates. SOURCE: Image courtesy of CARB.

Soot's Trip Through Your Body

As soot travels through the air in your community, you breathe it in, and so it starts the next phase of its journey: a trip through your body's respiratory system. Large soot particles (>10 microns) deposit in your nose, throat, and lungs, causing coughing and sore throat, and are ejected from your body through sneezing, coughing, and nose blowing. Coarse particles (10 microns) are inhaled into your windpipe and settle there, causing irritation and more coughing. Fine and ultrafine particles (less than 2.5 microns) are the most successful in invading your body, small enough to travel all the way down deep into your lungs.

Diesel Soot Animation



Click the image above to see how soot travels through the body in this animation (courtesy of the Long Beach Press Telegram's [Toxic Air Series](#))

Once there, these soot particles can irritate and mutate the most sensitive tissues in your lungs: your alveoli. These air sacs line your lung's alveolar ducts and are the primary gas exchange units of the lungs. Surrounded by networks of blood capillaries, alveoli exchange oxygen and carbon dioxide from the air you breathe in with blood in your capillaries, thus allowing your circulatory system to carry oxygen to the rest of your body. Soot particles, however, make this task more difficult as they cause inflammation and scarring of these alveoli. Scar tissue builds up and slows oxygen flow to your capillaries, straining your heart because it must work harder to compensate for oxygen loss.

Soot also finds other ways to harm your body, including causing chronic bronchitis and asthma. These conditions occur when the linings of your lung's bronchioles (air passageways) become irritated and swollen, in turn causing your lungs to create mucus to soothe the irritation. These conditions prevent your bronchioles from moving oxygen to the rest of your body. Symptoms can range from coughing and shortness of breath to severe and fatal attacks of oxygen loss. In addition, soot particles also reduce your respiratory system's ability to fight infections and remove other foreign particles.

Soot particles can also act as carriers of carcinogenic compounds into your body. Compounds in soot such as polycyclic aromatic hydrocarbons (PAHs) are carcinogenic, and diesel soot itself is classified by many government agencies as either a probable or known cancer-causing agent. For example, the California Air Resources Board has concluded that diesel soot is responsible for 70 percent of the state's risk of cancer from airborne toxics.

Lastly, diesel pollution can be deadly, causing premature mortality through cancer or heart and respiratory illnesses. In the population as a whole, studies have shown a 26% increase in mortality in people living in soot-polluted cities.

Soot Harms Vulnerable Populations Most

Although all human beings are susceptible to soot's journey through their body, individuals with preexisting respiratory conditions, children, and the elderly are the most vulnerable to soot's lasting and deadly effects. People with heart disease, emphysema, asthma, and chronic bronchitis suffer from increased hospital admissions and emergency room visits as a result of exposure to soot.

Children—and their developing lungs—may also suffer more acutely from breathing in diesel soot. Outdoors more often and breathing in more air per body weight than adults do, children suffer disproportionately from asthma and other respiratory conditions. Asthma is the most common chronic disease of childhood and a leading cause of disability among children; today about one in thirteen children have asthma. Elderly persons also bear a large burden when coming in contact with soot. Studies estimate that tens of thousands of elderly people die prematurely each year from exposure to ambient levels of fine PM_{2.5}.

A Costly Journey

In the end, soot travels far and wide to affect thousands of communities and millions of



people, including you and your family. It begins in the combustion of an engine and ends up in the innermost reaches of individuals' lungs. Society pays a heavy price for soot's journey. Billions of dollars in health care costs, the loss of work and school days, and the loss of human lives create an enormous burden for society to shoulder. This burden is not a necessary one, however, as it can be lifted from off our backs with the help of stricter air regulations and cleaner engine technology.

Notes

1) Minnesota Pollution Control Agency: Particulate Matter (TSP and PM-10) in Minnesota -- www.pca.state.mn.us/air/emissions/pm10.html

2) Union of Concerned Scientists: Cleaning Up Diesel Pollution, pp. 17-20
http://www.ucsusa.org/clean_vehicles/big_rig_cleanup/off-highway-diesel-equipment.html

3) Sierra Club: Health Effects Associated with Diesel Emissions --
<http://www.sierraclub.org/cleanair/factsheets/diesel.asp>

4) Health & Safety Executive: Diesel Engine Exhaust Emissions -- <http://www.hse.gov.uk/pubns/indg286.htm>

5) Environmental Health Perspectives: Seeing Through Soot -- <http://ehp.niehs.nih.gov/members/2002/110-8/innovations.html>

6) Union of Concerned Scientists: Sick of Soot, pp. x-xi

7) Long Beach Press Telegram: Toxic Air: How Poor Air Quality Affects the Respiratory System --
http://lang.pressetelegram.com/projects/toxicair/media/toxicair_lung.swf

8) US Environmental Protection Agency: Health and Environmental Effects of Particulate Matter --
<http://www.epa.gov/ttn/oarpg/naaqsfm/pmhealth.html>

This article is available on-line at: http://www.ucsusa.org/clean_vehicles/big_rig_cleanup/life-of-soot-diesel-pollution-emissions-and-health-effects.html

Espinosa, Kim

From: Espinosa, Kim
Sent: Monday, August 27, 2007 11:40 AM
To: 'Schuyler Ellis'
Subject: RE: Returned Mail

Schuyler,
Thanks--I'll update my 2 mailing lists. Attached is a copy of the flyer on the GP Update that was sent out last week.
Thanks!
--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Monday, August 27, 2007 11:33 AM
To: Espinosa, Kim
Subject: Re: Returned Mail

hey kim,

Our office did move, sorry about that, sometimes its hard to remember how many notification lists I am actually on, let alone to remember to update my address with them all. Anyway, my new address is

17 MLK Jr. Street South
Suite 206
St. Petersburg, Florida 33705

the new number here is 727 821 3500
the new fax is 727 821 0025

Thanks for the heads up.

Schuyler

"We are one nation, in a box, with choices and low prices for all." - Mike Thomas

"Whose bread one eats, whose word one speaks." - Unknown, at least to me.

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis (E-mail) <schuylerls@yahoo.com>
Sent: Wednesday, August 22, 2007 7:29:49 PM
Subject: Returned Mail

Schuyler,

I had added you to our mailing list for the General Plan Update at the following address--1344 W Cass St, Tampa, FL, 33606 (an address you had previously provided and that I had on my Wal-Mart project list). I recently sent an announcement of an upcoming mtg (now past) and it came back today as undeliverable. Do you have an up-to-date address? 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

8/27/2007

Shape Yahoo! in your own image. [Join our Network Research Panel today!](#)

Espinosa, Kim

From: Lucas, Terri
Sent: Thursday, August 23, 2007 9:12 AM
To: Espinosa, Kim
Subject: FW: Wal-Mart
Importance: High

Nobie sent the e-mail below.

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

From: Reynolds, Nobie
Sent: Wednesday, August 22, 2007 3:23 PM
To: Quintero, Frank
Cc: Lucas, Terri
Subject: Wal-Mart
Importance: High

Pedro Flores, 596 St. Theresa Street, Merced, 723-2373, is in favor of Wal-Mart.

Nobie

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

Espinosa, Kim

From: Christie Hendricks [CHendricks@mcoe.org]
Sent: Wednesday, August 22, 2007 2:50 PM
To: Espinosa, Kim
Subject: Wal-Mart Project

Kim:

Thank you for sending my contact information to Mr. Morris. We talked today and it appears that WM is very receptive to considering child care as their employees will need 60-100 child care spaces (i.e., for every 98 employees = 1 licensed child care space). I plan to send data related to Merced County and will Cc you as well.

Thank you again!
Christie

Christie Hendricks, Coordinator
Child Care Support Services
Merced County Local Child Care and Development Planning Council &
Constructing Connections Project
Merced County Office of Education
A.C.C.E.S.S. Resource & Referral Office
1520 W. Main Street
Merced, CA 95340
Office: 209.722.3804 x 6153
Fax: 209.723.1068

8/22/2007

Espinosa, Kim

From: Christie Hendricks [CHendricks@mcoe.org]
Sent: Thursday, August 16, 2007 11:36 AM
To: Espinosa, Kim
Subject: RE: Wal-Mart Question

Thank you Kim!

Christie Hendricks, Coordinator

**Child Care Support Services
Merced County Local Child Care and Development Planning Council &
Constructing Connections Project
Merced County Office of Education
A.C.C.E.S.S. Resource & Referral Office
1520 W. Main Street
Merced, CA 95340
Office: 209.722.3804 x 6153
Fax: 209.723.1068**

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, August 15, 2007 2:00 PM
To: Christie Hendricks
Cc: Brian Gordon (E-mail); Ed Hess (E-mail); Gary Jakobs (E-mail); Jim Emerson (E-mail); Joseph Loethen (E-mail); Judy Davidoff; Keith Morris (E-mail); Lesch, Jack; Mark Spenser (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)
Subject: RE: Wal-Mart Question

Christie,

I will add you to the list for the Wal-Mart project. If approved, the project would not be built until 2010 or 2011 so it is a long ways off, but they are currently dealing with design issues so I will pass along your interest in childcare options to the Wal-Mart representatives we are working with. Please feel free to contact me about any questions you might have about the process. 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: Christie Hendricks [mailto:CHendricks@mcoe.org]
Sent: Wednesday, August 15, 2007 10:05 AM
To: Espinosa, Kim
Subject: Wal-Mart Question

Hi Kim:

I received an e-mail from Lee Andersen who had been meeting with Jim Marshall regarding the Wal-Mart project and Jim suggested that I ask you to add my name to the mailing list for the Wal-Mart project. I am interested, of course, in the possibility of Wal-Mart including a child care option for their employees. I realize that this is a long way off; however, I would like to understand the development process.

Thank you for keeping me posted on the GP update and please let me know if I can be of any

assistance to you!

Thank you,
Christie

Christie Hendricks, Coordinator
Child Care Support Services
Merced County Local Child Care and Development Planning Council &
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1520 W. Main Street
Merced, CA 95340
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Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, August 15, 2007 2:00 PM
To: 'Christie Hendricks'
Cc: Brian Gordon (E-mail); Ed Hess (E-mail); Gary Jakobs (E-mail); Jim Emerson (E-mail); Joseph Loethen (E-mail); Judy Davidoff; Keith Morris (E-mail); Lesch, Jack; Mark Spenser (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)
Subject: RE: Wal-Mart Question

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--Kim

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 Fax: (209) 725-8775
 Email: espinosak@cityofmerced.org

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Sent: Wednesday, August 15, 2007 10:05 AM
To: Espinosa, Kim
Subject: Wal-Mart Question

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Thank you for keeping me posted on the GP update and please let me know if I can be of any assistance to you!

Thank you,
 Christie

Christie Hendricks, Coordinator
 Child Care Support Services
 Merced County Local Child Care and Development Planning Council &
 Constructing Connections Project
 Merced County Office of Education
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 1520 W. Main Street
 Merced, CA 95340
 Office: 209.722.3804 x 6153
 Fax: 209.723.1068

Espinosa, Kim

From: Espinosa, Kim
Sent: Thursday, August 09, 2007 8:52 AM
To: 'Valencia, Joaquin'; walshh@cityofmerced.org; Wooten, Ellie
Cc: Wooten, Ellie; Cortez, Joseph; Osorio, Rick; Gabriault, Michele; Sanders, Jim; Spriggs, Bill; Brian Gordon (E-mail); Ed Hess (E-mail); Gary Jakobs (E-mail); Jim Emerson (E-mail); Joseph Loethen (E-mail); Judy Davidoff; Keith Morris (E-mail); Lesch, Jack; Mark Spenser (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)
Subject: RE: Super Wal-Mart Location

Ms. Valencia,

Thank you for your letter--it is part of the project record and will be considered by the City Council in their review of the Wal-Mart project (as will be the previous letters and emails you have sent). You are on the project mailing list and will receive notifications of any City meetings about the project. The reason you have not heard anything from the City about this project is that there have been no meetings scheduled nor is the Environmental Impact Report (EIR) yet available for public review.

The environmental review process in the State of California is a long and complex one and the EIR must cover many topics in great detail. In order to make sure that the EIR addresses all the concerns that have been expressed by citizens such as you, the EIR has taken longer to prepare than the City had originally thought. At this time, we believe that the Draft EIR will be ready for public review by January 2008, but there could be further delays. The City Council cannot schedule public hearings on the project or make their decision on whether to approve it or not until the EIR is prepared, circulated for public review, all comments have been responded to, etc. You will be informed when the report is available and public hearings are scheduled. You may also get updates on the project by following the link below to the City's website. We ask for your continued patience. If you have any questions in the meantime, please don't hesitate to contact me. Thanks!

Sincerely,

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

http://www.cityofmerced.org/depts/cd/planning/documents_and_handouts/default.asp

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

From: Valencia, Joaquin [mailto:JJV7@pge.com]
Sent: Wednesday, August 08, 2007 4:27 PM
To: Espinosa, Kim; walshh@cityofmerced.org; Wooten, Ellie
Cc: Wooten, Ellie; Cortez, Joseph; Osorio, Rick; Gabriault, Michele; Sanders, Jim; Spriggs, Bill
Subject: RE: Super Wal-Mart Location
Importance: High

Hi All,

My name is Joaquin Valencia and I while back I wrote to let you know that me and most of my neighbors were opposed to the Walmart Distribution building. I collected several signatures and wrote letters to the council and to the project manager expressing my concerns and opposing to the building of such a center. I even sign up for the online information sharing that the city of Merced had on the web regarding this project and was promised to get updates on the meetings you were going to have as well as the update on when the Environmental report was going to be available for public viewing. Sofar several months have past and I did not get any single letter or email from you guys and as a resident and homeowner I feel insulted by that since you are gladly taking my property taxes but don't bother to keep your citizens inform. I only ask is it that you guys want to keep the project quiet because you have made up your mind to let it be build or yo want to say surprise the permit for building the project has been granted and residents don't have a say about. I live near the project site and bought my home about 3

8/9/2007

years ago as it is the prices of homes are falling I have lost more than \$100k on my house and you putting the Walmart distribution center next to me and my neighbors will make the values decrease even more. I'm not trying to make you feel bad or have petty on me but I want you to think about this: You are going to vote on a project that might bring few hundred jobs but you are doing it in a place where there is three schools with kids that have asthma and other respiratory disease and you are going to have more than 900 Trucks coming in and out of the facility and the #1 cause of asthma is Diesel (according to studies by the American Heart Association) is the main fuel of the trucks. What are you going to do when those kids get more sick due to the pollution that you are installing near their homes.

As it is Merced is in the top ten cities with the worst pollution and you are not going to help much if you approve the project. I understand that Merced needs jobs but we can have more business that don't pollute as much as a million square feet Walmart Distribution center who doesn't care about pollution or residents well being. Please I ask you and wake up, just look at cities where such a distribution center was built and how it destroy the neighborhoods. Plan accordingly and do what best for the residents well being and not just look at the revenue the project will bring to you; because what will you do when Walmart decides to move from this place and you are left with damage drainage, polluted environment and mad residents. I only ask for you to take a moment and think about whether that is the best solution long term. I wish you were and the residents shoes and really comprehend, because if something goes wrong you will quiet and that's it for your guys but for us residents it's not the easy. With that said I would like to say I strongly opposed the building of the project because I know it is going to do more harm than good to the community and I'm hoping your mind does what's good for the health of the city and not approve the project. Thank You and have a nice day.

Joaquin Valencia
438 Azalea CT
Merced, CA 95340
(209) 722-7482

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: Valencia, Joaquin [JJV7@pge.com]
Sent: Wednesday, August 08, 2007 4:27 PM
To: Espinosa, Kim; walshh@cityofmerced.org; Wooten, Ellie
Cc: Wooten, Ellie; Cortez, Joseph; Osorio, Rick; Gabriault, Michele; Sanders, Jim; Spriggs, Bill
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Hi All,

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As it is Merced is in the top ten cities with the worst pollution and you are not going to help much if you approve the project. I understand that Merced needs jobs but we can have more business that don't pollute as much as a million square feet Walmart Distribution center who doesn't care about pollution or residents well being. Please I ask you and wake up, just look at cities where such a distribution center was built and how it destroy the neighborhoods. Plan accordindly and do what best for the residents well being and not just look at the revenue the project will bring to you; because what will you do when Walmart decides to move from this place and you are left with damage drainage, polluted environment and mad residents. I only ask for you to take a moment and think about whether that is the best solution long term. I wish you were and the residents shoes and really comprehend, because if something goes wrong you will quiet and thats it for your guys but for us residents its not the easy. With that said I would like to say I strongly opposed the building of the project because I know it is going to to more harm than good to the community and I'm hoping your mind does whats good for the health of the city and not approve the project. Thank You and have a nice day.

Joaquin Valencia
438 Azalea CT
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(209) 722-7482

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8/9/2007

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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

8/16/07

Merced SWAT

August 6, 2007

The Merced Stop Wal-Mart Action Team

City Council Member Rick Osorio
City of Merced

Council Member Osorio:

You recently suggested to members of the Merced Stop Wal-Mart Action Team (SWAT) that, since we find the air quality and other impacts of the proposed Wal-Mart Distribution Center unacceptable, we should examine and present alternative planning and economic development models. You specifically requested that we look to the City of Riverside, California, as a possible model for Merced. This letter is in response to that request.

As you probably know, Riverside's economy is booming, and the City prides itself on the success of its economic development efforts. In fact, the City's Economic Development Division was ranked #12 in the country in 2002 by *Site Selection* magazine, based on the number of jobs and amount of new investment drawn to the City. Furthermore, *California CEO* magazine ranked Riverside at #3 on its list of the Best Cities for Business in California in 2003, and *Inc.* magazine ranked Riverside (along with San Bernardino) at #2 on its list of the Best U.S. Cities for Business in 2004. Clearly, Riverside has intentionally and successfully made itself into one of the most business-friendly cities in the country, and job growth has been one notable result.

Riverside is also working to prevent sacrificing its residents' quality of life to the need for economic development. In 2004, it was named one of the Most Livable Mid-Sized Cities in America by the national non-profit organization Partners for Livable Communities. Yet the City has its problems, including poor air quality; the Los Angeles-Long Beach-Riverside area is the #1 most ozone polluted metropolitan area in the U.S. Objective AQ-1 of the City's General Plan 2025, along with the Policies adopted to implement that Objective, reflect an attempt to address the air quality issue and protect Riverside's residents by discouraging the siting of polluting facilities near residential neighborhoods and other sensitive receptors. The Objective and Policies are worth quoting at length:

Objective AQ-1: Adopt land-use policies that site polluting facilities away from sensitive receptors and vice versa; improve job-housing balance; reduce vehicle miles traveled and length of work trips; and improve the flow of traffic.

Policy AQ-1.1: Ensure that all land-use decisions, including enforcement actions, are made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status or geographic location, from the health effects of air pollution.

Policy AQ-1.3: Separate, buffer and protect sensitive receptors from significant sources of pollution to the greatest extent possible.

Policy AQ-1.8: Promote "Job/Housing Opportunity Zones" and incentives to support housing in job rich areas and jobs in housing-rich areas, where the jobs are located at non-polluting or extremely low-polluting entities.

Policy AQ-1.12: Support mixed-land use patterns, but avoid placing residential and other sensitive receptors in close proximity to businesses that emit toxic air contaminants to the greatest extent possible. Encourage community centers that promote community self-sufficiency and containment and discourage automobile dependency.

Policy AQ-1.13: Encourage employment centers that are non-polluting or extremely low-polluting and do not draw large numbers of vehicles in proximity to residential uses.

Policy AQ-1.17: Avoid locating multiple-family developments close to commercial areas that emit harmful air contaminants.

In other words, the policies adopted by the City of Riverside would prohibit, or at least strongly discourage, approval of a project like the proposed Wal-Mart Distribution Center in Merced, because of its proximity to residential neighborhoods and other sensitive receptors. Thus, Riverside can be seen an example of how it's possible and necessary for decision-makers to take action to protect residents from dangerous air pollution without stifling economic growth. This further supports SWAT's contention that opposing the proposed Wal-Mart Distribution Center is common sense, not anti-business.

We hope this information is helpful to you. Please don't hesitate to contact us if you have any questions or comments.

Sincerely,

The Stop Wal-Mart Action Team

Proctor, Deneen

From: Marshall, Jim
Sent: Thursday, July 19, 2007 8:48 AM
To: Proctor, Deneen
Subject: FW: Walmart, city planning and community look
Importance: High

for the record

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

—Original Message—

From: city, council
Sent: Thursday, July 19, 2007 8:47 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: Walmart, city planning and community look
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: John Russell-Curry [mailto:russellcurry@sbcglobal.net]
Sent: Thursday, July 19, 2007 6:13 AM
To: city, council
Subject: Walmart, city planning and community look

Dear City Council:

I am a native of Merced, California. I am troubled by the persistent plans to bring a meg company, building and business like Walmart to our community. While I understand the "quick fix" mentality of creating jobs and generating a tax base to help support the infrastructure, everything I have ever read about Walmart does not make me want to invite the devil to my door.

I drive down 21st street between G and M and wonder about the city planning that has allowed blight in this area extending to 19th and 23rd streets in this strip of our historic downtown neighborhoods. Who allowed multiple dwellings to be allowed in our beautiful vintage neighborhoods? There are hundreds of people who live in these neighborhoods now in a condensed area, and crime is rampant, with vandalisms, thefts and drugs. This is a direct result of city planning or failure to care enough about how decisions will affect the greater good of the entire community over time.

Last week I went to the Thursday downtown thing that used to be known as Farmer's Market. There was a paltry farmer's market, very little in the way of creative, artistic or handmade items at booths, no live music to speak of, and limited food selections. I was very embarrassed that this is all Merced has to show for itself. What a bust. I'd encourage you to visit a real downtown street fair or farmer's market in Arcata or Eureka, or many other places.

I would encourage City Council to visit some other communities, such as Eureka Old Town and victorian neighborhoods, and Beaverton area of Portland, OR. I'm sure there are other places that encourage clean growth, organization, preservation of historic areas and an overall sense of loving their community.

Some of those of us who are native have recently been talking about "taking back" our community. Do you realize this means that those of us who have been here the longest and have seen the many evolutions and changes, feel we have been robbed? How sad.

The City Council are in my opinion, to be stewards of our community, using resources wisely, protecting areas for future generations, encouraging sensible growth while not compromising values.

Please know that this Mercedian is against a Walmart in our community. I am against apartment buildings, particularly more modern ones that are an eyesore in older neighborhoods because they do not blend in. I am against hundreds of people living in neighborhoods designed for about 20 homes. I am

against poor planning. I also believe that while new blood from outside the area can always be a positive on a City Council, there should also be seats reserved for native Mercedians when possible. Or perhaps have an advisory panel of natives. This is our hometown. Some folks will come and go. Those of us who have been here a long time, are open to improvements, but not open to losing the small town feeling in our central community.

Sincerely,

Pattee Russell-Curry

Pattee Russell-Curry

McLane distribution center



Proposed Wal-Mart Distribution Center



Merced



Area of development



1/2 Miles

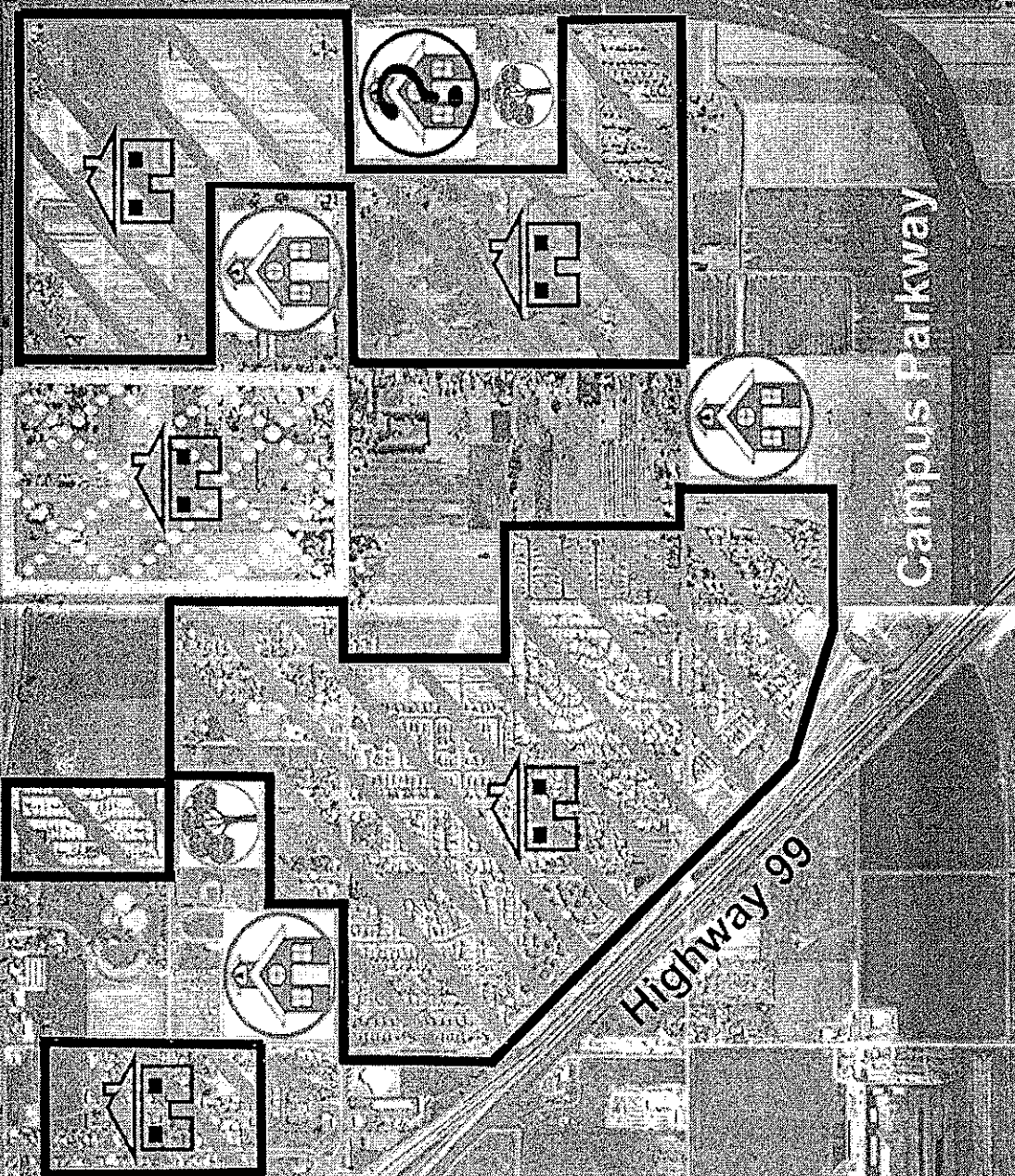
KEY:

RECEIVED AT City Clerk's
MEETING
OF July 16, 2007
(DATE)

-  Rural Homes
-  Planned/Existing Homes

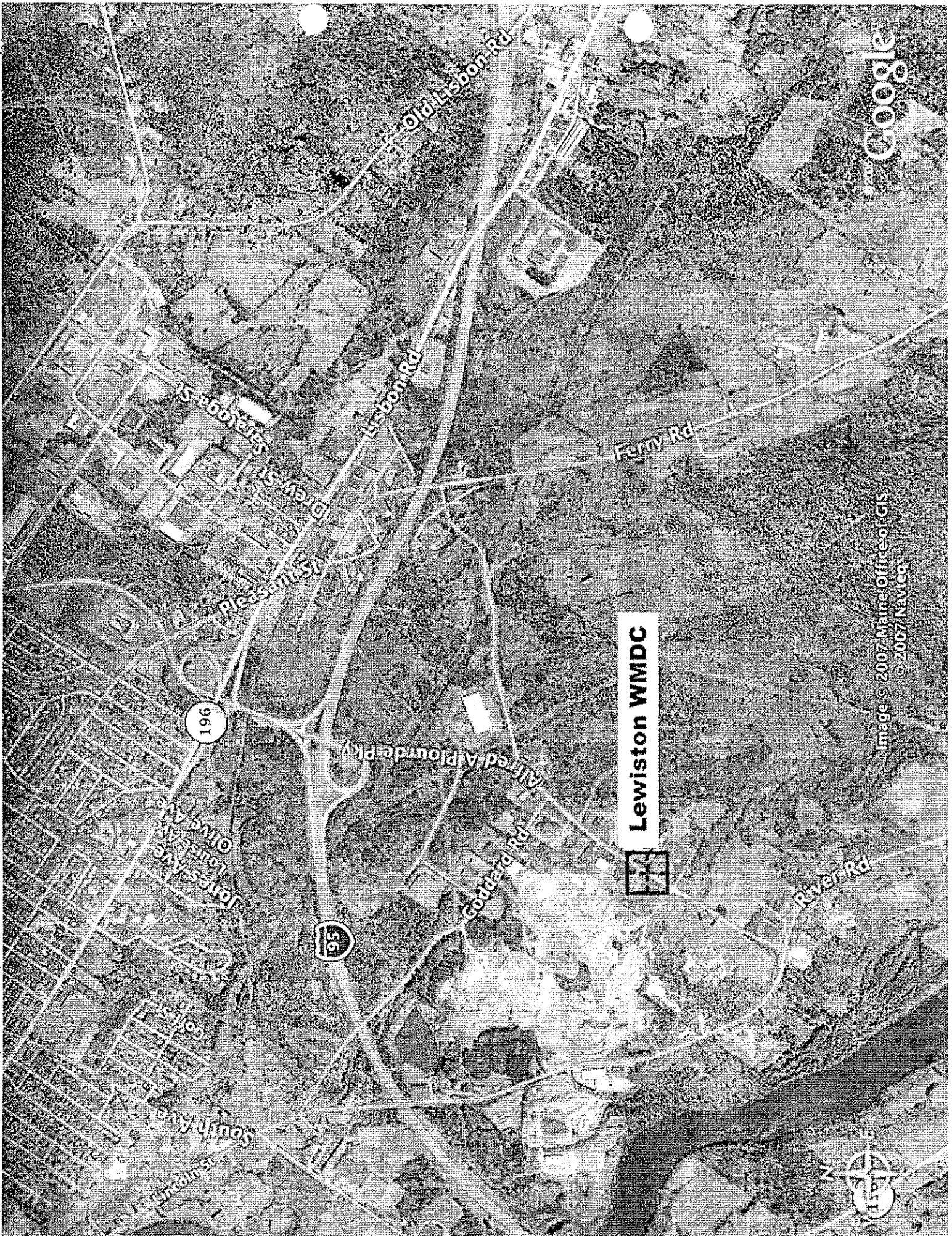
-  Proposed School
-  Existing School

-  Park
-  Planned Road

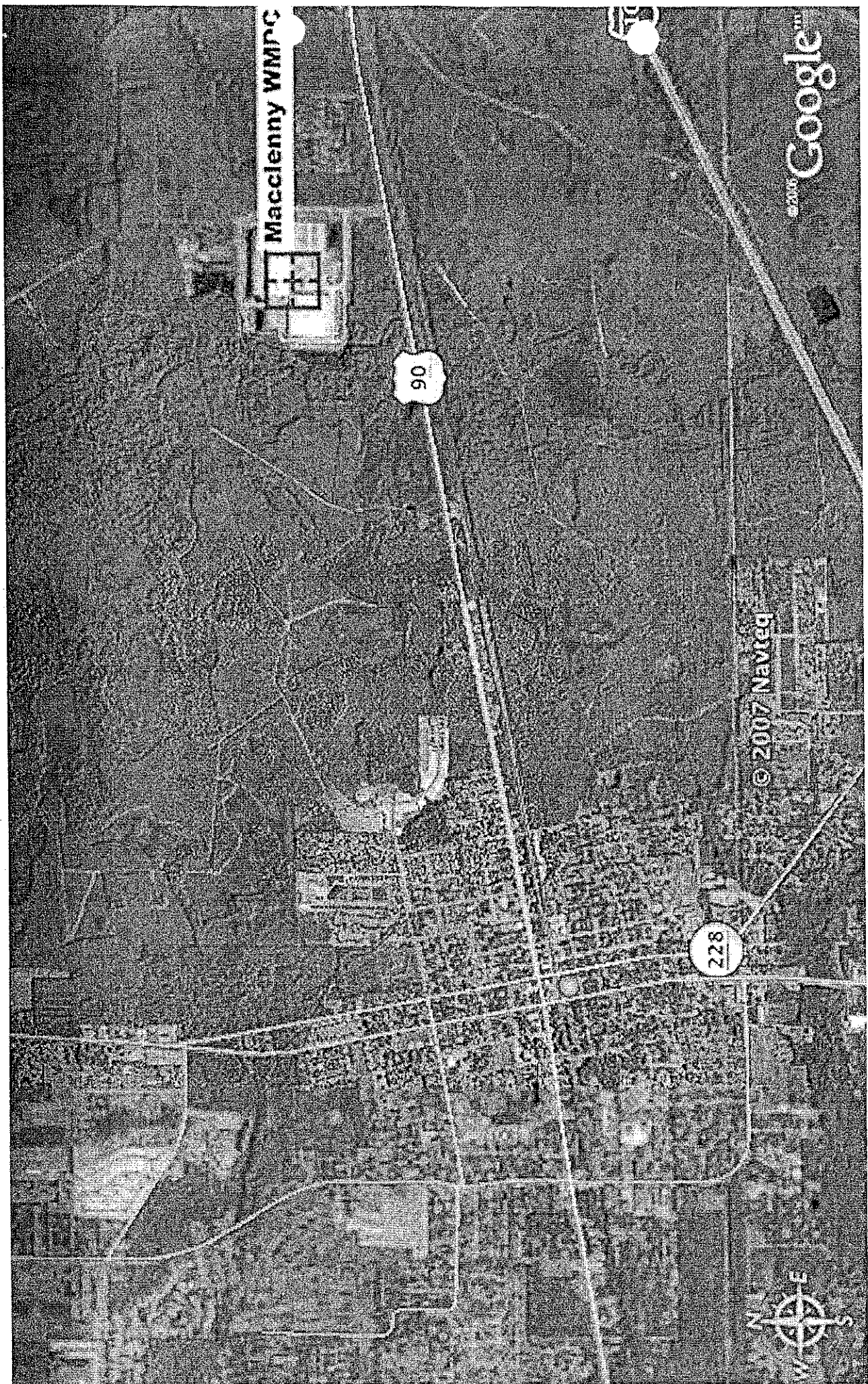


Highway 99

Campus Parkway



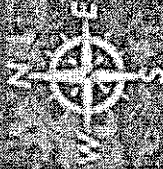
Lewiston WMDC



Macclenny WMPC

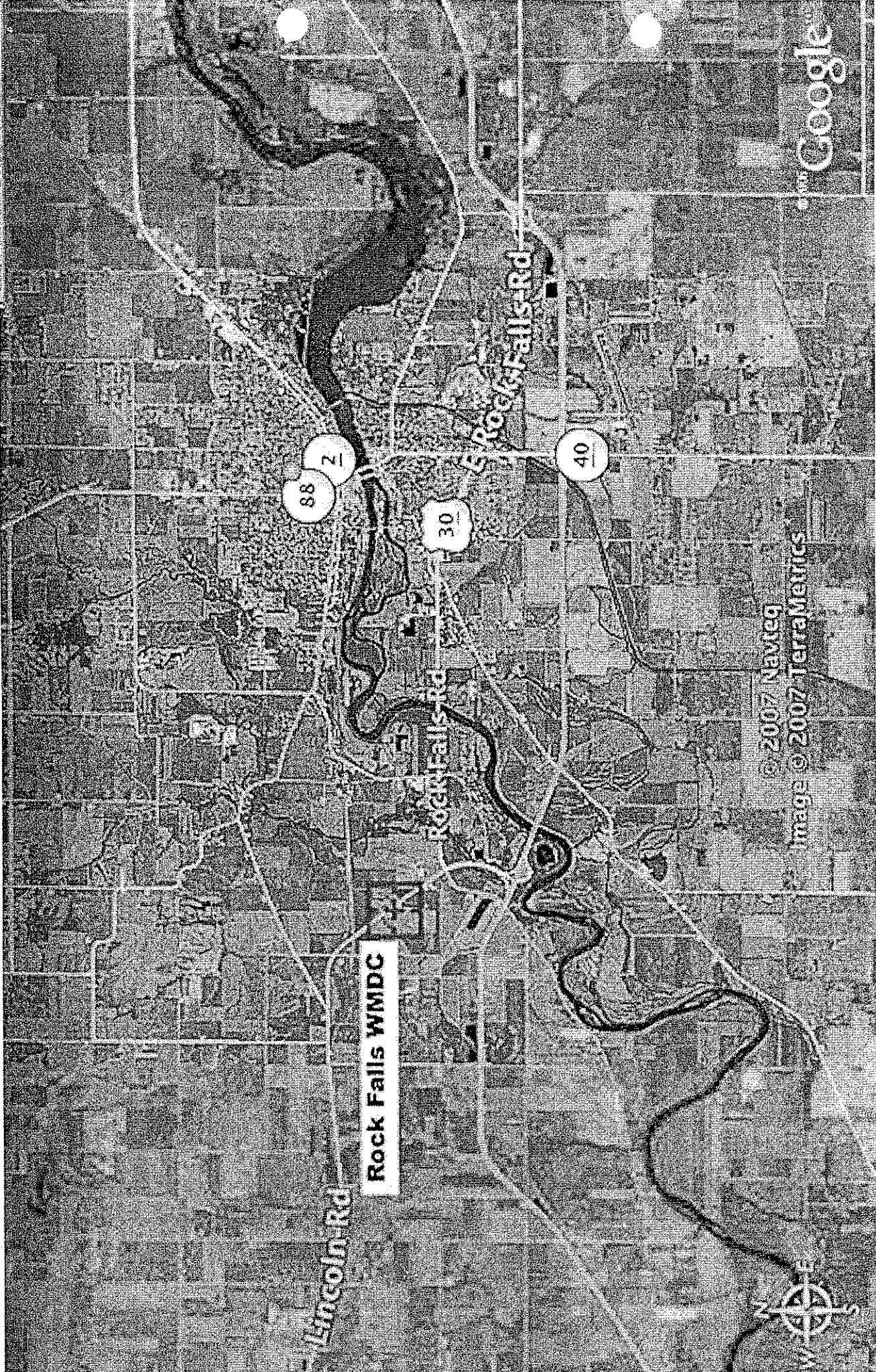
90

228



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Lincoln Rd

Rock Falls WMDC

Rock Falls Rd

E Rock Falls Rd

88

2

30

40

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Image © 2007 TerraMetrics

Google

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, July 03, 2007 10:04 AM
To: Schuyler Ellis (E-mail)
Subject: Info from Last Night's Council meeting

Schuyler,

Here is the info that was presented to the City Council from Wal-Mart at last night's meeting (July 2, 2007). I wasn't in attendance so I don't know what was said by the Wal-Mart spokesman. I know that he spoke under the Oral Communications portion of the agenda, where any one is allowed to speak on any subject they wish. 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



Public Affairs

www.walmartfacts.com

Wal-Mart Stores, Inc.
Corporate Offices
Mail Stop 0550
2001 Southwest 10th Street
Bentonville, AR 72716-0550

Keith Morris
Director, Public Affairs

(Phone) 479-204-9038
(Fax) 479-204-9812
Keith.Morris@wal-mart.com

July 2, 2007

Mayor Ellie Wooten
City of Merced
678 W. 18th Street
Merced, CA 95340

RECEIVED AT City Council
MEETING
OF July 2, 2007
(DATE)

Mayor Wooten:

In light of the community interest in our proposed distribution center, I thought it would be useful to share some feedback we have received from communities where our facilities of a similar nature have opened recently. Attached you will find a compilation of letters and news articles that provide insight into what other community leaders have to say about having a Wal-Mart distribution center in their respective communities.

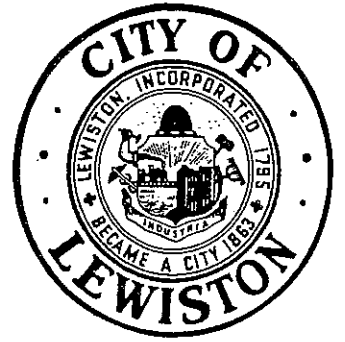
Sincerely,

Keith Morris
Director of Public Affairs
Wal-Mart Stores, Inc.
1301 S.E. 10th Street
Bentonville, AR 72716
ph (479) 204-9038
cell (479) 903-4281

cc: Mayor Pro Tempore Joseph Cortez
City Manager James G. Marshall
City Attorney Gregory Diaz
Council Member Michele Gabriault-Acosta
Council Member Carl Pollard
Council Member James Sanders
Council Member William Spriggs
Council Member Rick Osorio



Economic & Community Development



April 28, 2006

Keith Morris
Senior Manager, Public Affairs
Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Dear Mr. Morris:

When the Lewiston Mechanized Food Distribution Center was first announced, there was an undercurrent of burling, mostly from outside of Lewiston, about Wal Mart not living up to its promises, about low wages, part time jobs and no benefits. I am writing to state that those negative comments could not be further from the reality of what has occurred in Lewiston.

The agreement between Wal Mart and the City required Wal Mart to build a 480,000 s.f. mechanized food distribution center that would create 350 jobs within three years of opening. The jobs were to pay a minimum of \$12 per hour. Wal Mart guaranteed they would invest a minimum of \$20,500,000 in real property investment. Twenty-five million dollars in personal property investment was referenced, but not guaranteed in the agreement.

Phase I of the distribution center opened in September 2005. At start up they had 200 employees. The minimum starting wage is \$13.25 per hour. There are regularly scheduled pay increases that push the wage to \$16 per hour in 2 ½ years. Jobs are full time and include health insurance, 401(K) and other benefits after a 90 day waiting period. Since the distribution center opened, 35 local employees have been promoted to either supervisory or managerial positions. At start up only three management level people were "from away." These 200 jobs are truly local jobs.

A positive unanticipated benefit of having Wal Mart open a distribution center in Lewiston is that it pushed local wages up for similar types of employment. In order to compete with Wal Mart and hold on to good employees, other warehousing/distribution companies increased wages, resulting in a \$6,000 increase in annual incomes for employees that don't even work for Wal Mart.

There was no pause between construction of Phase I and Phase II of the distribution center. It will open later this year. Wal Mart recently announced that they are hiring an additional 250 workers. Rather than creating 350 jobs within three years of opening, Wal Mart will create 450 jobs within one year of first shipping product. Starting wages are \$1.25 per hour higher than promised. The size of the distribution facility will be 880,000 s.f. rather than 480,000 s.f. Total

City Hall ♦ 27 Pine Street ♦ Lewiston, Maine ♦ 04240
Tel. 207-784-2951 ♦ Fax 207-795-5071 ♦ TTY/TDD 207-784-5999
Visit us on the world wide web at: www.ci.lewiston.me.us

investment will be approximately \$60 million rather than the \$45,050,000 guaranteed or referenced in our original agreement.

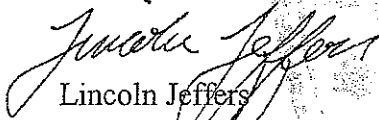
Wal Mart located adjacent to one of the Lewiston's business parks. Road, water, sewer and electrical infrastructure in the area were at capacity and needed to be upgraded. Tax revenue from the distribution center is being utilized to pay the city's debt service associated with these infrastructure improvements. The improvements needed to be made prior to Wal Mart's opening. There was a delay between the original time frame the distribution center was to be built and when it actually was. In keeping with the agreement between the City and Wal Mart, Wal Mart paid the City's debt service on the infrastructure bond until the distribution center was built.

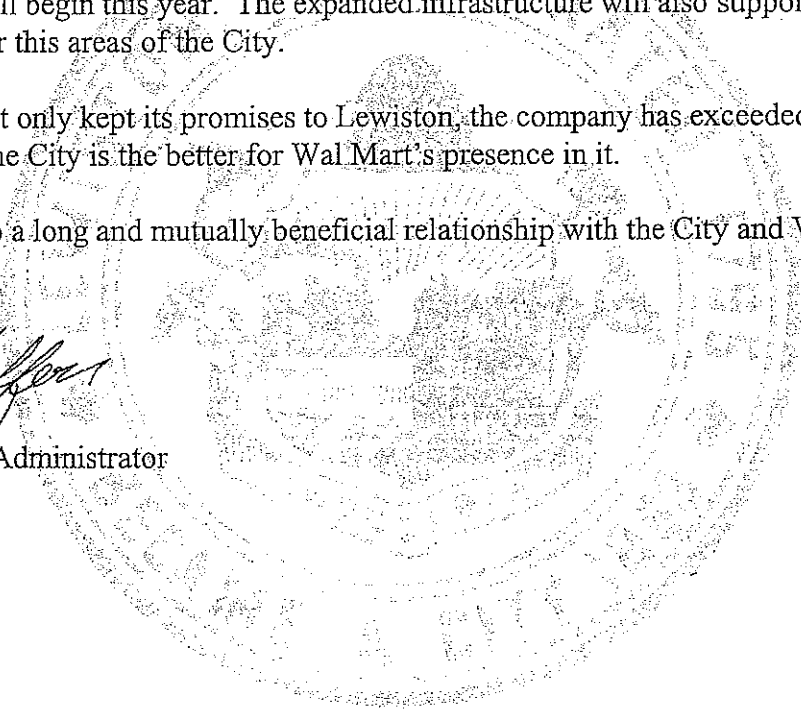
The road, water, sewer and electrical infrastructure improvements referenced above have resulted in the construction of another business park. Within one year of the opening of that park 160,000 s.f. of new construction and \$7.2 million in new investment has been built. Four of the seven lots in the business park have been spoken for. Construction of a second phase to the business park will begin this year. The expanded infrastructure will also support new big box retail planned for this areas of the City.

Wal Mart has not only kept its promises to Lewiston, the company has exceeded our expectations. The City is the better for Wal Mart's presence in it.

I look forward to a long and mutually beneficial relationship with the City and Wal Mart.

Sincerely;


Lincoln Jeffers
Assistant to the Administrator



Baker County Development Commission

Commerce Center, 20 East Macclenny Ave.

Macclenny, Florida 32063

(904) 259-6433

August 15, 2006

Keith Morris
Senior Manager, Public Affairs
Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Dear Mr. Morris:

Wal-Mart opened its 900,000 sq. ft. food distribution center at *Enterprise East*, two miles east of Macclenny, in April of 2002. The residents in our community were really excited about the opportunity to work at the new facility.

Your company had announced that the distribution center would hire approximately 350 when it opened and increase employment to 600 within three years. However, within three years the facility employed over 930. It currently maintains that number of employees.

Baker County's average annual private sector wage increased from \$19,782 to \$22,929 within 24 months of the opening of the distribution center. The majority of the \$3,147 increase was based on the new facility's employment. This year the payroll of the distribution center will be over \$21 million.

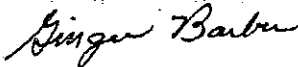
Wal-Mart invested over \$40 million in the project. Your company's property taxes along with the taxes from one other 149,000 sq. ft. industrial complex provided over 10% of the county's total property taxes of approximately \$10 million in 2003.

The positive impact the company has made on our fairly small rural community has been tremendous. Our economy is growing, new development is occurring in residential and commercial properties. Our residents are pleased your company decided to locate here.

In the first seven months of 2006, Wal-Mart has donated approximately \$44,944 in sports sponsorships, food donations, gift card donations, and cash donations. Of that amount \$20,000 was matching grant money for the community schools and \$3,000 was for a hero award given to the community fire department.

I would like to personally thank your company for their contributions to the community. Wal-Mart has been a wonderful business partner and is truly valued as a community asset.

Sincerely,



Ginger Barber
Executive Director



ROCK FALLS COMMUNITY DEVELOPMENT CORPORATION

"An Eye on Today with a Vision for Tomorrow"

November 20, 2006

Keith Morris
Senior Manager, Public Affairs
Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Dear Mr. Morris:

On behalf of the Rock Falls community and my Board of Directors, I would like to express sincere appreciation for the enormous contribution Wal-Mart has made to our region through the location and completion of MDC 7024 just west of Rock Falls and Sterling.

In working with my partners in Sterling and Whiteside County to facilitate the MDC at the local level during the project's development phases, Wal-Mart pledged to build a 900,000 square foot facility and create 450 jobs. Since the grand opening in April 2006, Wal-Mart has well exceeded its promise, creating some 700 full-time jobs. Workers report the minimum starting wage is \$13.00 per hour with regularly scheduled pay increases that can push wages to \$16 per hour within 2 ½ years. Most workers there can take advantage of full-time job opportunities with health insurance, 401(K) plan, and other benefits.

The MDC project has not only resulted in direct job creation and benefits, but has exceeded our expectations on increasing the region's capacity to recruit and develop other diverse projects. In addition to new growth experienced in the surrounding area, Whiteside County has extended water and sewer for over two miles to the MDC with help from Wal-Mart, opening more than 6,000 acres for future economic development activity.

2004 studies of Wal-Mart's impact completed by the Illinois Institute for Rural Affairs at Western Illinois University predicted some 1,000 indirect jobs would be created from the project. Our region is well on its way to meeting and exceeding that prediction.

While the numbers are telling, they only convey part of the story. Wal-Mart MDC 7024 and its associates have also played powerful roles in shaping the quality of life of Rock Falls and area communities through volunteerism and charitable giving. Our schools, social service agencies, park district, and other community-based organizations have grown their capacities for effectiveness through the generosity of Wal-Mart and its associates. Financial contributions make a difference, but so does hard work and sweat. MDC 7024 management has, for example, volunteered its muscle to help restore a downtown building in Sterling, improve a day care center, and roof an elderly person's home.

Wal-Mart has not only lived up to its pledges through the MDC project in Whiteside County, it has become an integral part of our area's growing economic success. The 2001 closure of our steel mill left more than 1,450 citizens unemployed overnight and impacted some 9,000 people through retirees and families counting on insurance and other benefits. Wal-Mart has brought hope back to many of these families, committing to set the bar ever higher for what an employer can achieve locally.

Thank you, Wal-Mart, for choosing Rock Falls and Whiteside County for your MDC project. I look forward to more opportunity ahead as, together, we improve the capacity of the Rock Falls community and our region to grow and become ever more globally competitive.

Sincerely,

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

Christian Tscheschlok
Executive Director

Cc: Dave Noble, MDC 7024

Employment Impact: Top Affected Industries

Industry	1st year FTE Employment	2nd year FTE Employment
1 Warehousing and storage	410	522
2 State & Local Government Non-Education	50	64
3 Food services and drinking places	27	35
4 Real estate	20	26
5 State & Local Government Education	17	22
6 Offices of physicians- dentists- and other health services	13	17
7 General merchandise stores	11	14
8 Nursing and residential care facilities	11	13
9 Food and beverage stores	10	13
10 Motor vehicle and parts dealers	10	12
11 Employment services	9	12
12 Wholesale trade	9	12
13 Social assistance- except child day care services	8	10
14 Monetary authorities and depository credit intermediaries	8	10
15 Automotive repair and maintenance- except car wash	8	10
16 Business support services	7	9
17 Commercial and institutional buildings	6	7
18 Non-store retailers	5	7
19 Securities- commodity contracts- investments	5	7
20 Legal services	5	7
21 Couriers and messengers	5	7
22 Other State and local government enterprises	5	7
23 Civic- social- professional and similar organizations	5	6
24 Federal Military	5	6
25 Miscellaneous store retailers	5	6
26 Advertising and related services	5	6
27 Building material and garden supply stores	5	6
28 Water- sewage and other systems	4	5
29 Maintenance and repair of nonresidential buildings	4	5
30 Electric power and specialty transformer manufacturers	4	5
31 Accounting and bookkeeping services	4	5
32 Home health care services	4	5
33 Newspaper publishers	4	5
34 Gasoline stations	4	5
35 Personal care services	4	5
36 Other new construction	3	4
37 Insurance agencies- brokerages- and related	3	4
38 Health and personal care stores	3	4
39 Other amusement- gambling- and recreation industries	3	4
40 Insurance carriers	3	4
41 Elementary and secondary schools	3	3
58 Other Industries	66	84
Total	799	1,017

Operation of a Distribution Center in Whiteside County, Illinois

IMPLAN Economic Impact Analysis
 Prepared for: Whiteside County Economic Development
 11/2/2004

Rural Economic Technical Assistance Center



RETAC
 An EDA University Center



318 Stipes Hall, Western Illinois University
 1 - University Circle
 Macomb, IL 61455
 Phone: (800) 526-9943

Whiteside County IMPLAN Economic Impact Analysis

IMPACT EVENT:

Operation of a new distribution center in Whiteside County, Illinois. IMPLAN analysis has been run for two different levels of activity:

- 550 employees for the first year.
- 700 employees after the first year.

IMPLAN economic impact analysis performed was based on the data provided by Rural County.

Whiteside County (IMPLAN 2001 Data)	
Population:	60,495
Households:	25,106
Number of Industries:	192
Employment:	29,434
Income/hrs:	\$58,968
Income Per capita:	\$24,472

IMPLAN OVERVIEW:

The IMPLAN model is a decision-making tool that estimates the economic impact of a specific event on the economy of a county or multi-county area. IMPLAN examines the relationships between businesses and between businesses and final consumers within an economy. It captures all monetary market transactions for consumption in a given time period (1 year). IMPLAN data details all purchases, including imported goods and services.

IMPLAN ASSUMPTIONS and LIMITATIONS:

The IMPLAN model assumes that there are no labor or supply constraints. IMPLAN does not reflect differences in estimates resulting from inter-county commuting of Rural County employees.

IMPLAN data:

- IMPLAN data is based on national NAICS codes industry averages (509 IMPLAN codes) and annual Illinois data (2001).
- The model estimates the impact of specific events and does not include extraneous or intervening variables.
- IMPLAN model trace flows are adjusted for a specific county via Regional Purchasing Coefficients.

IMPLAN EFFECTS. (Reports are in 2004, respectively 2005 Dollars)

- **Direct Effects:** changes in the analyzed industry
- **Indirect Effects:** changes in inter-industry purchases as they respond to the new demands
- **Induced Effects:** adds the effects of spending of household income earned from the direct and indirect effects.

IMPLAN REPORTS: represent the annualized changes in the economic activity of the region, resulting from the event being studied.

- **Total Output:** represents the value of production $Output = Sales \pm Inventory Change$.
- **Employment:** full-time and part-time employment
- **Employee Compensation:** Total payroll costs including benefits and social security taxes
- **Tax Impact:** Include payroll taxes, property taxes, sales taxes, and other business taxes.

First Year IMPLAN Economic Impacts on Whiteside County (2004 Dollars):

OUTPUT IMPACT: Direct: \$49.92 million
Indirect: \$3.86 million
Induced: \$24.98 million
TOTAL: \$78.76 million increase in annual economic activity

EMPLOYMENT IMPACT: Direct: 410 direct full-time equivalent (FTE) jobs
Indirect: 53 new FTE jobs from indirect effect
Induced: 335 new FTE jobs from induced effect
TOTAL: 799 total new FTE jobs created in the county.

EMPLOYEE COMPENSATION IMPACT: Direct: \$29.88 million
Indirect: \$1.15 million
Induced: \$9.26 million
TOTAL: \$40.29 million additional payroll

TAX IMPACT (include payroll taxes, property taxes, sales taxes, business taxes): \$10.7 million additional Federal Government Taxes.
\$4.1 million additional State & Local Government Taxes.

Second Year IMPLAN Economic Impacts on Whiteside County (2005 Dollars):

OUTPUT IMPACT: Direct: \$63.53 million
Indirect: \$4.91 million
Induced: \$31.80 million
TOTAL: \$100.24 million increase in annual economic activity

EMPLOYMENT IMPACT: Direct: 522 direct full-time equivalent (FTE) jobs
Indirect: 68 new FTE jobs from indirect effect
Induced: 427 new FTE jobs from induced effect
TOTAL: 1,017 total new FTE jobs created in the county.

EMPLOYEE COMPENSATION IMPACT: Direct: \$38.03 million
Indirect: \$1.46 million
Induced: \$11.78 million
TOTAL: \$51.27 million additional payroll

TAX IMPACT (include payroll taxes, property taxes, sales taxes, business taxes): \$13.6 million additional Federal Government Taxes.
\$5.2 million additional State & Local Government Taxes.

Industry	Top 10 Affected Industries (Additional Revenue Per Year)	
	Revenues 1st Year (2004 Dollars)	Revenues 2nd Year (2005 Dollars)
1 Warehousing and storage	\$49,920,608	\$63,535,316
2 State and Local Government-Non-Education	\$2,217,963	\$2,822,862
3 Offices of physicians- dentists- and other health services	\$1,350,484	\$1,718,797
4 Food services and drinking places	\$1,343,407	\$1,709,790
5 Monetary authorities and depository credit intermediaries	\$1,182,568	\$1,505,112
6 Automobile Repair and Services	\$1,085,199	\$1,381,162
7 Real Estate	\$1,044,551	\$1,328,428
8 Wholesale Trade	\$949,741	\$1,208,761
9 Insurance Carriers	\$928,651	\$1,181,919
10 Motor Vehicle and Parts Dealers	\$714,746	\$909,676

cdcc

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August 28, 2002

Editor
Delaware State News
P.O. Box 737
Dover, DE 19903

Dear Editor:

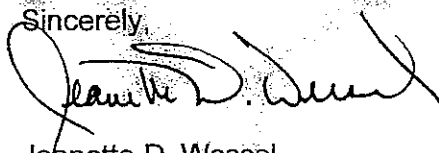
With final action approaching regarding the Wal-Mart Distribution Center in Smyrna, the Central Delaware Chamber of Commerce Board of Directors has unanimously reaffirmed its support of this major economic development proposal.

Bringing this national entity to Kent County will provide steady, good paying permanent jobs and much needed new tax revenues to the area.

Wal-Mart is addressing the resident's concerns regarding lighting and traffic and is planning extensive buffers. Wal-Mart has a solid reputation for being a good corporate citizen and the Smyrna area can certainly expect to benefit from that generosity. The project will have numerous positive results on the area including the 600 construction jobs and the projected \$50 million capital investment. Existing local businesses will also benefit from this activity.

The Chamber has supported this project since the first public announcement in January. We look forward to being able to welcome this major economic activity to Kent County.

Sincerely,



Jeanette D. Wessel
Executive Vice President



DAILY CITIZEN

Fired up

By DAN BAULCH/Staff Reporter 3-16-07
dbaulch@capitalnewspapers.com

When human resources manager Tracy Ezell said the Wal-Mart Distribution Center hired happy people, she wasn't kidding.

The public received its first glimpse of the 1.2-million-square-foot warehouse during a grand opening ceremony Wednesday morning. Dignitaries including former Green Bay Packer Bill Schroeder and Beaver Dam Mayor Jack Hanks were welcomed with a raucous Wal-Mart cheer performed by employees numbered in the hundreds.

Associates also enthusiastically shouted "It's game time!" intermittently throughout the ceremony prior to a luncheon and facility tours.

"You got to hear it for yourself, it's the associates who are sharing the excitement with us, not the other way around," distribution center general manager Troy Champ said. "These folks are fired up. It's exciting to be a part of it all. Getting to this point hasn't been a lot of work, it's been a lot of fun. It's been a lot of the team-building, this excitement that you see here. To represent this group of folks and help culminate a day like today has been enjoyable.

"We look forward to starting shipping."

The facility's official start date is Tuesday, when its 675 full-time employees begin full operations. To this point, Wal-Mart Distribution Center No. 7039 has been limited to receiving shipments and preparing the building for full-time activity.

Those who took the tour got a first-hand look at the immense size of the center, which houses 27 acres of floor space under one roof. More than 400,000 cubic yards of concrete was used during construction with a total of 13.6 million pounds of steel used for racking goods.

At any one time, the center's 62,000 inventory slots are expected to house an estimated \$40 million in stock.

"Impressive," was the word Hanks used to describe what he saw. Earlier, during the grand opening ceremony, Hanks spoke about the impact he believes the distribution center will have on the area.

"This project means a lot to Beaver Dam," Hanks said. "While, of course, you will be an exciting new customer of the local tax man, the effects of this place reach far beyond that simple calculus. Bringing hundreds of new good-paying jobs to an area has a huge ripple effect and even if only a quarter of the eventual employees choose to live here, they will spend much of their paycheck in the area, they will raise their kids here and they will help grow the top line of many area businesses."

Beginning Tuesday, the center will serve 49 Wal-Mart stores and hopes to expand approximately every six months to accommodate more activity. Currently limited to a first shift, the distribution center will eventually add a second shift and expects to one day employ close to 1,000 people. According to Ezell, more than 6,000 applications were received during hiring of the initial 675 positions.

Associates work one of two schedules. The first is Tuesday through Friday from 6 a.m. to 4 p.m. and the second is Saturday to Monday from 6 a.m. to 6:30 p.m. Wages begin at \$13.50 an hour and are capped at \$16.50, although employees can exceed that cap with quarterly bonuses. All employees are considered full time and receive benefits according to Ezell.

The distribution center will utilize the latest technology to ship and receive in an amazingly efficient manner. More than 19 miles of conveyor belts weave throughout the facility, allowing stock to go from truck to racking slots quickly and orderly. Most product never touches the floor and often times is handled only once, where in the past it was handled off the truck and at the slot. This efficiency allows workers to reach their goal of 450 cases handled per hour.

Shipping is approached just as efficiently with an organized system of picking and loading. Such efficiency will allow the center to ship over 18,000 cases an hour to its 49 member stores.

According to Ezell, the highlight of the new technology is the consolidated mechanized breakpack system, the first of its kind, which utilizes 35,556 tote locations.

As excited as management is about the building and technology, it is the quality of the employees that had Champ beaming.

"This process has been very smooth," Champ said. "Something that this community offers is the work ethic these folks bring everyday. It's that kind of effort that moves mountains."

Employees begin every day with the Wal-Mart cheer, followed by stretching exercises in preparation for another hard day's work. Cheering first thing in the morning may not be everyone's cup of tea, but the distribution center doesn't look to hire just anybody.

"These are truly happy people, and we love happy people," Ezell said.

DAILY PRESS



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Wednesday, April 13, 2005

Center adding 100 jobs

Wal-Mart Distribution Center expanding with three weekend night shifts

By GARY GEORGE/Staff Writer

APPLE VALLEY — The Wal-Mart Distribution Center in Apple Valley is adding 100 new workers to keep up with expansion, according to its general manager.

The distribution center is expanding the volume it ships by 10 percent. To accommodate that increase, the company is adding three weekend night shifts, said General Manager Justin Traweck.

"We've probably hired half the people we need so far. The new workers will be spread out over the shifts, with current workers given the opportunity to choose their own shift," Traweck said.

The hiring increase will bring the center's total number of employees somewhere between 800 and 850, he said.

The center started shipping products to Wal-Mart stores in Southern California and Nevada in March 2004. Expansion of some Wal-Marts and the addition of others to the warehouse's delivery roster has fueled the hiring increase, Traweck said.

The 1.3-million-square-foot distribution center is at 21101 Johnson Road.

A Wal-Mart spokesman said those looking for work there should pick up applications on site.

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Site



S

Open for business



Alex T. Paschal/Gazette

HIGH-FIVE: Wal-Mart distribution center general manager Dave Noble celebrates with his managers at the start of the grand opening ceremony of the massive warehouse.

- Give-away**
To celebrate the grand opening of the distribution center Wednesday, Wal-Mart donated more than \$30,000 to Sterling and Rock Falls schools and organizations. The awards were:
- \$500 each to Jefferson, Montmorency, Lincoln, Dillon, Merrill, East Coloma, St. Mary's, St. Andrews and Christ Lutheran elementaries; Challand Middle School; Sterling Christian and Sterling, Rock Falls and Newman high schools.
 - \$1,000 each to Franklin, Riverdale and Washington elementaries; Rock Falls Middle School and Happy Tails Humane Society.
 - \$1,250 to United Way of Sterling.
 - \$1,500 to Greater Sterling Development Corp. and Rock Falls Chamber of Commerce.
 - \$2,000 to Sauk Valley Area Chamber of Commerce and Whiteside County Sheriff's Department.
 - \$5,000 to the Literacy is Fun For Everyone Corp.
 - \$10,000 to Sterling Main Street.

After more than five years and 8,000 applications, Wal-Mart opens its distribution facility in Sterling

BY ANDREW WALTERS
GAZETTE REPORTER
awalters@svmmail.com

STERLING — The Sterling High School band played, popcorn popped and all the sights and sounds of opening day at the ball park filled the cavernous dry goods warehouse at the new Wal-Mart Distribution Center.

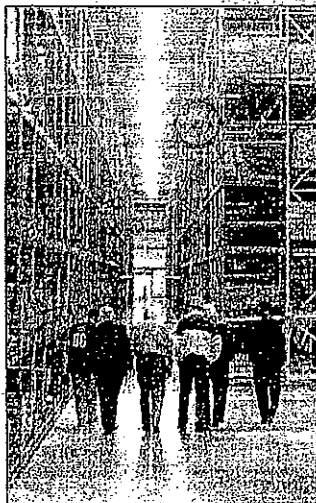
A long row of bleachers were set up for the newest Wal-Mart employees, all clad in black baseball jerseys with the number 06 emblazoned on the back, above which was the number 7024, the code number for company's 38th distribution center, which officially opened Wednesday.

The nearly 1-million-square-foot warehouse, the state's fourth Wal-Mart distribution center, will service stores within a 250-mile radius, delivering dried, refrigerated and frozen goods.

Keeping with the opening day theme, employees tossed a baseball the size of a beach ball around the stands and did the wave. Occasionally, the ball would go astray and bounce across the heads of suit-and-tie-clad Sterling and Wal-Mart dignitaries sitting in chairs in front of a stage set on the shipping floor. It was less a ribbon cutting and more a celebration.

"Over the years, I have had the opportunity to do a lot of these, and I can't remember one that looks better than this," said Johnnie Dobbs, executive vice president of logistics for Wal-Mart.

To complete the opening day scene, Dennis Atnip, regional vice president, threw a ceremonial opening pitch to General Manager Dave Noble, who was crouched behind home plate in front of the



Alex T. Paschal/Gazette

TOUR: Guests to Wednesday's distribution center grand opening tour the facility after the opening ceremonies.

stage.
"Welcome to the grand opening of the new mechanized distribution center 7024 in Sterling, Illinois," said Jason May, assistant general manager. "How are you feeling?"

"Fired up!" shouted nearly 700 employees, with the unified enthusiasm of a high school pep rally.

Wal-Mart facts

901,813

Square footage under one roof.
Could fit about 16 football fields.

1,051,462

Total cable usage 551,462 feet of communication cable, 500,000 feet of electric cable. Enough cable to stretch from the distribution center to O'Hare airport and back.

6,876,878

Total weight in pounds of steel racking. Equal to the weight of eight 747 jumbo jets fully loaded.

60,240

Pounds of ammonia in the cooling system. Equal to four fully grown African elephants.

The reason they were "fired up" is because they are the relatively few who secured jobs at the distribution center; Wal-Mart received 8,000 applications for 650 jobs.

"This process was not an easy one," said Noble. "Sitting in those stands are the cream of the crop in Illinois."

Sterling Mayor Ted Aggen took a moment to marvel at the enthusiasm from the assembled employees, and reflect on completion of the project, more than five years in the making.

"Wow. After years of planning and not being able to talk about what was going on at the west end of Sterling, this is something. It is fantastic that today is finally the day," said Aggen, before presenting a symbolic key to the city to John Menzer, vice chairman of Wal-Mart Stores Inc.

Dave Barajas Jr., director of the Greater Sterling Development Corp., reflected on the years of work that lead to the distribution center opening.

"Even though I knew a 1-million-square-foot distribution center was quite a long shot for our community, I truly felt like we had a shot," Barajas said. "Now here we are, five-and-one-half years later, opening up this facility that will provide our region an opportunity to rebuild and reinvent itself after all the closings and downsizings of a number of manufacturing operations over the last five years."

It became clear early on that Wal-Mart wanted to be more than just an employer in town. It wanted to be an active part of the community, Barajas said.

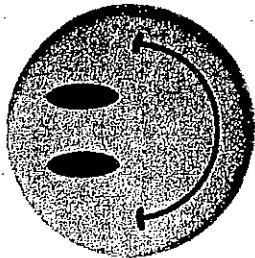
A4 LOCAL



Alex T. Paschal/Gazette
SALUTE: Employees and guests show respect for the presentation of the colors by the Sauk Valley Detachment of the Marine Corps League.



Open for business



CELEBRATE: A festive atmosphere (left) rippled through the massive warehouse as employees celebrated the grand opening of the Wal-Mart Distribution Center just west of Sterling.

Alex T. Paschal/Gazette

Now in 15 countries outside the U.S., Wal-Mart will continue to grow internationally and this year the first of several Wal-Marts will open in Chicago.

"The Wal-Mart culture is alive and well; our growth is going to be strong in the next five years," Menzer said. "I really believe the best is yet to come in Wal-Mart."
Andrew Walters can be reached at 625-3600 or (800) 798-4083, ext. 522.

"The money we are giving away is just a start of the monetary contributions we are giving to this community," Rebecca Sternweis, human resource manager, said right before a parade of Wal-Mart employees handed out oversized checks to representatives from each organization.

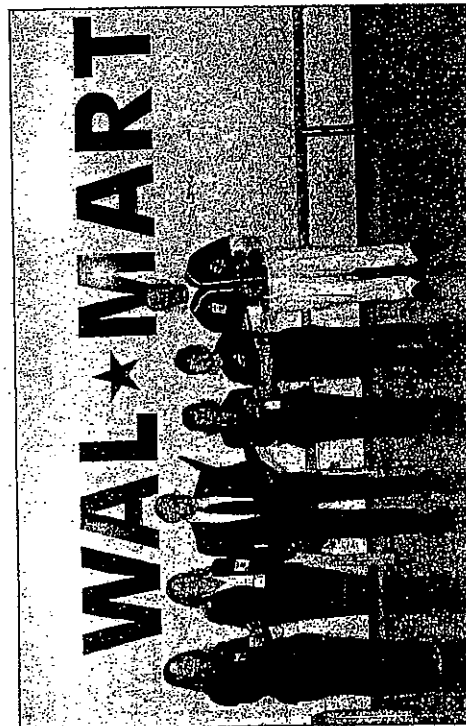
Menzer spoke about the future of Wal-Mart. In the next five years, the company expects to open 280 to 300 more SuperCenters, he said.

WAL-MART: CONTINUED FROM A1

The company followed through by making the first in what its says will be many charitable contributions to the community.

More than \$30,000 was donated to 18 area schools and some nonprofits Wednesday.

MAKING IT OFFICIAL: Cutting the ribbon (left) are: Rebecca Sternweis (l-r) human resource manager, Heather Sotelo, Sauk Valley Area Chamber of Commerce president, Sterling Mayor Ted Aggen, Wal-Mart General Manager assistant Andrea Zinanni, Wal-Mart employee Lori Peterson and General Manager Dave Noble.





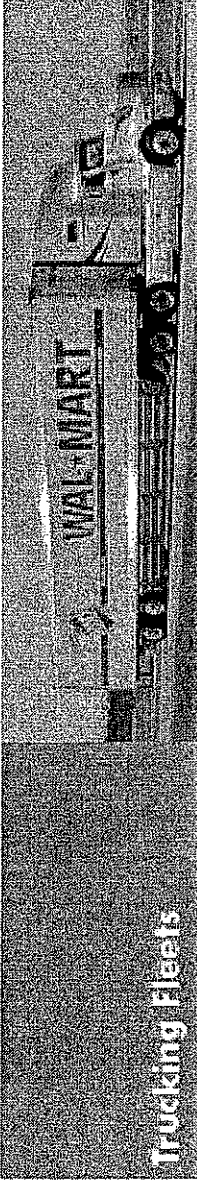
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We have one of the largest private trucking fleets in the world, and our trucks rely on diesel for fuel. Emissions from all cars and trucks contain carbon dioxide and other greenhouse gases, which pollute the air and may contribute to climate change.

To reach our overall commitment to reduce our greenhouse-gas emissions by 25 percent compared to doing nothing, we plan to double new truck efficiency by 2015. We believe these fuel efficiency innovations will keep 26 billion pounds of carbon dioxide out of the air between now and 2020.

Our corporate vehicle fleet is another area of restorative practice—we currently have over 100 hybrid vehicles in operation and have requested another 100 for 2007. We support hybrid vehicles because they are more fuel-efficient, create less air pollution and owning one is an investment in restorative change.

These innovations are good not only for the environment but also for business. We expect they will produce net savings of at least \$494 million a year by 2020, and more in later years.

As with the innovations in our stores and products, we believe that these investments and innovations will spark industry wide changes in vehicle platform, engine and transportation efficiencies, create jobs, reduce foreign oil dependency and increase the quality of life for our stakeholders. Overall, these commitments will reduce our footprint and buy us much-needed time for everyone to transition to a more sustainable future.

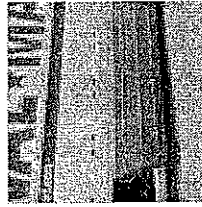
Experimental Trucks

Our 2007-generation truck represents the best in our commitment to be both a great and good

company. While delivering the same payload, this truck contributes to cleaner air in our communities, big cost savings for our customers and industry-wide innovations in truck design.

Many new partnerships were formed to innovate and improve our trucking performance. These partnerships have resulted in a truck designed with forward-thinking aerodynamics, transmission, tires, a high-efficiency auxiliary power unit, and emissions controls. We are excited to place it into service, and we will continue to make substantial improvements beyond this first generation of new trucks. Find out more about the innovative elements of the truck below.

Trailer Side Skirts



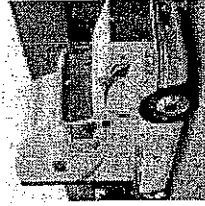
These wind skirts under the trailer significantly reduce wind resistance and reduces airflow around the trailer. This is a big fuel economy benefit.

Super Single Tires



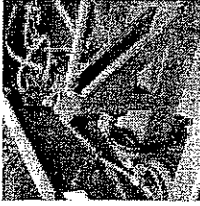
We combined the two wheels you normally see on a rear axle into a single wheel that is not quite as wide as the sum of two wheels. This gives a smoother ride and better fuel economy from the reduced surface area and improved tire wall stiffness.

Aerodynamic tractor package



Making the tractor more aerodynamic radically reduces the fuel required to operate the truck - as approximately two-thirds of all gallons burnt today by trucks can be attributed to overcoming aerodynamic resistance.

Tag Axle



Reduced weight means increased efficiency. This type of rear axle reduces the weight of one rear axle as it eliminates internal axle drive train.

Auxiliary Power Unit



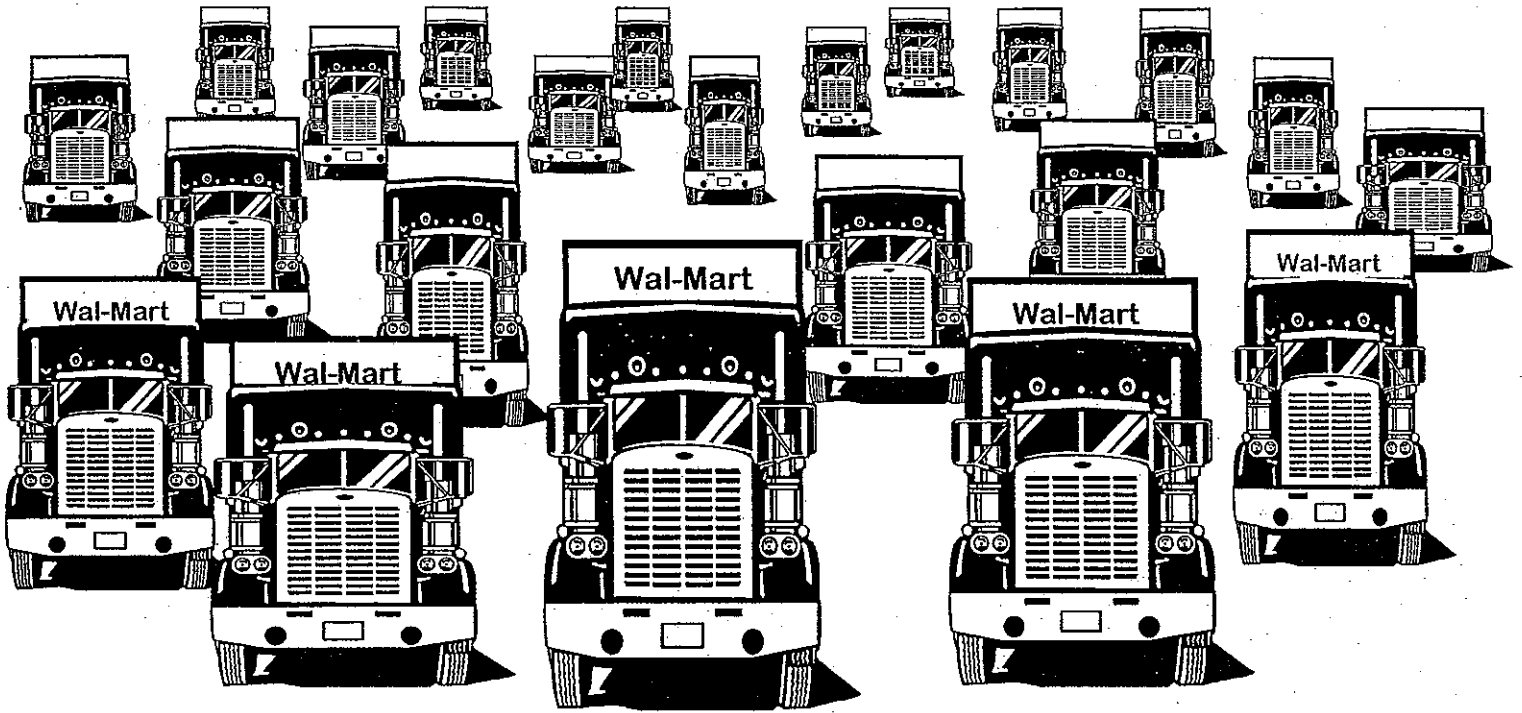
This APU eliminates the use of the tractor's main engine for keeping our drivers warm or cool at night. Instead, this very small diesel engine does the job at optimum efficiency. This saves a substantial amount of fuel.

was106

[Walmart.com](http://www.walmart.com) | [Samsclub.com](http://www.samsclub.com) | [Walmartfoundation.org](http://www.walmartfoundation.org) | [Walmartfacts.com](http://www.walmartfacts.com)
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Approximately 1 truck every minute . . . 900 trucks per day . . . 27,000 trucks per month *9/4/07*

Coming soon to a neighborhood near you!



"Educate Yourself About the Wal-Mart Distribution Center"
Writing Contest Deadline extended: June 15th

Learn more about the Stop Wal-Mart Action Team's concerns by visiting
our website: www.mercedalliance.org

PRIZE \$\$\$

1st Place ~ \$75 2nd Place ~ \$50 3rd Place ~ \$35 4th Place ~ \$25 5th Place ~ \$15

Contest Guidelines:

- ⇒ Use specific facts and information from the website to write an original
poem ~ short story ~ essay that emphasizes SWAT's concerns
- Each submission should include:
 - (in the upper LEFT Hand corner:)
 - Name (First and Last)
 - School
 - Age
- Each submission should be formatted:
 - Neatly hand written or typed (preferred)
 - Times New Roman
 - ~ 12 font ~
 - ~ 1" margins ~ double spaced
- ⇒ Fill out the Entry and Release Form signed by your parents and attached to each submission (mandatory)

Submit your written work to: SWAT writing contest
1735 Canal St. Suite 13
Merced, CA 95340

Refer questions or electronic submissions by E-mail to: marilynne@gmail.com

"Educate Yourself About the Wal-Mart Distribution Center"
Writing Contest
Entry and Release Form

Note : If we can't read your handwriting, you can't win prize money! Please print carefully!

Name: _____ Date: _____

Phone # _____ Address _____

Age: ___ Grade: ___ Male: ___ Female: ___

Title of Submission: _____ (check one) Poem _____ Essay _____ Short Story _____

School _____

School Address _____ City _____

Parent or Guardian's Name _____

Signature _____

Home Address _____ City _____

Zip/Postal Code _____ Home Phone _____

I hereby grant and assign to Merced Alliance For Responsible Growth/Stop Wal-Mart Action Team the non-exclusive right and permission, in respect of the original writing that I have submitted to "Educate Yourself About the Wal-Mart Distribution Center" Writing Contest, to use, re-use, publish, and re-publish, and otherwise reproduce, and display the same, individually or in conjunction with other writing in any and all media now or hereafter, for promotion or any other purpose whatsoever; and to use my child's name to identify the author of the work in connection with my participation in "Educate Yourself About the Wal-Mart Distribution Center" Writing Contest. I understand that any use of this submitted work will include my child's name as its creator. I hereby release and discharge Merced Alliance For Responsible Growth/ SWAT from any and all claims and demands arising out of or in connection with the use of the original writing, including without limitations any and all claims for libel or invasion of privacy. In any of the winning categories, Merced Alliance For Responsible Growth/ SWAT maintains the exclusive right to declare no winner and withhold prizes if no poem, essay, or short story of merit is found. Merced Alliance For Responsible Growth/SWAT assumes no responsibility for lost or damaged poetry, essay, or short story. Merced Alliance For Responsible Growth/SWAT may sell, assign, license, or otherwise transfer all rights granted to it hereunder. This authorization and release shall also inure to the benefit of the successors, legal representatives, licensees, and assigns of Merced Alliance For Responsible Growth/SWAT. I have read the foregoing and fully understand the contents thereof. This release shall be binding upon me and my heirs, legal representatives, and assigns. I further release Merced Alliance For Responsible Growth/SWAT from any responsibility for injury incurred during the research or production of the original writing.

I, _____, being the parent or guardian of the above-named minor, hereby consent to and join in the foregoing release and consent on behalf of said minor.

Pledge of Originality: I declare and avow that the poem(s), essay(s) or short story(ies) I am submitting to the "Educate Yourself About the Wal-Mart Distribution Center" Writing Contest is/are my own original work.

Student's signature _____

JL ✓
KE ✓
BK
Masoud
Toss

**City of Merced
Inter-Office Memorandum**

To: Honorable Mayor and City Council June 1, 2007
From: James G. Marshall, City Manager
Subject: Council Information Newsletter

City Council Meeting – June 4, 2007

As a reminder, the Council will meet at 5:30 p.m. in the City Council Chambers for the sole purpose of interviewing Planning Commission candidates. There are currently two openings on the Planning Commission – the seat of Walter Burr, who is ineligible for reappointment; and the seat of Henry Fisher, who has elected not to seek reappointment.

A light meal will be provided on the second floor landing beginning at 4:45 p.m.

There is no Closed Session scheduled for June 4, 2007; therefore, adequate time should be available to complete the Planning Commission interview process.

Correspondence to Merced Stop Wal-Mart Action Team

At the last City Council meeting, representatives from the “Merced Stop Wal-Mart Action Team” appeared under Oral Communications and expressed concern about their perception that staff was predisposed in support of the Wal-Mart distribution center. At the meeting, they asked for a written response to their comments. Attached please find the letter dated May 31, 2007 in response to this request.

Attachments

A. Items of Local Interest and Concern (yellow paper)

1. Correspondence from MCAG Executive Director Jesse Brown to Mayor Joan Faul, Atwater, regarding MCAG services.
2. Thank you note from Cappi Quigley and family for City of Merced remembrance of Former Mayor Pat Quigley.
3. Downtown Merced – The Downtown View, Spring 2007.
4. *Fresno Bee* article, “Soaring Fuel Cost Behind Airline’s Pullout,” published May 28, 2007.
5. *San Francisco Chronicle* article, “Sprawl Clashes With Warming in California,” published May 27, 2007.

B. Items From Other Agencies (blue paper)

1. Correspondence from Air Resources Board dated May 17, 2007 (impacts operation of municipal vehicles).
2. Yosemite National Park Planning Update – May 2007.
3. Delta Vision Workshop announcement – Water Education Foundation.
4. Public Policy Institute of California, California Counts-- “Can California Import Enough College Graduates to Meet Workforce Needs?”

 *William G. Marshall* for

James G. Marshall

City Manager

CITY OF MERCED

"Gateway to Yosemite"



May 31, 2007

Merced Stop Wal-Mart Action Team (SWAT)
1735 Canal St, Ste 13
Merced, CA 95340

Dear Sirs/Madams,

Thank you for your May 21, 2007 letter regarding the Wal-Mart Distribution Center project. You requested a response regarding a number of points raised in your letter. The following is submitted in response to those comments.

1) Failure to Adequately Consider Viable Project Alternatives

The City's consultant, EDAW Inc., is still in the process of preparing the Draft Environmental Impact Report (EIR), which will, as required by the California Environmental Quality Act (CEQA), include a section considering project alternatives. In the course of preparing that analysis, the consultants have asked for input from City staff and the project applicants regarding the various alternatives, including the site mentioned in the January 19, 2007 email you cited in your letter. However, the consultants' analysis of project alternatives, like all the other information in the EIR, will be based on their own independent collection, professional analysis, and objective reporting of data relating to the project. The alternatives analysis will include an unbiased assessment of alternatives and a thorough explanation regarding the feasibility of alternatives. The EIR is a neutral information document and will not provide a staff or consultant recommendation on the merits/demerits of the project. Since the Draft EIR is not yet available, the City respectfully asks that you reserve your judgment of the adequacy and objectivity of the analysis until the Draft EIR is presented to the public for review.

2) Perception of Merced's Leadership

To clarify the statements made by Wal-Mart representatives in the January 19, 2007 email cited in your letter, in oral statements to City staff, Keith Morris of Wal-Mart has indicated that their statement that "political issues made entitlement difficult" when referring to alternative sites was simply an indication that the site would require a General Plan Amendment or Zone Change in order to be approved. The proposed site in Merced is designated as "Industrial" in the City's General Plan and is zoned "Heavy Industrial" so no such change in land use designation would be required. (A General Plan Amendment to the Circulation Element for the abandonment of Kibby Road will be required.)

Your letter also asks what promises were made by the City's Office of Economic Development to "lure Wal-Mart to Merced?" As indicated many times previously, no incentives or fee waivers have been asked for by Wal-Mart or have been granted. The City did not offer any financial relief, subsidies, property tax rebates, fee waivers, sales tax rebates, nor tax-free land.

As with any public hearing process, the City Council will consider all community concerns about the project as well as information provided in the EIR when making its decision on this project. City staff is always available to meet with any community stakeholders regarding this project at any point in the process, and individual Council members and the City Council as a whole can schedule such meetings at their own discretion. Any meeting of a majority of the Council would need to abide by open meeting laws, of course. Meetings with individual Council members could only be informational to preclude "serial meetings" prohibited by State Open Meeting Laws.

3) Delinquent Payment from Wal-Mart

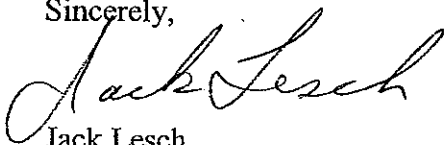
Under the original terms of the reimbursement agreement (effective 5/15/06) with Wal-Mart to cover the consultant costs of the EIR, Wal-Mart was required to submit the reimbursement in three equal installments of \$114,885—the first one at the contract execution, the 2nd within 60 days, and the third within 120 days. (Subsequent contract amendments were approved which required one-time payments of \$38,365 and \$18,288 in November 2006 and April 2007 and those payments were made on time.) The first installment of \$114,885 was received in May 2006 but the 2nd installment did not arrive until October 2006 and the third installment was paid in December 2006. From May to October 2006, the City made payments totaling \$94,665 to the consultants and \$20,219 remained in the account. At no time was the City "fronting" any money on behalf of Wal-Mart to pay the consultants. It also should be noted that delinquent payment penalties are usually not applied in the case of such contracts unless there is specific language in the contract that spells out what the penalties are and when they should be imposed. In this case, no such language is in the reimbursement agreement.

4) City Staff's Relationship with Wal-Mart

In the course of EIR preparation, City staff has been providing the EIR consultants and Wal-Mart representatives with all the information received by the City about the project. This includes articles in the newspaper, letters to the editor, letters directed to the City Council, etc. This is done in order to make sure that all the citizen concerns raised about the project are adequately addressed in the EIR and other documents. As the City's project manager for the Wal-Mart project, Planning Manager Kim Espinosa has sent out hundreds of emails (all public record) passing along information, both in favor of and opposed to the project. It should be noted that the vast majority of these articles, etc., expressed negative opinions of the Wal-Mart project. The January 23, 2007 email cited in your letter is simply one of many such communications and should not be construed as showing any bias in favor of or opposed to the project. As professionals, City staff's duty is to provide objective information to the elected officials on which they can make their decisions.

If you have any more questions, please feel free to give me a call at (209) 385-6858.

Sincerely,



Jack Lesch
Director of Development Services

cc: James G. Marshall, City Manager
Merced City Council

5-21-07

Merced SWAT

The Merced Stop Wal-Mart Action Team

5/21/2007

To the Merced City Council,

The Stop Wal-Mart Action Team recently exercised our right as citizens of Merced and requested documentation on the proposed Wal-Mart Distribution Center's development process. Much of the paperwork was reflective of a standard planning process with extensive communication between the City, Wal-Mart and the environmental consulting firm working on the EIR. There were a number of documents, however, that raise concerns. We are bringing them to the Council's attention in this letter in the hope that you can provide some answers and help correct the situation by responding to our specific requests.

1) Failure to Adequately Consider Viable Project Alternatives

According to the California Environmental Quality Act, Environmental Impact Reports (EIRs) must include a section considering project alternatives in order to reduce or avoid significant environmental impact. The lead agency must consider a reasonable range of alternatives that provide "substantial environmental advantages over the project proposal." (*Citizens of Goleta Valley v. Board of Supervisors* 52 Cal.3d 553, 566).

E-mail communications between the City and Wal-Mart indicate that our Planning Department is taking direction from Wal-Mart in their assessment of alternatives rather than basing their findings on unbiased fact and local expertise. One e-mail includes direction from Wal-Mart to consultants and City staff to change description of an alternative location near the airport from "difficult" to "not possible." This seemingly small change (made with no explanation from Wal-Mart as to why the alternative was "not possible") has enormous implications for the public process.

Merced City Staff are experts in land use and experts on Merced. It is their job to present an unbiased report of the project impacts as well as assess project alternatives. They should *not* take direction from Wal-Mart – the world's largest out-of-town developer – to discount alternatives that could be a little more expensive for the company, but better for the community. From the start of this process, Merced residents' primary concern has been the site's unusual proximity to Pioneer and Weaver elementary schools, Golden Valley High School, and hundreds of residential homes. City staff should assess the true costs and benefits of alternatives that could be better for the health of our community, rather than eliminate alternatives based on Wal-Mart's unjustified request.

We request that Council ask that the draft EIR language reflect that the alternative site near the airport is "difficult," along with a thorough explanation regarding the feasibility of other alternatives.

2) Perception of Merced's Leadership

The documents include a list of the "top ten" final cities Wal-Mart considered for their distribution center. Five of the ten sites were rejected by Wal-Mart for "political issues." Presumably, these cities have a City Council and/or City staff that is unwilling to compromise the health and welfare of their residents to approve a 1.2 million square foot facility that would generate 900 truck trips a day. Did Wal-Mart choose

Merced because they assumed it would be the easiest 'sell?' What promises did the City's Office of Economic Development make to lure Wal-Mart to Merced? We desperately need staff and elected representatives who are accountable to the community, not outside developers or corporate giants based in Arkansas.

We request assurance from our elected leaders that they will consider all community concerns about this project as well as the information provided by Wal-Mart. This includes a commitment to not only fully understand the EIR and the array of project impacts, but also to meet with community stakeholders just as City Staff and Council have met with representatives from Wal-Mart.

3) Delinquent Payment from Wal-Mart

In the last quarter of 2006, Wal-Mart earned \$3.94 billion in net income. At the same time, Wal-Mart was nearly four months late in paying \$114,885.00 owed to our city as part of its legally-mandated reimbursement agreement to prepare the EIR. The \$114,885.00 the City of Merced floated for four months came directly from Merced taxpayers.

Wal-Mart claims to be a "good neighbor" and outstanding "community partner," but they are already taking advantage of our community before approvals for their project are secured. We fear this is yet another indication that Wal-Mart is more interested in crating profits for Bentonville and less interested in being a responsible community partner in Merced. Unfortunately, we can't take Wal-Mart at their word.

We request that 1) the City Council take action to charge interest on delinquent payments in the future and 2) incorporate legally binding language in all agreements with Wal-Mart to ensure that promises are kept (i.e. percentage of jobs given to Merced residents, number of daily truck trips)

4) City Staff's Relationship with Wal-Mart

Since the beginning of this process, we've been concerned that the world's largest corporation would distort the development process in our small town. City Planner Kim Espinosa has apparently done an adequate job in maintaining and distributing project information and coordinating City staff, environmental consultants and Wal-Mart representatives. However, an e-mail from Ms. Espinosa to Wal-Mart reading "not everyone hates Wal-Mart" and including an article entitled "In Praise of Wal-Mart" raises some concerns for us as Merced residents and taxpayers. This type of biased communication is grossly inappropriate coming from a civic employee charged with maintaining objectivity. The sheer size and power of Wal-Mart has distorted many other local planning processes, and we want to ensure that this EIR is as thorough and objective as possible.

We request that City staff assure the community in writing that they will remain neutral on the project and ensure that all communications, assessments, reports, etc. will reflect fact rather than personal bias. Additionally, we request that city time not be spent seeking out propoganda or arguments for or against the project.

In conclusion, we expect a written response from City officials by the next City Council meeting on June 4. The Merced Stop Wal-Mart Action Team can be reached by phone at (209) 723-9458, by e-mail at swat@mercedalliance.org, or by mail at 1735 Canal St. Suite 13.

5-21-07

Espinosa, Kim

From: Montesinos, Miriam [MMontesinos@steefel.com]
Sent: Friday, January 19, 2007 12:03 PM
To: Chafin, Randy; Espinosa, Kim; Quintero, Frank
Cc: Davidoff, Judy V.; Brian Gordon; Lynn Mcalexander; jim.emerson@c-b.com
Subject: RE: Merced Wal-mart EIR - Alternatives

Hi Randy

Here are our comments:

- > The "Reduced Site Plan" would not be feasible for various reasons, including it would not work from an operations standpoint. I'm not sure if you want reasons now, though, or later in the process (e.g., when drafting findings). (We can also provide reasons as to why the Redesignated Site Plan alternative would not work.)
- > Site #1 needs to be removed from the table as that is the current project site.
- > Change the wording in Sites #2 & 3 from "Difficult" to "Not possible."

Thank you!
Miriam

Miriam Montesinos
Attorney At Law
Steefel, Levitt & Weiss
A Professional Corporation
One Embarcadero Center, 30th Floor
San Francisco, California 94111
Tel: (415) 788-0900
Direct: (415) 403-3347
Fax: (415) 788-2019
mmontesinos@steefel.com
www.steefel.com

This email, including any attachments, and their use by any recipient are subject to terms, conditions, restrictions and disclaimers that can be reviewed by clicking [here](#).

From: Chafin, Randy [mailto:Randy.Chafin@edaw.aecom.com]
Sent: Tuesday, January 16, 2007 1:18 PM
To: Espinosa, Kim; Quintero, Frank
Cc: Davidoff, Judy V.; Montesinos, Miriam; Brian Gordon; Lynn Mcalexander; jim.emerson@c-b.com
Subject: Merced Wal-mart EIR - Alternatives

Kim:

The attached file contains a summary description of the alternatives we propose to analyze, consistent with our

1/22/2007

Merced Wal Mart EIR – Proposed Alternatives

No Project

This alternative assumes that the site will not be developed with the proposed Wal-Mart project. However, given the following factors, it is assumed that industrial or warehouse development will occur within the near term:

- Site is within Merced city limits
- Site is designated for industrial use in the Merced General Plan and zoning ordinance
- Site is sufficiently large to accommodate industrial or warehouse projects
- Site is relatively close, and has convenient access, to major arterial roadways and Highway 99
- Site is relatively close, and could readily connect, to major public infrastructure, such as water, wastewater, and storm drainage systems

In accordance with existing land use regulations, the No Project alternative assumes that the site will be developed with a project that includes approximately one million square feet of warehouse or industrial use.

Re-designed Site Plan

This alternative assumes that the site will be developed with a revised version of the proposed project. The size and extent of development, the number of employees, and the number of vehicle trips would be the same as the proposed project. This alternative has been identified as a means of reducing certain potential environmental impacts that cannot be sufficiently reduced in the proposed project solely through mitigation measures. This alternative is intended to reduce the following potential impacts on the closest residential communities in Merced: 1) land use/community compatibility, 2) air quality, 3) traffic, and 4) noise.

In order to reduce potential impacts in the above listed environmental topics, the following revisions have been made to the proposed project, as depicted in Exhibit ___:

- All buildings have been shifted to the eastern edge of the site
- All truck loading and unloading areas have been shifted to the eastern edge of the site
- Driveway access to the project site for both tractor trailers and employee vehicles has been shifted to a point near the eastern edge of the project site

Reduced Site Plan and Operations

This alternative assumes that the site will be developed with a reduced version of the proposed project. This alternative has been identified as a means of reducing several of the potential impacts of the proposed project to a greater level than could be achieved solely through mitigation measures. This alternative is intended to reduce the following potential impacts on the closest residential communities in Merced: 1) Land use/community compatibility, 2) Air quality, 3) Noise, 4) Traffic, and 5) Surface hydrology/water quality.

In order to reduce potential environmental impacts in the above listed environmental topics, the following revisions have been made to the proposed project, as partially depicted in Exhibit ___:

- Building size has been reduced by 25% to 825,000 square feet
- Total impervious surface area has been reduced by ___ % to ___ square feet
- Number of employees has been reduced by ___ % to approximately ___ employees
- Number of tractor trailer daily trips to and from the site has been reduced by ___ % to approximately ___ daily trips

Alternative Site #1

Alternative site #1 is approximately ___ acres in size and is located immediately south of the proposed project site. It is bordered by the following streets: Gerard Avenue, Mission Avenue, _____, and Tower Road. This site is within the Merced city limits.

Alternative Site #2

Alternative site #2 is located on the west side of Highway 99, approximately ___ miles west of the project site. It is bordered by the following streets: Highway 99, Mission Avenue, _____ and _____. This site is in unincorporated Merced County.

Alternative Site #3

Alternative site #3 is located between Dickenson Ferry Road, Thornton Road, and immediately south of Merced Municipal Airport. This site is in unincorporated Merced County.

Alternative Sites Identified But Rejected

The following sites were initially identified by the project proponent, but were deemed unable to meet the project objectives and were ultimately rejected. These alternative sites will not be analyzed in the EIR.

#	City/State	Site Name/Address	Explanation
1	Merced, CA	Lyons Site - Merced, CA	Site chosen by Wal-Mart
2	Livingston, CA	Livingston Site - Address Unknown	Political issues made entitlement difficult
3	Delhi, CA	Delhi Site - Address Unknown	Political issues made entitlement difficult
4	Crows Landing, CA	Crows Landing Industrial Park - Address Unknown	Site is partially in a flood plain and not served by utilities.
5	Patterson, CA	Patterson Site - Address Unknown	Site adjacent to residential; truck traffic would access same road as residential traffic
6	Firebaugh, CA	Firebaugh, CA Industrial Site - Address Unknown	High gang-related crimes rate and employee base issues
7	Escalon, CA	Escalon Industrial Site - Address Unknown	Political issues made entitlement impossible
8	Oakdale, CA	Oakdale Site - Address Unknown	Political issues made entitlement impossible
9	Fresno, CA	Fresno Site - Address Unknown	High transportation cost and proximity to existing Wal-Mart DC in Porterville, CA

5-21-07

Espinosa, Kim

From: Brian Gordon [Brian.Gordon@wal-mart.com]
Sent: Friday, January 12, 2007 12:13 PM
To: Chafin, Randy, Quintero, Frank, Espinosa, Kim
Cc: Lynn McAlexander; jim.emerson@c-b.com; j davidoff@steefel.com; mmontesinos@steefel.com; Ainslie, Daniel; Keith Morris - Public Affairs
Subject: RE: Merced Wal Mart - Alternatives Analysis

Ladies and Gentlemen,

I have combed through some of Wal-Mart's old files and have put together a list of 10 sites that Wal-Mart considered for this project. These are not all of the sites Wal-Mart considered, but these are the sites Wal-Mart considered that are in close proximity to Merced. In the attached Excel Spreadsheet, each of the sites are listed along with a reason as to why Wal-Mart did not choose the site. The other file is a simple map of CA with circled numbers in different locations that correspond to the site numbers in the excel spreadsheet file. Let me know if you have any questions.

Brian Gordon
Wal-Mart Stores Inc.
DC Real Estate Manager
Sam Walton Development Complex
Department 9566
2001 SE 10th Street
Bentonville, AR 72716-0550
479-204-3192 (O)
479-586-5157 (M)
479-273-1964 (F)
brian.gordon@wal-mart.com

From: Chafin, Randy [mailto:Randy.Chafin@edaw.aecom.com]
Sent: Friday, January 05, 2007 10:08 AM
To: Quintero, Frank, Espinosa, Kim
Cc: Lynn McAlexander; jim.emerson@c-b.com; j davidoff@steefel.com; mmontesinos@steefel.com; ainslie@cityofmerced.org; Keith Morris - Public Affairs; Brian Gordon
Subject: RE: Merced Wal Mart - Alternatives Analysis

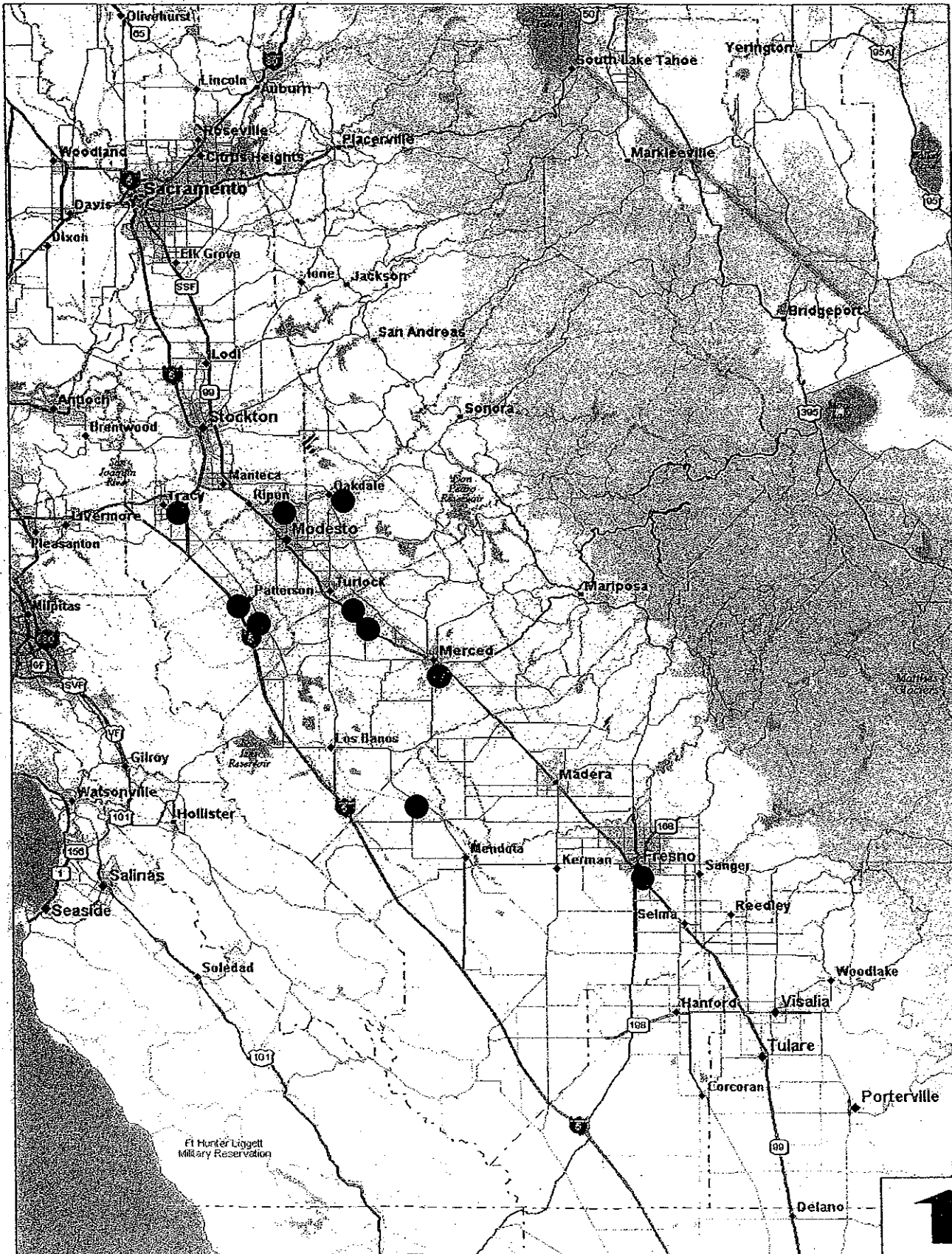
Frank:

Thanks for this information; it's very helpful. Once we get the information Wal Mart indicated they would provide to us on their site selection process we will be prepared to create a short list of candidate sites, which we will review with City staff, then proceed with our analysis.

From: Quintero, Frank [mailto:QUINTEROF@cityofmerced.org]
Sent: Thursday, January 04, 2007 6:35 PM

1/12/2007

Alternative Site Map – Merced, CA Project



Alternative Site Comparison

	City/State	Site Name/Address	Explain
1	Merced, CA	Lyons Site - Merced, CA	Site chosen by Wal-Mart
2	Livingston, CA	Livingston Site - Address Unknown	Political issues made entitlement difficult
3	Delhi, CA	Delhi Site - Address Unknown	Political issues made entitlement difficult
4	Crows Landing, CA	Crows Landing Industrial Park - Address Unknown	Site is partially in a flood plain and not served by utilities
5	Patterson, CA	Patterson Site - Address Unknown	Site adjacent to residential; truck traffic would access same road as residential traffic
6	Firebaugh, CA	Firebaugh, CA Industrial Site - Address Unknown	High gang related crime rate and employee base issues
7	Escalon, CA	Escalon Industrial Site - Address Unknown	Political issues made entitlement impossible
8	Oakdale, CA	Oakdale Site - Address Unknown	Political issues made entitlement impossible
9	Fresno, CA	Fresno Site - Address Unknown	High transportation cost and proximity to existing Wal-Mart DC in Porterville, CA
10	Tracy, CA	Tracy Site - Address Unknown	Political issues made entitlement impossible

5-21-07

Espinosa, Kim

From: Lucas, Terri
Sent: Monday, October 30, 2006 2:17 PM
To: 'lynn.mcalexander@wal-mart.com'
Cc: 'Rachel.Bockover@wal-mart.com'; Espinosa, Kim; Rodriguez, Venus
Subject: Payments per Reimbursement Agreement for Distribution Center

Hi Lynn - our Finance Department has forwarded a delinquent notice for the September 1, 2006, payment per the agreement. The amount is \$114,885.00. I believe that the payment is "in process" on your end from discussions I have had with Rachel, but we have yet to receive it.

Also, the First Amendment to the Agreement will be going to Council on November 6, 2006. Per that amendment, a payment of \$38,695.00 is due upon execution of the agreement, with an additional \$3,869.00 also due upon execution which represents a deposit for staff time in administering the consultant contract. Since these amounts are deposited into separate accounts, please send separate checks. The payments should be sent to the attention of Kim Espinosa.

Attached is the original invoice as well as the delinquent notice. If you have any questions, please let me know.



Wal-Mart Invoice
9-1-06.pdf



Wal-Mart Invoice
Delinquent.pdf...

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

CITY OF MERCED
678 W 18TH Street
Merced, CA 95340

October 23, 2006

WAL-MART STORES EAST, LP
ATTN: LYNN J MCALEXANDER P.E.
2001 SE 10TH ST
BENTONVILLE, AR 727160550

Account Number: 19687
Delinquent Amount: \$114885.00

Dear Customer:

Our records indicate that your account for Miscellaneous Charges is now 30 days past due. Please forward your payment for the full amount to our office. If payment has already been sent, please disregard this notice.

If payment is not received within 10 days from the date of this letter, the account will be referred to our Collection Division for further action.

Thank you for your attention to this matter. Should you have any questions, please call (209) 385-6864.

If paying by MasterCard, Discover, Visa or American Express, please fill out below and return to the Finance Department. Account # 19687

Credit card number _____ Expires: ____ / ____

Signature _____

Thank you,

ALMA C. ESPINO
FINANCE DEPARTMENT

5-21-07

Espinosa, Kim

From: Espinosa, Kim

Sent: Tuesday, January 23, 2007 4:52 PM

To: Quintero, Frank; Marshall, Jim; Conway, Mike; Lesch, Jack

Subject: Wal-Mart article

<http://articles.moneycentral.msn.com/SavingandDebt/Advice/InPraiseOfWalMart.aspx>

Not everyone hates Wal-Mart—see the above article.

—Kim



The Basics

In praise of Wal-Mart

The retailing behemoth is a magnet for hostility, but for millions of shoppers, the company's stores provide what they need at affordable prices. It's not such a bad employer, either.

By Kiplinger's Personal Finance Magazine

Wal-Mart is certainly a company that merits superlatives. It is the world's largest retailer, with more than 4,000 stores in the United States and nearly 2,300 abroad. Annual sales exceed \$330 billion, a figure larger than the gross domestic product of all but 20 nations. Wal-Mart is the largest private employer in the United States and the second-largest employer overall, behind only the federal government. Its 1.3 million domestic workers would more than fill all of the stadiums in baseball's major leagues, and the number of Wal-Mart shoppers over two weeks exceeds the nation's population.

But few companies arouse as much animosity as Wal-Mart. Critics contend that the company treats its workers badly, denies them benefits and buys its products from sweatshops in developing countries. Criticism of the company mounted after author Barbara Ehrenreich went underground to "expose" Wal-Mart in her 2001 best seller, "Nickel and Dimed." On top of this, some urban scholars blame big-box retailers in general, and Wal-Mart in particular, for putting mom-and-pop stores out of business, hastening the decline of downtowns and depersonalizing the shopping experience.

Attacks on Wal-Mart almost surely contribute to its share price being lower than it ought to be. (In fact, Kiplinger thinks Wal-Mart's reinvention of itself is a great investment opportunity. We also consider it one of the best stocks to own for 2007.)

A different picture

But when I examine the facts surrounding Wal-Mart, a very different -- and far more favorable -- picture of the company emerges. For millions of people, Wal-Mart is a lifesaver that provides what they want at prices they can afford.

I'm not saying that Wal-Mart is without fault. No large employer is. But if jobs at Wal-Mart are as bad as critics assert, why is it that 25,000 people applied last January for 325 job openings at the company's new store in the Chicago area?

This huge rush to get jobs at Wal-Mart is not because there are no jobs elsewhere. The current unemployment rate of 4.4% is well below recent levels and has been lower in only four of the past 35 years. Applicants want these jobs because Wal-Mart pays more than \$10 an hour, on average, which is considerably higher than the U.S. and state minimum-wage rates.

Although Wal-Mart workers have lacked benefits in the past, this is changing. The company now offers as many as 18 health-care plans for as little as \$11 a month in many locations. But critics would like to force Wal-Mart to pay even higher wages and offer even more benefits. Recently, the Chicago City Council voted to hold Wal-Mart and other large store operators to higher wage standards than other employers in the city.

Video on MSN Money



Video: Wal-Mart stock a star in '07?

A top stock picker recommended GM last year, but no one listened and the stock jumped 60%. This year that same analyst is picking Wal-Mart. Here's why.

Fortunately, Mayor Richard Daley vetoed the Wal-Mart bill. This type of legislation sends the wrong message to prospective employers -- namely, "We will penalize you for being a large, efficiently run company that offers consumers the lowest prices." Would Chicago prefer less-efficient companies with higher prices and fewer jobs? That would have been the outcome had the bill become law.

Impact on prices

Studies have shown that Wal-Mart's prices have a huge impact on consumers' purchasing power. Global Insight, an international research firm, found that Wal-Mart's growth between 1985 and 2004 resulted in food-at-home prices that were 9.1% lower and overall prices (as measured by the Consumer Price Index) that were 3.1% lower than they would otherwise have been.

These findings are stunning. Jerry Hausman and Ephraim Leibtag published a working paper for the National Bureau of Economic Research in 2004 titled "CPI Bias From Supercenters: Does the BLS (Bureau of Labor Statistics) Know That Wal-Mart Exists?" In it they showed that the BLS' inflation measure for food bought for home use is too high by about 0.32 to 0.42 percentage point per year because the agency improperly accounts for Wal-Mart's low prices, a mistake that leads to an upward bias in the overall inflation rate of about 15% per year.

In other words, if the government is reporting annual inflation of 3.45%, the real figure is closer to 3%. No other company makes such a favorable impact on such an important statistic. (Last year, Wal-Mart rolled out a headline-making generic-drug program.)

Video on MSN Money: Smarter spending

On the international front, those who criticize Wal-Mart for encouraging "sweatshops" in the developing world also fail to see the big picture. John Tierney, a columnist for The New York Times, recently wrote that Wal-Mart is as deserving of the Nobel Peace Prize as are Bangladeshi economist Muhammad Yunus and Grameen Bank, which he founded. Yunus and Grameen won the award in 2006 for their role in granting small loans to help poor villagers in Bangladesh start their own businesses. But, Tierney notes, Wal-Mart is responsible for the creation of far more jobs in developing nations.

Michael Strong, the head of a nonprofit group that promotes entrepreneurship abroad, says factories in developing countries that sell goods to U.S. retailers do a lot more to lift people out of poverty than virtually any governmental or private program, including the work of Grameen Bank.

Dynamic economy

Finally, those who fault large discounters for the decline of individual shopkeepers are ignoring trends that have been around for more than a half-century. Similar accusations were made after World War II, when the growth of supermarkets such as A&P contributed to the demise of locally owned butcher shops, vegetable stands and dry-goods stores. Yet today, the supermarket is a symbol of the American way of life, and specialty stores that cater to particular tastes, such as ethnic and gourmet foods, are still thriving.

Let me say that my family and I have not stepped into a Wal-Mart store for years. When one opened in Philadelphia a decade ago, we found the checkout lines far too long and personal service lacking. We prefer to shop at more "upscale" discount stores, such as Target.

But I vividly remember the people who shopped at Wal-Mart. Many were from Philadelphia's poorer

neighborhoods, and they shopped as if every penny counted. When I see groups such as Acorn, the Association of Community Organizations for Reform Now, lead the battle against Wal-Mart by claiming to fight for "the disadvantaged classes," a thought comes to mind: Have any of their members ever spoken to any of the millions of Wal-Mart shoppers for whom the chain's "everyday low prices" are critical for making ends meet?

What's your view of Wal-Mart? [Vote in Kiplinger's reader survey](#) or post your thoughts on the [Your Money message board](#) on MSN Money.

This article was reported and written by Jeremy J. Siegel for Kiplinger's Personal Finance Magazine. Siegel is a professor at the University of Pennsylvania's Wharton School and the author of "[Stocks for the Long Run](#)" and "[The Future for Investors](#)."

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, May 30, 2007 3:12 PM
To: Schuyler Ellis (E-mail)
Subject: Phone Message

Schuyler,

I got your phone message but I've been in meetings all day and now I'm leaving for a doctor's appt, so I will call you back tomorrow (Thurs). 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

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, May 23, 2007 11:58 AM
To: 'Chang, Tina'
Subject: RE: Wal-Mart Site Plan

Tina,
No, I'm afraid we only have lists for individual projects if people request to be on one, but I will add you to the Wal-Mart list. Thanks!
--Kim

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

From: Chang, Tina [mailto:TChang@rrmdesign.com]
Sent: Wednesday, May 23, 2007 10:47 AM
To: Espinosa, Kim
Subject: RE: Wal-Mart Site Plan

Sure. It wouldn't hurt to stay informed. Is there also one for South Merced, and other City Projects? I think those would be helpful as well.

Tina Chang
rrmdesigngroup
210 East F Street
Oakdale, CA 95361
P: (209) 847-1794 | F: (209) 847-2511
www.rrmdesign.com

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, May 23, 2007 10:45 AM
To: Chang, Tina
Subject: RE: Wal-Mart Site Plan

You're welcome, Tina--did you want to be on the mailing list?
--Kim

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

From: Chang, Tina [mailto:TChang@rrmdesign.com]
Sent: Wednesday, May 23, 2007 10:37 AM
To: Espinosa, Kim
Subject: RE: Wal-Mart Site Plan

Many thanks, Kim!

I really appreciate how responsive you have been with us. It really helps!

Tina Chang
rrmdesigngroup
210 East F Street
Oakdale, CA 95361
P: (209) 847-1794 | F: (209) 847-2511
www.rrmdesign.com

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, May 23, 2007 10:30 AM
To: Chang, Tina
Subject: Wal-Mart Site Plan

Tina,
Per your phone request, here is the site plan you requested of the proposed Wal-Mart Distribution Center. The City is in the process of having an EIR prepared by consultants. We expect the project to go to public

5/23/2007

hearings some time by the end of this year/early next year. If you would like to get on the mailing list to stay informed of meetings on the project, 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

SITE DATA TABLE

PROJECT: WAL-MART STORES EAST, L.P.
 214 N. WALTON METROPLEX COMPLEX
 1500 WALTON METROPLEX COMPLEX
 FORT WORTH, TEXAS 76104-3532
 PHONE: 817-373-8534

ENGINEER: CARTER & BURGESS, INC.
 212 MAIN STREET, SUITE 200, FORT WORTH, TEXAS 76102
 PHONE: 817-372-8557

ZONING: IN HEAVY INDUSTRIAL

LAND USE: WAREHOUSE

PROJECT: REGIONAL DISTRIBUTION CENTER

PROPOSED: DISTRIBUTION CENTER

SITE AREA: 204,185 SQ. FT. (4.68 AC)
 AREA OF CONSTRUCTION: 151,924 SQ. FT.
 AREA OF PAVED SURFACE: 110,000 SQ. FT.
 AREA OF IMPERVIOUS SURFACE: 110,000 SQ. FT.

UTILITIES:

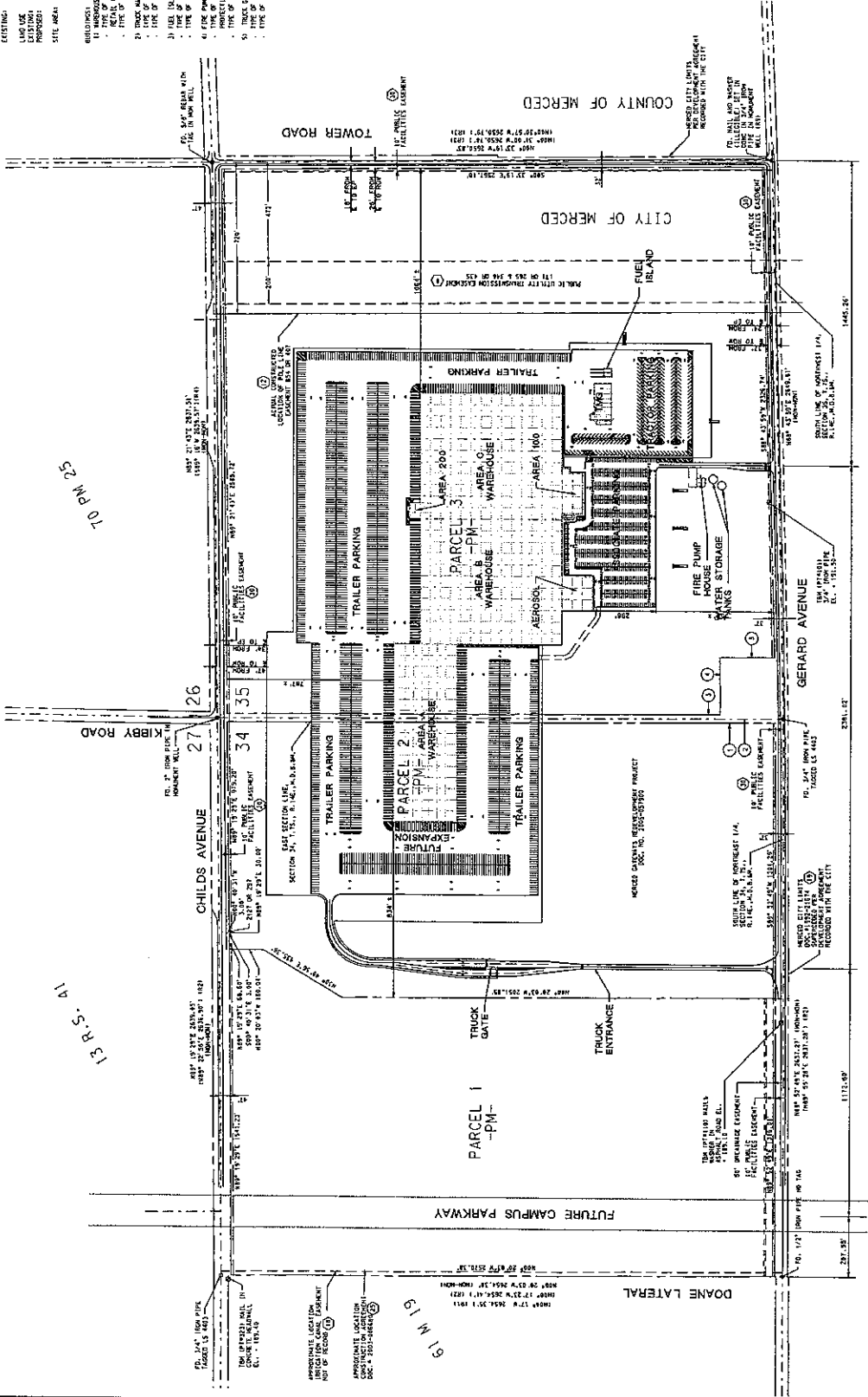
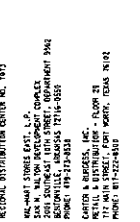
- 1. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 2. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 3. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
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- 15. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 16. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 17. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 18. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 19. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)
- 20. TYPE OF LOT - STORAGE OF PRODUCT FOR DISTRIBUTION TO RETAIL STORES (WAL-MART STORES EAST, L.P.)

WAL-MART
 REGIONAL DISTRIBUTION
 CENTER NO. 7073
 MERCED, CALIFORNIA

SITE PLAN

CarterBurgess
 Carter & Burgess, Inc.
 212 Main Street, Suite 200
 Fort Worth, Texas 76102
 Phone: 817-372-8557

C2
 SHEET



NOTES BY EXAMINER:

1. SEE 17-418-238-17
2. SEE 17-418-238-18
3. SEE 17-418-238-19
4. SEE 17-418-238-20
5. SEE 17-418-238-21
6. SEE 17-418-238-22
7. SEE 17-418-238-23
8. SEE 17-418-238-24
9. SEE 17-418-238-25
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78. SEE 17-418-238-94
79. SEE 17-418-238-95
80. SEE 17-418-238-96
81. SEE 17-418-238-97
82. SEE 17-418-238-98
83. SEE 17-418-238-99
84. SEE 17-418-238-100

SITE PLAN
 SCALE: 1" = 300'

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PARKING COUNT

ASPHALT	15
GRAVEL	15
TRAILER	15
TOTAL	45

AREA DATA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	ASPHALT	15,000	0.34
2	GRAVEL	15,000	0.34
3	TRAILER	15,000	0.34
4	TOTAL	45,000	1.02

13-R.S. 41
 70-P.M. 25

61-M. 19

Espinosa, Kim

From: Espinosa, Kim
Sent: Monday, May 21, 2007 8:34 AM
To: Sterling, Julie
Subject: RE: Wal-Mart Distribution Center

Julie,
I added him to the mailing list. Do you need me to call him with the status of the DC? Thanks!
--Kim

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

From: Sterling, Julie
Sent: Friday, May 18, 2007 5:02 PM
To: Espinosa, Kim
Subject: Wal-Mart Distribution Center

Kim,
I received a call from the following gentleman inquiring as to the status of the Wal-Mart Distribution Center. Please add his name to your distribution list for informational meetings and/or future public hearings. Thanks!

Howard Glazier
9145 E. Toews Avenue
Le Grand, CA 95333

Phone (209) 382-1122

Julie Sterling
Associate Planner
City of Merced
Development Services Department
678 W. 18th Street
Merced, CA 95340

(209) 385-6858

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, May 16, 2007 10:08 AM
To: Hamilton, Mark
Subject: RE: Wal-Mart

Mark,
I added them to the list. Thanks!
--Kim

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

From: Hamilton, Mark
Sent: Tuesday, May 15, 2007 4:56 PM
To: Espinosa, Kim
Subject: FW: Wal-Mart

Kim,

They would like to be added to the mailing list for Wal-Mart

Thanks, Mark

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

From: Dave Sprinkel [mailto:dmsprinkel@sti.net]
Sent: Tuesday, May 15, 2007 4:49 PM
To: Hamilton, Mark
Cc: Tim Jones
Subject: Wal-Mart

Mark,

Per our discussion we would like to be notified of any public hearings, environmental reviews, any issues that might affect our project regarding Wal-Mart. I know the people south of Mission haven't put in an application yet, but I would appreciate it if you would notify us if they do. I understand if you can't, I'll just ask you about it now and then.

Please mail any correspondence to the following:

Timothy Jones
Sagaser, Jones & Haahesy
2445 Capitol Street, Second Floor
Fresno, CA 93721
Phone: (559) 233-4800, Ext. 104
Fax: (559) 233-9330
Email: tjones@sjhattorneys.com

Thanks for your help,

Dave Sprinkel
Merced Gateway Park
559-285-9785

Espinosa, Kim

From: john@yradvisory.com
Sent: Tuesday, May 15, 2007 1:19 PM
To: Espinosa, Kim
Cc: ryan@yradvisory.com
Subject: RE: Wal-Mart Distribution Center

Thanks Kim.

jcy

Original Message:

From: Espinosa, Kim ESPINOSAK@cityofmerced.org
Date: Tue, 15 May 2007 13:00:14 -0700
To: john@yradvisory.com
Subject: RE: Wal-Mart Distribution Center

John,
I've added you to our mailing list.
--Kim

-----Original Message-----
From: john@yradvisory.com [mailto:john@yradvisory.com]
Sent: Monday, May 14, 2007 1:40 PM
To: Espinosa, Kim
Cc: ryan@yradvisory.com
Subject: RE: Wal-Mart Distribution Center

Thanks Kim. Below is my info.

John Yu
YR Advisory Group, LLC
3972 Barranca Pkwy, Suite J#332
Irvine, CA 92606

Original Message:

From: Espinosa, Kim ESPINOSAK@cityofmerced.org
Date: Mon, 14 May 2007 09:28:36 -0700
To: john@yradvisory.com, NuttK@cityofmerced.org
Subject: Wal-Mart Distribution Center

John,

The City of Merced is currently processing the following applications for the Wal-Mart Distribution Center--Site Plan Approval (required for all industrial uses); General Plan Amendment (for abandonment of Kibby road only, land is already designated for industrial use); and a Street Abandonment (again for Kibby Road). An Environmental Impact Report (EIR) is currently being prepared by consultants (EDAW) under contract with the City. The EIR must be completed prior to any public hearings/approvals of the project by the Planning Commission and City Council. We hope to have a Draft EIR available for public review sometime this Fall with public hearings scheduled for early 2008, but all that is subject to change. If the project is approved, Wal-Mart would like to begin construction in 2010 with completion in 2011. If you would like to be on the mailing list to receive notices of public meetings on the project, please send me your physical mailing address (not email) and I will be happy to add you to the list. Information about the Wal-Mart project is also posted on the City's

website at the attached link. Please let me know if you have any questions. Thanks!

http://www.cityofmerced.org/depts/cd/planning/documents_and_handouts/default.asp

Sincerely,

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

Kim1,

See below to me. I'll reply to him (if you want), if I can just get the info from you.

Thanks,

Kim2

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

From: john@yradvisory.com [mailto:john@yradvisory.com]

Sent: Saturday, May 12, 2007 12:56 PM

To: Nutt, Kim

Cc: ryan@yradvisory.com

Subject: Walmart Distribution

Hi Kim:

Just wanted to ask if you new what was the latest update on the Walmart Distribution Center? Do you know the timeline? The different hurdles they have to go through?

Kind RGds,

jcy

myhosting.com - Premium Microsoft(r) Windows(r) and Linux web and application

hosting - <http://link.myhosting.com/myhosting>

mail2web.com - Enhanced email for the mobile individual based on Microsoft Exchange - <http://link.mail2web.com/Personal/EnhancedEmail>

myhosting.com - Premium Microsoft® Windows® and Linux web and application
hosting - <http://link.myhosting.com/myhosting>

Espinosa, Kim

From: Bingaman, Jamie
Sent: Thursday, May 10, 2007 1:29 PM
To: Espinosa, Kim
Subject: RE: Records Request

Thanks. Just double-checking before I let him know how many pages it will be.

Jamie Bingaman
Records Clerk
(209) 385-6866

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

From: Espinosa, Kim
Sent: Thursday, May 10, 2007 1:28 PM
To: Bingaman, Jamie
Subject: RE: Records Request

Anything he sent me would have been in the official Planning Dept files that Mr. Ellis already requested and got copies of, so I think those are covered. Thanks!
--Kim

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

From: Bingaman, Jamie
Sent: Thursday, May 10, 2007 1:16 PM
To: Espinosa, Kim
Subject: Records Request

Hello Ms. Espinosa,

I had spoke with Chief Mitten, and he said that he sent any records related to Wal-Mart to the Planning Department. I was hoping you could tell me if he sent over any documents within the time frame requested by Mr. Ellis. Also, I'll be sending up all the Wal-Mart Records to you tomorrow.

Thanks,

Jamie Bingaman
Records Clerk
(209) 385-6866

Espinosa, Kim

From: Espinosa, Kim
Sent: Monday, May 07, 2007 4:23 PM
To: Schuyler Ellis (E-mail)
Subject: Statement of Overriding Considerations--Example

Schuyler,

Here is an example of a Statement of Overriding Considerations for a recent City project--a new hospital approved in 2006. There have been others but this is the one that I was able to find quickly since it was my project. 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

5/7/2007

Espinosa, Kim

From: Schuyler Ellis [schuylerls@yahoo.com]
Sent: Wednesday, April 25, 2007 3:36 PM
To: Espinosa, Kim; Bingaman, Jamie
Cc: Davidson, Dana
Subject: Public Records Request

Ms. Bingaman, Ms. Davidson and Ms. Espinosa,

Pasted below and attached as a separate file is a Public Records Request for all City of Merced documents pertaining to the Wal-Mart Distribution Center project. In the past I had filed a similar request, which was processed beautifully, however it only included documents up to August of 2006. Therefore this request is for any and all documents from August 1st, 2006 up to May 1st, 2007.

Furthermore, this request specifically excludes documents maintained by the Planning Department, but includes documents maintained by all other departments. Thus the records being requested would come from the following departments: City Attorney, City Budget, City Clerk, City Council (All Council Members and Mayor), City Manager, Building and Housing Divisions of Development Services, Economic Development, Engineering Division, Finance Office, Fire Department, GIS, IT, Insurance, Parks and Community Services, Personnel, Police Department, Public Information Office, Public Works, Redevelopment Agency, and the Stormwater Department.

Also please include any additional departments that have documents pertaining to this project that I may have accidentally omitted above.

Thank you for your services and time,

Schuyler Ellis

MEMO

TO: Dana Davidson, City Clerk
 City Clerk's Office
 City of Merced
 678 West 18th Street
 Merced, California 95340

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

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

DATE: April 25th, 2007

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 all City of Merced Departments (this including any staff members or elected officials of the City of Merced), on or after August 1st, 2006 up to May 1st 2007, regardless of source, pertaining in any manner to the proposed Wal-Mart Distribution Center.** This request encompasses all such records, whether or not

4/25/2007

they are contained with the official project file for the Distribution Center maintained by the Planning Department, in other words this request pertains to all records maintained by **any** and **all** departments and offices of the City of Merced.

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

In addition, I request that either the City Clerk, Dana Davidson or Planning Manager, Kim Espinosa, be made the custodian of these records and gather every item from each department and office pertaining to the above referenced project.

Please *exclude* from reproduction the following documents:

Any and all documents from the Planning Department during the stated time period.

Please *include* in reproduction the following documents:

Any and all documents from the City Attorney's Office during the stated time period.

Any and all documents from the City Budget Office during the stated time period.

Any and all documents from the City Clerk's Office during the stated time period.

Any and all documents from the City Council Office (Includes all Council Members and the Mayor) during the stated time period.

Any and all documents from the City Manager's Office during the stated time period.

Any and all documents from the Building and Housing Divisions of Development Services during the stated time period.

Any and all documents from the Economic Development Department during the stated time period.

Any and all documents from the Engineering Division during the stated time period.

Any and all documents from the City Finance Office during the stated time period.

Any and all documents from the City Fire Department during the stated time period.

Any and all documents from the City Geographic Information Systems (GIS) Department during the stated time period.

Any and all documents from the Information Technology (IT) Office during the stated time period.

Any and all documents from the City Insurance Office during the stated time period.

Any and all documents from the City Parks and Community Service Department during the stated time period.

Any and all documents from the Personnel Office during the stated time period.

Any and all documents from the City Police Department during the stated time period.

Any and all documents from the City Public Information Office during the stated time period.

Any and all documents from the City Public Works Department during the stated time period.

Any and all documents from the City Redevelopment Agency during the stated time period.

Any and all documents from the City Stormwater Department during the stated time period.

Any and all documents from the any additional department that may have accidentally been omitted in the list

above, that would have any documents pertaining to the project in question during the stated time period.

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:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

3. By law, upon payment, the City must provide me with copies of all records that are not specifically exempt from disclosure. Section 6253(b) states that:

Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

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:

(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

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 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.

4/25/2007

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.

Sincerely,

Schuyler Ellis

"We are one nation, in a box, with choices and low prices for all." - Mike Thomas

Ahhh...imagining that irresistible "new car" smell?
Check out [new cars at Yahoo! Autos.](#)

MEMO

TO: Dana Davidson, City Clerk
City Clerk's Office
City of Merced
678 West 18th Street
Merced, California 95340

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

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

DATE: April 25th, 2007

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 all City of Merced Departments (this including any staff members or elected officials of the City of Merced), on or after August 1st, 2006 up to May 1st 2007, 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, in other words this request pertains to all records maintained by **any and all** departments and offices of the City of Merced.

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- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

3. **By law, upon payment, the City must provide me with copies of all records that are not specifically exempt from disclosure.** Section 6253(b) states that:

Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

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:

- (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- (b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

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 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.

Sincerely,

Schuyler Ellis

Espinosa, Kim

From: Lucas, Terri
Sent: Friday, April 20, 2007 4:28 PM
To: Espinosa, Kim
Subject: RE: Wal-Mart Records Request

Everything is done and I called him to let him know. He'll probably be in on Monday. If he asks for you, just let me know, but the "package" is on the pull-out tray for my file cabinet and the total due is there too.

Terri

*\$76,68
Fma1
Cost*

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

From: Espinosa, Kim
Sent: Thursday, April 19, 2007 4:46 PM
To: Lucas, Terri
Subject: RE: Wal-Mart Records Request

I've tried to be better about leaving off the staples but there are probably some in there--sorry!!
--Kim

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

From: Lucas, Terri
Sent: Thursday, April 19, 2007 4:45 PM
To: Espinosa, Kim
Subject: RE: Wal-Mart Records Request

I'll make the copies, but he doesn't get them until he pays. The other way, I have to go through the files twice. And you know how I hate that!

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

From: Espinosa, Kim
Sent: Thursday, April 19, 2007 4:44 PM
To: Lucas, Terri
Subject: RE: Wal-Mart Records Request

I told him that was our usual process (isn't it?) but if you just want to make the copies and get them to him sooner, I'm sure he wouldn't mind. Thanks!
--Kim

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

From: Lucas, Terri
Sent: Thursday, April 19, 2007 4:41 PM
To: Espinosa, Kim
Subject: RE: Wal-Mart Records Request

They'll be working on the distribution for the SMSP Draft EIR. I'll take care of Wal-Mart. They want the count and cost first? I'll just go ahead and copy and let them know what it is. I'm sure they'll want them anyway. It will be tomorrow sometime.

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

From: Espinosa, Kim
Sent: Thursday, April 19, 2007 4:39 PM
To: Lucas, Terri
Subject: Wal-Mart Records Request

Terri,

Don't forget to have Vicci or Maria count up the number of pages that Dave Robinson wanted copied from the Wal-Mart files and let him know what the cost and time frame will be. Thanks!

--Kim

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, April 17, 2007 2:01 PM
To: Schuyler Ellis (E-mail)
Subject: NOP Comments

Schuyler,
Here are the NOP comments.
-Kim

Attached NOP
Comments
Can be found
in NOP Comment
Section

4/17/2007

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, April 17, 2007 2:00 PM
To: Schuyler Ellis (E-mail)
Subject: Staff Rpt from 4-16-07 Council Meeting

Schuyler,

Attached is a copy of the Administrative Report for the Wal-Mart EIR contract that was approved by the City Council last night. I will send the NOP comments separately as the file is very large. 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

*Admin Rpt on Wal-Mart EIR
for 4-16-07
attached
Item #J-11
(See Contract
Amendment section
for copy of
said Rpt)*

The City and County of Merced are two of the most polluted areas in the United States.

Metropolitan Areas Most Polluted by Short-term Particle Pollution (24-Hour PM_{2.5})

2006 Rank ¹	Metropolitan Areas
1	Los Angeles-Long Beach-Riverside, CA
2	Bakersfield, CA
3	Fresno-Madera, CA
8	Sacramento-Arden-Arcade-Truckee, CA-NV
11	Visalia-Porterville, CA
18	Modesto, CA
23	Merced, CA

RECEIVED AT MERCED
CITY COUNCIL MEETING OF

4-16-07

Metropolitan Areas Most Polluted by Year-Round Particle Pollution (Annual PM_{2.5})

2006 Rank ¹	Metropolitan Areas
1	Los Angeles-Long Beach-Riverside, CA
2	Bakersfield, CA
3	Pittsburgh-New Castle, PA
4	Visalia-Porterville, CA
5	Fresno-Madera, CA
18	Merced, CA

25 Most Ozone-Polluted Cities

2006 Rank ¹	Metropolitan Areas
1	Bakersfield, CA
2	Los Angeles-Long Beach-Riverside, CA
3	Visalia-Porterville, CA
4	Fresno-Madera, CA
5	Merced, CA

25 Most Ozone-Polluted Counties

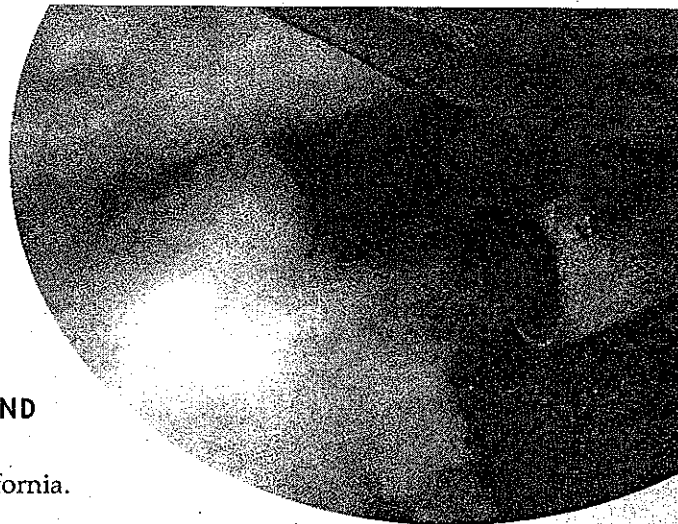
2006 Rank ¹	County	ST
1	KERN	CA
2	SAN BERNARDINO	CA
3	RIVERSIDE	CA
4	TULARE	CA
5	LOS ANGELES	CA
6	FRESNO	CA
7	MERCED	CA

Source: American Lung Association, http://lungaction.org/reports/sota06_cities.html

Asthma and Diesel

WHAT EXACTLY IS IN DIESEL EXHAUST?

- ▶ Diesel exhaust generates diesel exhaust particulates (DEP). DEP is emitted by trucks, school buses, older cars and off-road construction and industrial equipment with engines running on diesel fuel.
- ▶ DEP is a mixture of hundreds of compounds, some of which are gases while others form parts of tiny particles suspended in the air called particulate matter.
- ▶ Diesel exhaust also contributes to the formation of ozone.



WHY SHOULD WE BE CONCERNED ABOUT DIESEL EXHAUST AND HOW IS IT LINKED TO ASTHMA?

The health risks of diesel exhaust are recognized by the State of California.

- ▶ California has formally recognized diesel exhaust particulate (DEP) as a toxic air contaminant which is subject to regulation reduce emissions and human exposure.
- ▶ In 2001, the Office of Environmental Health Hazard Assessment, under the Children's Environmental Health Protection Act of 1999 (SB 25, M. Escutia), determined one of the "top 5" outdoor air pollutants of concern to children's health is diesel exhaust particulate.

Many of the compounds in diesel exhaust are known to cause cancer and are increasingly implicated in asthma as well. Studies of diesel exhaust have uncovered a variety of disturbing biological effects directly related to asthma:

- ▶ Exposure to DEP can disrupt the regulation of the immune system, which increases a sensitive person's risk of having allergic reactions to other things in their environment.
- ▶ Laboratory animals and human volunteers exposed to DEP developed asthma-like inflammation in their air passages.
- ▶ Particulates and ozone from traffic causes cellular damage directly to the lung lining, as well as through inflammation.
- ▶ Children are highly vulnerable to the health risks from diesel exposure. It is well known that children raised in heavily polluted areas face the prospect of reduced lung capacity and prematurely aged lungs.
- ▶ Fine particulates can penetrate children's narrow airways and lodge deep within the lung, where they are more likely to be retained and absorbed.
- ▶ Children have higher respiration rates than adults, which can increase their exposure to air pollutants relative to their body weight.

THE FOLLOWING RESEARCH DEMONSTRATES THE IMPACT ON OUR CHILDREN:

- ▶ A study of about 6,000 low-income asthmatic children in San Diego found that those living close to high-traffic areas made more doctor visits than those who lived further from traffic. Children living near high traffic areas (near a freeway or major road) were more likely to have made two or more doctor visits for asthma than those who did not live near high density traffic areas.
- ▶ Another study found that doctor-diagnosed asthma was more prevalent among children living within 100 meters (125 feet) of a freeway. The study also found that children living and attending schools closer to freeways and areas of high truck traffic had more chronic respiratory symptoms (coughing and wheezing) and doctor-diagnosed asthma than those who did not. In California in 2000, 173 K-12 public schools, with an enrollment over 150,000, were located within 500 feet of high-traffic roadways (greater than 50,000 vehicles per day).¹⁴

IT IS ESTIMATED THAT DIESEL CAUSES 3,000 PREMATURE DEATHS IN CALIFORNIA IN A SINGLE YEAR—MORE THAN ESTIMATED HOMICIDES.

—Union of Concerned Scientists

"There is a family [where] all three of them have asthma and they feel like they're prisoners in their own home. The grandmother and two grandsons have asthma and they're literally four houses from the 710 freeway and two houses away from the train yards. To see two young boys who are not able to go outside and play and engage in sports because they will have an asthma attack that will hospitalize them [is sad]. It's affecting their schoolwork, their grades, and their existence. Their asthma is a major problem."

ANGELO LOGAN
East Yard Communities for Environmental Justice

(over)

- ▶ A study done in Atlanta, Georgia, during the 1996 Summer Olympic Games found that reduced traffic in the downtown area, due to altered traffic patterns and reduced traffic density, reduced asthma hospitalizations. Children reported fewer doctor visits and hospitalizations for asthma during the games compared to four weeks before and after the Olympic Games.

WHAT CAN BE DONE ABOUT EXPOSURE TO DIESEL POLLUTION?

Community Action to Fight Asthma (CAFA) is a network of asthma coalitions in California working to shape local, regional and state policies to reduce the environmental triggers of asthma for school-aged children where they live, learn, and play. A few examples of local and state policy include efforts to:

- ▶ Enforce idling regulations for trucks and buses to reduce exposure to diesel exhaust.
- ▶ Establish policies to restrict diesel truck routes through neighborhoods.
- ▶ Shape policies around California's Goods Movement, reducing pollution at the ports, on truck routes, and in communities across the state.

Please go to our website at www.calasthma.org to learn more about Community Action to Fight Asthma, connect with local coalitions, locate asthma resources across California, and sign up for our newsletter.

REFERENCES (for detailed footnotes, please visit www.calasthma.org)

- Anair, D; Monahan, P. 2004. Sick of Soot: Reducing the Health Impacts of Diesel Pollution in California. Union of Concerned Scientists. Internet, <http://www.ucusa.org>.
- Balmes, JR. 1993. "The role of ozone exposure in the epidemiology of asthma." *Environ Health Perspect*, 101 (Suppl 4): 219-224.
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- Friedman, MS; Powell, KE; Hotwagner, L; Graham, LM; Teague, WG. 2001. "Impact of changes in transportation and commuting behaviors during the 1996 Summer Olympic Games in Atlanta on air quality and childhood asthma." *JAMA*, 285 (7): 897-905.
- Green, RS; Smorodinsky, S; Kim, JJ; McLaughlin, R; Ostro, B. 2004. "Proximity of California Public Schools to Busy Roads." *Environ Health Perspect*, 112 (1): 61-66.
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- Yang, KD. 2000. "Childhood asthma: aspects of global environment, genetics and management." *Changcheng Yi Xue Za Zhi*, 23 (11): 641-61. [Abstract, in English, only]

The Children's Health Study

The Children's Health Study, which began in 1992, was a large, long-term, study of the health effects of children's chronic exposures to southern California air pollution. About 5500 children in twelve communities were enrolled in the study; two-thirds of them were enrolled as fourth-graders. Data on the children's health, their exposures to air pollution, and many factors that affected their responses to air pollution were gathered annually until they graduated from high school.

Importance of the Children's Health Study

The information provided by the study will help the Air Resources Board (ARB) protect public health. The ARB sets California's ambient air quality standards to protect people who are the most sensitive to air pollution. Children may be more strongly affected by air pollution because their lungs and their bodies are still developing. Children are also more exposed to air pollution than adults since they breathe faster and spend more time outdoors in strenuous activities.

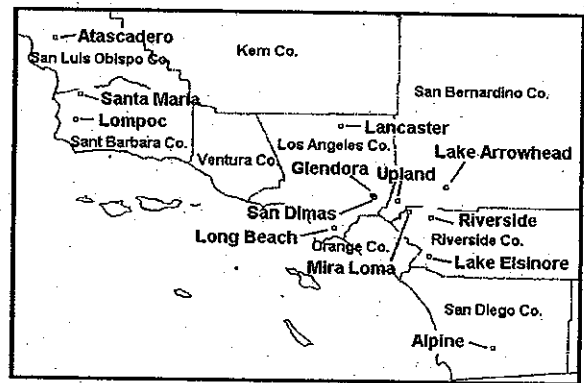
The Communities and Pollutants Studied

The twelve communities in the study were chosen because they have different patterns of high and low levels of these four pollutants:

- Ozone
- Nitrogen dioxide
- Acid vapor
- Particulate matter that is breathed deep into the lungs

The Information Gathered by the Study

Concentrations of the four pollutants were continuously measured in each community throughout the study and for brief periods in schools and some homes. In addition, each child's lung function was tested every spring. Annual questionnaires asked about the children's respiratory symptoms and diseases, such as chronic cough and asthma; level of physical activity; time spent outdoors; and many other factors known to influence children's responses to air pollution, such as parental smoking and mold and pets in the household.



Major Results of the Study

- Children living in high ozone communities, who actively participated in several sports, were more likely to develop asthma than children in these communities not participating in sports.
- Children living in communities with higher concentrations of nitrogen dioxide, particulate matter, and acid vapor had lungs that developed and grew more slowly and are less able to move air through them. This decreased lung development may have permanent adverse effects in adulthood.
- Children who moved away from study communities had increased lung development if the new communities had lower particulate pollution, and had decreased lung development if the new communities had higher particulate pollution.
- Days with higher ozone concentrations resulted in significantly higher school absences due to respiratory illness.
- Children with asthma who were exposed to higher concentrations of particles were much more likely to develop bronchitis.

For More Information

Please contact the ARB's Public Information Office at (916) 322-2990, or visit our web site at <http://www.arb.ca.gov/research/chs/chs.htm>. You may obtain this document in an alternative format by contacting our ADA coordinator at (916) 322-4505 (voice); (916) 324-9531 (TDD, Sacramento area only); or (800) 700-8326 (TDD, outside Sacramento).

Community Education Guide to the Proposed Wal-Mart Distribution Center

"In teaching others we teach ourselves"
Proverb

**"We, the undersigned, are opposed to the development of a Wal-Mart
distribution center in Merced because it will have a detrimental effect on our
community."
Introduction to petition signed by over 2,000 Merced residents**

**Merced Alliance for Responsible Growth
Stop Wal-Mart Action Team**

RECEIVED AT City Council
OF 4/2/07 MEETING
(DATE)

Community Education Guide to the Proposed Wal-Mart Distribution Center

The Stop Wal-Mart Action Team (SWAT) is part of the Merced Alliance for Responsible Growth. We are a grassroots organization made up of teachers, health care professionals, parents, homeowners, students, business owners and Merced residents. We are dedicated to protecting the quality of life in Merced.

Since January 2006, we have been educating ourselves about the impacts the proposed Wal-Mart Distribution Center will have on our community. We feel strongly that Merced residents and our elected representatives need to have all of the information available before making final decisions on this project that will forever change the quality of life in Merced.

Starting April 2, 2007, an informed resident of Merced will make a presentation to the City Council about an area of concern related to the impact of the proposed Distribution Center at each twice-monthly meeting. A packet of information consisting of articles and research related to the subject will then be presented to Council after for inclusion in this binder.

We hope that this will help educate both Merced residents and key decision makers. We are providing this Community Education Guide binder to all council members to help keep the provided information together and organized for future reference.

We respectfully request that all Council members:

- 1) Bring the binder to all City Council meetings and use it to store the information provided as part of this effort
- 2) Take the time to listen to community concerns and educate yourself
- 3) Keep an open mind through the planning process; this proposed development is *not* a "done deal"

We look forward to working with you and continuing to educate the community.

Sincerely,



Marilynne Pereira



Kyle Stockard

Co-Chairs, Stop Wal-Mart Action Team

A brief history of the Merced Stop Wal-Mart Action Team (SWAT)

Community education, civic engagement and leadership development are at the core of the Stop Wal-Mart Action Team's mission. As a small community group with a limited budget, there are limitations on what we can do. However, we're proud of our accomplishments:

Petitions

Our volunteers have collected over 2,000 petition signatures of Merced residents opposed to the distribution center. We have held numerous weekend "block walks," particularly on Merced's South Side. These represent more than signatures on paper, however; they are the result of hundreds of hours of conversation among Merced residents concerned about their quality of life.

"Stories from Porterville" DVD

In the summer of 2006, Merced residents visited their counterparts in Porterville, CA to learn the impact of a Wal-Mart distribution center on a comparable residential neighborhood. SWAT members then created a DVD composed of interviews with Porterville residents to share with and educate Merced residents. Since then, residents have hosted dozens of "house parties" where small groups of neighbors get together to watch the DVD and discuss the Distribution Center.

Wal-Mart Forum

In March 2006, Wal-Mart held a community forum to present their plans and answer community questions. One hundred opponents of the project participated and were particularly vocal during the question and answer period.

"Stories from Porterville" Forum

In June 2006, approximately 150 Merced residents and supporters attended a forum at which we screened the film at the now-defunct Mainzer Theater and had the Porterville neighbors available in-person to answer questions.

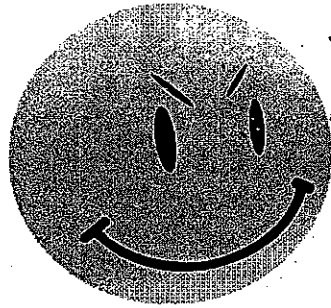
City of Merced Notice of Preparation Administrative Hearing

The City of Merced released a Notice of Preparation for the EIR in July of 2006 and held a public hearing to accept input on what impacts should be studied as part of the environmental review. About 120 opponents of the Distribution Center were in attendance, and over 25 voiced their concerns publicly.

Air Quality Forum.

In September 2006 we began our focus on air quality with a forum featuring some of the Valley's foremost experts on air pollution and health. The weeknight forum drew about 80-100 residents and supporters.

A Wal-Mart Distribution Center Could Be Your New Neighbor!



It's NOT a
done deal...but
they'd like you to
think it is!

Find out what's REALLY going on in Merced!

What: Important Community Meeting and Kick-Off

When: Saturday, February 18th
10:00 am – 12:00 pm

Where: Golden Valley High School Theater Building
2121 E Childs Ave, Merced

Traffic • Taxpayer Subsidies • Air Pollution • Noise
Decreased Property Values • Low Wages • Hazardous Materials

Stop the Wal-Mart Distribution Center!

Sponsored by the Merced Alliance for Responsible Growth (MARG) and the
Merced/Mariposa Teachers Uniserv Council.

For more information, please contact MercedAlliance@hotmail.com

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

659 W. Main Street, Merced

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

Speak Out!

Do you have concerns about how the proposed Wal-Mart distribution center will impact Merced?

*Health Risks
Traffic
Hazardous Materials
Pollution*

*Noise
Pedestrian Safety
Property Values
Air Quality*

*Public Services
Light
Flooding
And More...*

The City is holding a scoping session to determine what issues should be studied as part of the Environmental Impact Report (EIR)

**Thursday, July 27th
@ 6:00 pm**

**Merced Civic Center
678 West 18th Street**

Let them know what you think!

Wear RED to show your support for the MARG Wal-Mart Action Team!

**For more information call 723-9458 or visit
www.mercedalliance.org**

Merced Alliance for Responsible Growth Wal-Mart Action Team



Issue 1

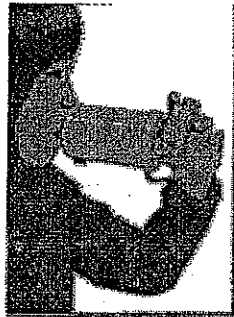
Spring 2007

Doctors and patients unite to oppose distribution center

A new coalition of Merced physicians, health professionals, patients and health care advocates has formed around a single message:

Stop Wal-Mart's distribution center before it starts.

On Feb. 14, Dr. John Holmes led a press conference to announce the beginning of a new coalition of Merced doctors and health professionals against the distribution center.



"As doctors, every day we treat the symptoms of poor air quality in the Central Valley. It's time our city and county officials did their job and stopped unhealthy development like this distribution center," said Dr. Holmes.

On Jan. 16, the Merced-Mariposa County Asthma Coalition voted to officially oppose Wal-Mart's DC. Now in its tenth year, the Asthma Coalition is dedicated to fighting asthma through awareness and education.

Alicia Bohlke is a mother of two asthmatic children and the chair of the Coalition. "As a mom, I wouldn't want my sons going to school and playing outside right next to all those trucks. As the head of the Coalition, we believe it is our job to prevent such a major source of pollution from moving into our neighborhoods and causing more illness."

Many Merced residents who have asthma are also opposed to Wal-Mart's DC – take a look at our interview with longtime resident Ethel Valdez on page two.

Wal-Mart and air quality

Merced is already the fifth-worst polluted city in the country. If built, Wal-Mart's DC will mean 900 more truck trips per day, and 2.4 tons of cancer- and asthma-causing diesel particulates. Diesel pollution already causes 240,000 asthma attacks, 3,600 hospitalizations, and 2,900 early deaths in California each year. The elderly and children whose lungs are still growing are most affected.

Air quality impacts us all. We all need to be asking our officials what Merced is doing to improve air quality and protect the health of our community? ❖

Weighing our options

Alternatives to 900 truck trips and toxic air

Land in southeast Merced is in high demand, and our community has choices. There are national retailers, office developers and industrial, academic and public use alternatives that can bring good jobs and tax revenue.

We need our city officials to consider what is best for Merced. Before Council approves any new project, they need to consider *all* options. We don't need to sacrifice our health to bring jobs to Merced – we have options.

The Wal-Mart Action Team is helping to bring our neighbors together to create a thoughtful plan for southeast Merced.

What's *your* idea? What else could be built on the 270-acre site that won't make us sick where we live, learn and work? We're collecting ideas! *Send us your ideas to us at 1735 Canal Street, Ste. 13, Merced, CA 95340!*

About the Wal-Mart Action Team

The WMAT is a group of Merced residents working hard to protect the quality of life in our community. Over 3,000 Merced residents have signed our petition against the distribution center – *have you?*

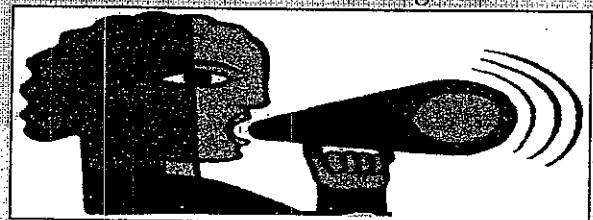
Get involved – Protect our quality of life

- Distribute this newsletter to friends and family
- Sign our petition against the distribution center
- Host a presentation about the proposed DC at your home, church, or club

Call us at 209.723.9458

email us at wmat@mercedalliance.org

or visit our web site at www.mercedalliance.org to learn more about how to get involved!



Five Questions with...

ETHEL VALDEZ!

WMAT: Ethel, how long have you lived in Merced?

EV: I moved to Merced in 1961, so I've been here 45 years.

WMAT: What has changed since you moved here?

EV: It's changed so much! There were never cars at certain times...you could get any place you wanted in five minutes. Now, Merced is congested with traffic, the roads aren't as good, and the air's not as clean. I used to be able to see cows out of my back window.

WMAT: Why do you think the distribution center is a bad idea?

EV: The roads are bad enough! I'm worried about the people who live near the site and have kids who go to those schools – the traffic is dangerous already. I have asthma, caused by the air quality. The doctor told me if the air gets bad, I should stay inside for a few days, and that seems to help.

WMAT: As a retired teacher, why are you against the DC?

EV: For the students. I used to teach a student from Pioneer (1/4 mile from the site). I think about all the kids walking home after school, all the pollution and trucks. It's not as safe as it should be.

WMAT: Finally, how have you been involved with WMAT so far?

EV: I had a group of friends over to my house and discuss the proposed distribution center with Nick from the Wal-Mart Action Team. He had a presentation, and then we watched a DVD about a Wal-Mart distribution center in Porterville. I thought the distribution center was a bad idea at first, but I didn't think it'd be this bad! ❖



Ethel at home.

The distribution center is so big it's hard to visualize...

- The site is located between Childs St. and Gerard Ave., from Coffee St. to Tower Rd. It totals **270 acres!**
- If placed downtown, it would cover **48 city blocks, from R to MLK streets, and 16th to 22nd.**
- If the Distribution Center is approved it would replace 11,000 almond trees with a **1.2 million sq ft warehouse** and **100 acres of asphalt** for diesel trucks.



Six ways YOU can help...

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Tower Rd

McLane

Proposed Wal-Mart
distribution center

Campus Expressway

Proposed new malls

Weaver School

Proposed new school

Park

Sandcastle



Coffee St.

Pioneer

Childs Ave

Gerard Ave

Mission Ave

Merced Alliance for Responsible Growth Wal-Mart Action Team



Issue 1

Spring 2007

Doctors and patients unite to oppose distribution center

A new coalition of Merced physicians, health professionals, patients and health care advocates has formed around a single message:

Stop Wal-Mart's distribution center before it starts.

On Feb. 14, Dr. John Holmes led a press conference to announce the beginning of a new coalition of Merced doctors and health professionals against the distribution center.



"As doctors, every day we treat the symptoms of poor air quality in the Central Valley. It's time our city and county officials did their job and stopped unhealthy development like this distribution center," said Dr. Holmes.

On Jan. 16, the Merced-Mariposa County Asthma Coalition voted to officially oppose Wal-Mart's DC. Now in its tenth year, the Asthma Coalition is dedicated to fighting asthma through awareness and education.

Alicia Bohlke is a mother of two asthmatic children and the chair of the Coalition. "As a mom, I wouldn't want my sons going to school and playing outside right next to all those trucks. As the head of the Coalition, we believe it is our job to prevent such a major source of pollution from moving into our neighborhoods and causing more illness."

Many Merced residents who have asthma are also opposed to Wal-Mart's DC – take a look at our interview with longtime resident Ethel Valdez on page two.

Wal-Mart and air quality

Merced is already the fifth-worst polluted city in the country. If built, Wal-Mart's DC will mean 900 more truck trips per day, and 2.4 tons of cancer- and asthma-causing diesel particulates. Diesel pollution already causes 240,000 asthma attacks, 3,600 hospitalizations, and 2,900 early deaths in California each year. The elderly and children whose lungs are still growing are most affected.

Air quality impacts us all. We all need to be asking our officials what Merced doing to improve air quality and protect the health of our community? ♦

Weighing our options

Alternatives to 900 truck trips and toxic air

Land in southeast Merced is in high demand, and our community has choices. There are national retailers, office developers and industrial, academic and public use alternatives that can bring good jobs and tax revenue.

We need our city officials to consider what is best for Merced. Before Council approves any new project, they need to consider *all* options. We don't need to sacrifice our health to bring jobs to Merced – we have options.

The Wal-Mart Action Team is helping to bring our neighbors together to create a thoughtful plan for southeast Merced.

What's *your* idea? What else could be built on the 270-acre site that won't make us sick where we live, learn and work? We're collecting ideas! *Send us your ideas to us at 1735 Canal Street, Ste. 13, Merced, CA 95340!*

About the Wal-Mart Action Team

The WMAAT is a group of Merced residents working hard to protect the quality of life in our community. Over 3,000 Merced residents have signed our petition against the distribution center – *have you?*

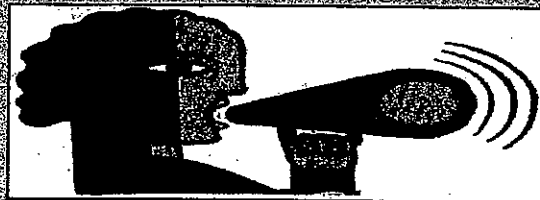
Get involved – Protect our quality of life

- Distribute this newsletter to friends and family
- Sign our petition against the distribution center
- Host a presentation about the proposed DC at your home, church, or club

Call us at 209.723.9458

email us at wmaat@mercedalliance.org

or visit our web site at www.mercedalliance.org to learn more about how to get involved!



Five Questions with...

ETHEL VALDEZ!

WMAT: Ethel, how long have you lived in Merced?

EV: I moved to Merced in 1961, so I've been here 45 years.

WMAT: What has changed since you moved here?

EV: It's changed so much! There were never cars at certain times...you could get any place you wanted in five minutes. Now, Merced is congested with traffic, the roads aren't as good, and the air's not as clean. I used to be able to see cows out of my back window.



Ethel at home.

WMAT: Why do you think the distribution center is a bad idea?

EV: The roads are bad enough! I'm worried about the people who live near the site and have kids who go to those schools – the traffic is dangerous already. I have asthma, caused by the air quality. The doctor told me if the air gets bad, I should stay inside for a few days, and that seems to help.

WMAT: As a retired teacher, why are you against the DC?

EV: For the students. I used to teach a student from Pioneer (1/4 mile from the site). I think about all the kids walking home after school, all the pollution and trucks. It's not as safe as it should be.

WMAT: Finally, how have you been involved with WMAT so far?

EV: I had a group of friends over to my house and discuss the proposed distribution center with Nick from the Wal-Mart Action Team. He had a presentation, and then we watched a DVD about a Wal-Mart distribution center in Porterville. I thought the distribution center was a bad idea at first, but I didn't think it'd be this bad! ❖

The distribution center is so big it's hard to visualize...

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Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, March 21, 2007 10:21 AM
To: 'lisa_winger2@yahoo.com'
Subject: Wal-Mart

Ms. Winger,

The Draft EIR is still being prepared. There have been some delays in getting some necessary details from the applicants. I don't know when the Draft EIR will be available, but not likely any earlier than May 2007 at this point. If you send me your mailing address, I can add you to the list of people who will be notified when the EIR is available. I will ask the EIR consultants to make sure the information about the distance to the schools is included in the Draft EIR. Let me know if you have any more questions. Thanks!

--Kim

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

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

From: Lisa Winger [mailto:lisa_winger2@yahoo.com]
Sent: Tuesday, March 20, 2007 11:20 AM
To: planningweb
Subject: Question for Kim Espinosa

Ms. Espinosa,

I would like to know when the report will be out on the WalMart distribution center and also if you have calculated the distance (in feet) the center's property line will be from Weaver and Pioneer schools.

Thank you for providing this information.

Lisa

TV dinner still cooling?

Check out "Tonight's Picks" on Yahoo! TV.

<http://tv.yahoo.com/>

Espinosa, Kim

From: Lesch, Jack
Sent: Monday, March 12, 2007 9:36 AM
To: Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

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

From: Marshall, Jim
Sent: Monday, March 12, 2007 9:09 AM
To: Conway, Mike; Quintero, Frank; Lesch, Jack
Subject: FW: Wal-Mart Distribution Center

FYI and for file

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

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

From: city, council
Sent: Monday, March 12, 2007 8:41 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: Wal-Mart Distribution Center

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: MaryAnn Reynolds [mailto:mareynolds42@sbcglobal.net]
Sent: Sunday, March 11, 2007 4:28 PM
To: city, council
Subject: Wal-Mart Distribution Center

Members of Merced City Council,
I urge you to not support a Wal-Mart Distribution Center in Merced. I've heard the economic arguments in favor of a Center here in Merced, but I strongly feel the quality of life in Merced is far more important.

3/12/2007

The increase in air and noise pollution would negatively impact the health and well-being of everyone who lives here. You can clearly demonstrate your concern for all Mercedians by voting against the Wal-Mart Distribution Center.

Sincerely,

Mary Ann Reynolds
3051 Silver Elm Ct.
Merced, CA 95340