

Jim Espinosa
Planning Manager

CITY OF MERCED

TRAFFIC COMMITTEE MINUTES

Regular Meeting of the Traffic Committee – October 14, 2008

1. Call to Order: The meeting was called to order at 2:04 p.m.

2. Roll Call:

Members Present: John Ainsworth, Alternate for Acting City Engineer
Steve Raney, Alternate for Fire Chief
Julie Nelson, Alternate for Associate Planner
Russ Thomas, Police Chief

Staff Present: Jay Struble, Police Sergeant
Daniel Ainslie, Development Coordinator
Ron Daugherty, Traffic Signal Technician
Juan Olmar, Street Maintenance Worker
Yvette Carter, Engineering Technician II

Others Present: Kyle Stockard
Tom Grave
Scott Jason
Nick Robinson

3. Introductions: Staff introduced themselves.

4. Additions/Deletions to the Agenda: None.

5. Consent Calendar:

After further discussion, the Traffic Committee denied the request for the sign.

COUNCIL ACTION REQUIRED: None.

7.2 Review request for possibly lowering speed limits on “G” Street at Yosemite to Cardella, Cardella to Bellevue, and Bellevue to Old Lake. (John Franck, Senior Engineer, Planning Department)

Mr. FRANCK suggested possibly lowering speed limits on “G” Street at Yosemite Avenue to Cardella Road, Cardella Road to Bellevue Road, and Bellevue Road to Old Lake Road. He questioned when would be the best time to reduce the speed limit between Mercy Avenue and Old Lake Road. FRANCK informed the Traffic Committee that vehicles travel way too fast down “G” Street where development is occurring. He stated that there are traffic signals that have been installed or planned between Yosemite Avenue to Old Lake Road on “G” Street. He stated that this would lower the speed limit.

STRUBLE stated that vehicles currently travel 75 mph plus on this stretch of road. He stated it has been a major complaint of UC Merced students.

After further discussion, the Traffic Committee directed staff to conduct a radar speed survey on “G” Street between Mercy Avenue and Old Lake Road when construction is complete.

COUNCIL ACTION REQUIRED: None at this time.

7.3 Review truck traffic in Southeast Merced. (Anthony and Gracie Brown, 502 Buckner Road, Merced; Tom Hang, 411 Lily Drive, Merced; Joel Knox, 88 Sweetwater Avenue, Merced; Marilynne Pereira, 505 Mustang Court, Merced; Mary-Michal and Stuart Rawling, 410 Petunia Court, Merced; Kyle Stockard, 2499 E. Gerard Avenue #12, Merced; Danny Valdez, 498 Hydrangea Court, Merced; Susan Wagoner, 474

Police Chief THOMAS stated that the Merced Municipal Code Section 10.40.30 *Direct route deliveries* is not specific regarding what constitutes deliveries. He expressed a desire to help both sides of the truck route issue. THOMAS stated that the concerns are air quality and safety. He stated that he did not want to mix up the two ideas of the McLane trucks using Childs Avenue and also the Wal-Mart distribution center. The trucks going to the future Wal-Mart center will be using Campus Parkway and other routes.


THOMAS suggested having a sign on Childs Avenue where vehicles, excluding school buses, over 10,000 gross vehicle weight (GVW) could not use Childs Avenue east of Parsons Avenue. He expressed concern about trucks using the Bradley interchange in the foggy season. THOMAS stated that for air quality, more fuel is burned when trucks travel down Kibby Road to Highway 140 to get to the freeway due to the longer distance and more stops.

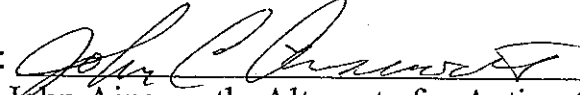
THOMAS suggested residents allow the trucks to travel on Childs Avenue for a year until the Campus Parkway Phase 1 is completed. He stated that Wal-Mart trucks would not use Childs Avenue but use Campus Parkway. THOMAS suggested seeing how many trucks pass through Gerard Avenue and Childs Avenue east of Parsons Avenue each day.

GRAVES stated that trucks traveling along Childs Avenue east of Parsons Avenue are a safety issue because kids walk to and from school where there are not sidewalks. He stated the trucks also cause air pollution.

NELSON stated that trucks traveling on Highway 140 are going to make more traffic there than on Childs Avenue. She said that she sympathizes with the southeast Merced residents, but is concerned for safety when trucks travel Highway 140 during the foggy season. NELSON stated that there is free parking for trucks by the airport.

ROBINSON stated that it is an incompatible issue. He stated trucks travel by where there are kids and right by a school. ROBINSON stated with Wal-Mart there would be ten times as many trucks.

Prepared by: 
Yvette Carter
Engineering Technician II

Submitted By: 
John Ainsworth, Alternate for Acting Chairman
Merced City Traffic Committee

cc.: James Marshall, Interim City Manager
Ken Mitten, Fire Chief
Russell Thomas, Police Chief
Kim Espinosa, Planning Manager
Michael Wegley, P.E., Deputy Public Works Director/Acting City Engineer
John Ainsworth, P.E., Principal Engineer
Jay Struble, Police Sergeant
Mike Kindle, Streets Supervisor
Deneen Proctor, City Clerk
Jamie Bingaman, Records Clerk
Gregory G. Diaz, City Attorney
John Raggio, Director of Public Works, Operations
Joe Cortez, Council Member
Frank Quintero, Development Manager
Daniel Ainslie, Development Coordinator
Ron Daugherty, Traffic Signal Technician
Julie Sterling, Associate Planner
Julie Nelson, Planner
Jessica Phillips, Parking Enforcement Officer
Kraig Magnussen, Director of Transportation, Merced City School District, 2105
Wardrobe Avenue, Merced, CA 95340-6445
David Perkins, Merced City School District, Transportation Supervisor, 2105
Wardrobe Avenue, Merced, CA 95340-6445
Ken Testa, Ed.D, Chief Facilities Officer, Merced City School District, 2105
Wardrobe Avenue, Merced, CA 95340-6445
Officer Leath, Police Department
Yvette Carter, Engineering Technician II
Anthony and Gracie Brown, 502 Buckner Road, Merced, CA 95341-5417
Tom Hang, 411 Lily Drive, Merced, CA 95341-7747

October 20, 2008
City
Council
mtg

(F-5) Proclamation – 20th Anniversary of the Affiliation of Somoto, Nicaragua and the City of Merced as Sister Cities

Mayor WOOTEN, on behalf of the City Council and the community, recognized the 20th anniversary of the affiliation of Somoto, Nicaragua and the City of Merced as sister cities. Former Mayor of Somoto ISABEL MORALES DE ARMIJO and Merced-Somoto Sister City Committee Co-President AUDREY ALORRO accepted the proclamation and presented Mayor WOOTEN a framed certificate and T-shirt. Dr. GREGORY RIENZO, who interpreted for Ms. MORALES DE ARMIJO, distributed a Words of Remembrance and Appreciation publication in memory of BETTY JEANNE STEWART dated October 27, 2007.

Key to the City of Merced Presented to City Manager MARSHALL

Mayor WOOTEN presented retiring City Manager JAMES G. MARSHALL with the key to the city. League of California Cities Regional Public Affairs Manager-Central Valley Division STEPHEN R. QUALLS presented Mr. MARSHALL a plaque in appreciation of his numerous contributions to the League.

(G) WRITTEN PETITIONS AND COMMUNICATIONS

None.

(H) ORAL COMMUNICATIONS

Asperger's Supported Housing (A.S.H.): A.S.H. Board Members ANDREW "DAVE" MARSH and LAURIE ROBINSON, Merced - described the program and presented a Microsoft© PowerPoint presentation. For additional information e-mail www.ASH.Merced.ca@yahoo.com.

Opposition to the Proposed Wal-Mart Distribution Center: University of California-Merced Student CECILIA ARRENDONDO, Merced - submitted a petition containing 235 signatures in opposition to the proposed Wal-Mart Distribution Center.

Golden Valley Health Centers' Green Team "Make a Difference Day": Golden Valley Health Center employee MELISSA KELLY-ORTEGA, Merced - invited the public to participate in National "Make a Difference Day" on Saturday, October 25, 2008 from 8:00 AM to 11:00 AM at the Golden Valley

10-70-08

UC Merced Anti Wal-Mart Distribution Campaign

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I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.


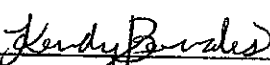
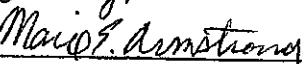





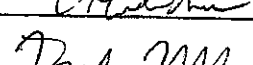
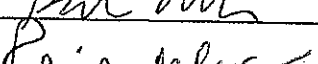
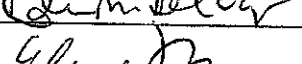
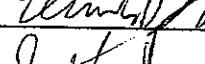
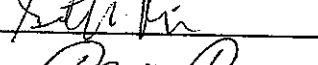



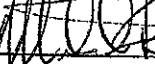

Name (Print)	Signature	Phone	Email
1 Stephanie Martinez	[Signature]	584-443-9851	SMartinez@UCM...
2 Yesenia Medina	[Signature]	661-477-0513	yMedina@UCM.edu
3 John Fatollahi	[Signature]	805-428-0462	jfatollahi@ucmerced.edu
4 ETO UMMARORO	[Signature]	909-909-0082	UMMORORO@UCMORORO.ACUM
5 Jack M'Crone	[Signature]	831-917-7444	jmccrone@gmail.com
6 Valerie Cruz	[Signature]	Na	vcruz@ucmerced.edu
7 Demitra Borrero	[Signature]	N/A	dborrero@ucmerced.edu
8 MAX ATKIN	[Signature]		
9 Adrian Rojas	[Signature]	AsE Anelin	arojas3@ucmerced.edu
10 Brittany Smith	[Signature]	209 489 1987	
11 Noah Kadama	[Signature]		
12 Leticia Rodriguez	[Signature]	N/A	
13. Angel Xiong	[Signature]		angel.xiong@hotmail.com
14 Michael BARBA	[Signature]	N/A	N/A
15 Alex VillaFuerte	[Signature]		
16 Ana Vazquez	[Signature]		avazquez@ucmerced.edu
17 Mary B Mendi	MARYB M MENDI	394-8879	MMENDI@MUNHSD.K12.CA.US
18 Joseph Hennessy	[Signature]	408-813-6478	jhennessy@ucmerced.edu



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I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.

Name (Print)	Signature	Phone	Email
1 Ashley Eagles			aeagleson@ucm.edu
2 Kandy Bernales			kbernales@ucm.edu
3 Marie Armstrong			marmstrong@ucm.edu
4 Elizabeth Perkins			eperkins@ucmerced.edu
5 Perla Florestura		(203) 240-7941	pflorestura@ucm.edu
6 Amelia Herrera			aherrera@ucmerced.edu
7 Georgina J			gjk@ucm
8 Mhdisha			mhdisha@ucm
9 Dan Vu			dvu@ucm
10 Robin Delugan			rdelugan@ucm
11 Elaine Nguyen			
12 Seth Robinson			srobinson2@ucm
13 Mimi Nguyen			mnguyen36@ucm
14 Derek Lopez			dlopez6@ucm
15 Sabah Juani			sjuan@ucm
16 Michael Roove			mroove@gmail.com
17 Amanda Camelo			
18 Stella Yu			syu2@ucmerced.edu

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Name (Print)	Signature	Phone	Email
1 Edgar F.	Edgar Flores		eflores4@ucmerced.edu
2 Kristal P	Kristal P. Hoover		
3 AJ Watkins	AJ Watkins		ajc617@hotmail.com
4 Lia Colwell	Lia Colwell		lia.colwell@gmail.com
5 Victoria Hande	Victoria Hande		Pufanu@msn.com
6 Sarah Larsen	Sarah Larsen		slarsen@ucmerced.edu
7 Mark Bailey	Mark Bailey		mbailey3@ucmerced.edu
8 Michelle Gomez	Michelle Gomez		mgomez22@ucmerced.edu
9 Christina Granados	Christina Granados		cgranados2@ucmerced.edu
10 Jessica Gomez	Jessica Gomez		jjgomez23@ucmerced.edu
11 Alana Garvey	Alana Garvey		agarvey@ucmerced.edu
12 Stephanie Song	Stephanie Song		
13 Rafaela Morilla	Rafaela Morilla		
14 Sarah Knuse	Sarah Knuse		
15 Brittney Bet	Brittney Bet		bbet@ucmerced.edu
16 Jessica OH	Jessica OH		joh4@ucmerced.edu
17 Jennifer Robertson	Jennifer Robertson		jrobertson2@ucmerced.edu
18 Dulce Doarra	Dulce Doarra		ddoarra@ucmerced.edu

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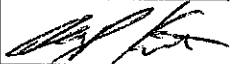
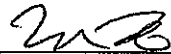
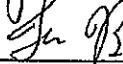

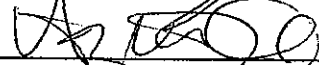




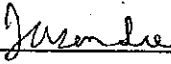
Name (Print)	Signature	Phone	Email
1 Rhonda Ponce		---	rponce@ucmerced.edu
2 Hillary Quist		---	hquist@ucmerced.edu (only Wal-Mart info)
3 MEGAN MACHADO		---	mmachado@ucmerced.edu
4 Tyra Schwarz		---	no
5 Jason Kamey		---	-
6 Paul Schoedel		---	pschoedel@ucmerced.edu
7 Hasani Mason		---	hmason@ucmerced.edu
8 Desmond Dedej		---	
9 CRISTIAN RICCI		---	no.
10 ROEF JOHANSSON		---	no
11 Sonny Lai		---	slai4@ucmerced.edu
12 SARAH STOLBERG		---	---
13. POWELL SANDI		---	
14 Charles W		---	cw06@ucmerced.edu
15 Melanie Williams		---	mwilliams7@ucmerced.edu
16 Jason Caspio		---	
17 Azritha Rahman		---	
18 Dan Phung		---	

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I hate Walmart

Name (Print)	Signature	Phone	Email
1 Jason Knight		(818) 462-8883	jyromech@sbcglobal.net
2 Anne Brady	Anne Brady	310-683-8073	abrady@ucmerced.edu
3 Van Noe		226 373-1014	1nae@ucmerced.edu
4 Jesus C. Loiza	Jesus C. Loiza	(660) 460-13-11	jloiza@ucm.edu
5 Tara Backman		(209) 777-0405	tbackman@ucmerced.edu
6 Beverly L. ...	Beverly L. ...	(449) 677-2101	blwidlydar@ucmerced.edu
7 Roy Gore	Roy T. Gore	(209) 872-7710	rgore@ucmerced.edu
8 Drew Tilley		(760) 977-8457	dtalley@ucmerced.edu
9 Azeema Khan		(551) 7106-3513	a.khan2@ucmerced.edu
10 Angelina Velazquez		(209) 667-8742	avelazquez2@ucmerced.edu
11 Claudia Velazquez	Claudia Cristina Velazquez	(909) 667-8742	cvelazquez@ucmerced.edu
12 Abel Ramirez		(310) 989-1074	aramirez2@ucmerced.edu
13 Mariela Rangel Garcia		(559) 30-9859	mrangelgarcia@ucmerced.edu
14 Carol Navarero		(209) 819-0202	cnavarero@ucmerced.edu
15 Zayra Rodriguez	Zayra Rodriguez	(559) 630-1232	Zrodriguez@ucmerced.edu
16 Jason Lee			charlie.diable@gmail.com
17 Benjamin Saffie	Benjamin Saffie	415-203-2317	bsaffie@ucmerced.edu
18 Peter J Swaney	Peter Swaney	(510) 593-3347	Pswaney@ucmerced.edu

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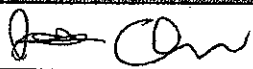


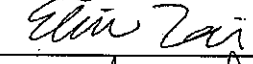
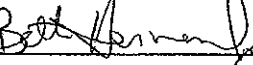
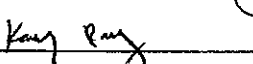
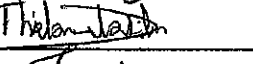

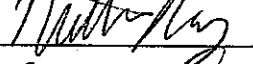

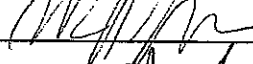
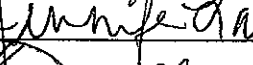

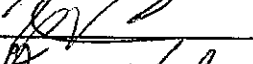
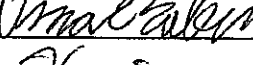
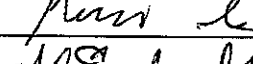

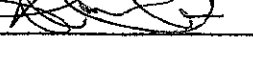
I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.

Name (Print)	Signature	Phone	Email
1 Wennifer De Ara			wdealva@ucmerced.edu
2 Cesar Campos			drecomerced@yahoo.com
3 Ryan Dean			rdean@ucm.edu
4 Ace Guerrero			ashelander@ucmerced.edu
5 Moson Wong			mwong29@ucm
6 Henry Fum			hfum@ucm
7 Rene Tellez			rtellez@ucmerced.edu
8 Francesca D			
9 Isaac Miranda			imiranda@ucmerced.edu
10 Keith Thieman		(408) 499-1098	AquaBlue8@aol.com
11 Erick Watanabe			EWatanabe@UCM
12 Chanell Butler			cbutler2@ucmerced.edu
13 Jazmine Finley			jfinley@ucmerced.edu
14 Katie Murray			kmurray36@ucmerced.edu
15 Monique Smith			msmith9@ucm.edu
16 Ruth Xochihua		(760) 522-6350	rxochihua@ucmerced.edu
17 Samantha Pope			spope@ucm.edu
18 Yanna Lapis			ylapis@ucmerced.edu

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Name (Print)	Signature	Phone	Email
1 Justin Chew		(925) 215-2822	jchew@ucm
2 LORENA MARQUEZ			lmarquez@UCMERCED.EDU
3 Timothy Chung		626 710 0801	tchung2@ucm
4 Elaine Lai			elai@ucmerced.edu
5 Beth Hernandez		209 201 5171	hernandez3@ucmerced
6 Karen Perez		(518) 8857-7947	kperez4@ucmerced.edu
7 Thielson Da silva			tjosilva@ucmerced.edu
8 Jennifer Letson			jennle@hetmanca
9 Matthew May		707 342 3008	mmay2@ucmerced.edu
10 Elaine Bunnuss			ebunnuss@ucmerced.edu
11 Matthew Frost			
12 Jennifer Lam		(951) 567-3324	JLamNY@yahoo.com
13. Danielle Pike			dpike@ucmerced.edu
14 JULIE PARK			jpark27@ucmerced.edu
15 Omar Salem		(916) 904-4355	Omar.Salem888@yahoo.com
16 Kevin So		408 813 2876	kso2@ucmerced.edu
17 Alejandra Garcia			agarcia25@ucmerced.edu
18 Alvin		(593) 522823	

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Name (Print)	Signature	Phone	Email
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4 Niloufar Tahery		(800)	ntahery@ucmerced.edu
5 Kevin Rude		(209) 499-2921	Krude@ucmerced.edu
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13. Esmarados Umansky		925-639-1466	esmansky@ucmerced.edu
14 Andrew Ullon		523 213-6476	doit get one
15	Miguel Espinosa		
16 Timmy Liu-Pon		415-752-0994	Liu-Pon@ucmerced.edu
17 David Pang		(510) 835-5498	dpang2@ucmerced.edu
18 Aaron De la Cerda			

UC Merced Anti Wal-Mart Distribution Campaign

We, the undersigned, are opposed to the development of a Wal-Mart Distribution Center in Merced since it will have a detrimental effect on our community. The distribution center will dramatically increase traffic and the risk of life threatening accidents; worsen the Valley's air quality public crisis; drive down property values in Merced; expose our precious farmland and residential neighborhood to hazardous materials; and create significant noise and light pollution. We need proactive alternative growth solutions in Merced that will not endanger the health of the most vulnerable individuals in are population. Please sign, and show your support.

I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.

Name (Print)	Signature	Phone	Email
1 Blanca Dettaro		(510) 245-0045	bdettaro@ucmerced.edu
2 Jessica Romo		(818) 914-3267	JRomo@UCM
3 JANICE GATZKE		626-862-4153	kgatzke@ucm...
4 Chul's Nicholls		209-823-6036	wiltsuperfont@ymail.com
5 JEANINE AGUILAR		209-751- ⁶⁰¹⁸ 6018	jaguilar4@ucmerced.edu
6 Paulo Acoba		510-552-4574	Pacoba@ucmerced.edu
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14 Marghubadsman		(925) 768-5999	musman@ucmerced
15 Helan Nguyen		()	hnguyen23@ucmerced.edu
16 Jorge Castro			JCastro@ucmerced.edu
17 Antonio Martinez			amartinez26@ucmerced.edu
18 SAMUEL GARCIA			Sgarcia@ucmerced.edu

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Name (Print)	Signature	Phone	Email
1 Wesley Gilroy		929-639-4908	WGilroy@ucmerced.edu
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6 Jesus Isaac Luna		(209) 3853010	Biomedixian@gmail.com
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9 MARCO VACCHI			MVALES@ucmerced.edu
10 Vidur Malik		510-754-7104	
11 Thu Vu		(209) 388-370	thuvu@yahoo.com
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15 Daniela Rivas		(650) 290-2886	drivas2@ucmerced.edu
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17 Christopher Anderson			caanderson@ucm
18 Jordan Catti			Jcatti177@hotmail.com

UC Merced Anti Wal-Mart Distribution Campaign

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13. Martin Sanchez			
14 Daniel Hunter			
15 Anne Mahajak			
16 Jesus Sanchez		209-3494573	
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18 Mike Oliveira		209-505-6607	moliveira@ucm

UC Merced Anti Wal-Mart Distribution Campaign

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I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.

Name (Print)	Signature	Phone	Email
1 Sama Thompson		(209) 916-8930	s1thompson3@ucmerced.edu
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17 Johnson Cheung		530-339-1855	jcheung2@ucmerced.edu
18 Justin Duckman		408-499-8005	JDuckman NA

UC Merced Anti Wal-Mart Distribution Campaign

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I give my permission to use my name in the campaign in opposing the Wal-Mart Distribution Center.

Name (Print)	Signature	Phone	Email
1 Brenda Ramirez		(559) 803-3819	bramirez@ucm...
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10 Paula Castaneda		(209) 383-2758	
11 Pauline Castaneda		209 383-2758	
12 Marcel Contreras		209-628-9242	
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15 John Paiktesch		722-7303	
16 Khandeep Bains		39-4135	
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18 Jasmin Brustat		(209) 489-6805	brustat@ucm.edu
19 Rachel Chan		510/418-2004	R.Chan.cali@ucm.edu

Espinosa, Kim

From: Carter, Yvette
Sent: Thursday, October 23, 2008 10:12 AM
To: Ainsworth, John; Carter, Yvette; Daugherty, Ron; Espinosa, Kim; Mitten, Kenneth; Nelson, Julie; Sterling, Julie; Struble, Jay; Wegley, Michael
Cc: Thomas, Russ
Subject: FW: Truck idling regulations

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

From: Nick Robinson [mailto:ndrobinson@gmail.com]
Sent: Tuesday, October 14, 2008 9:48 PM
To: Carter, Yvette
Subject: Re: Truck idling regulations

Yvette,

I was re-reading the memo from Sgt. Struble, and I noticed that it's based on a few lines from an e-mail newsletter from the Stop Wal-Mart Action Team and apparently not the letter signed by residents, SWAT and GVNA that was delivered to the City.

Putting aside the issue of how the e-mail circulated among City staff and ended up replacing the letter we submitted, I've attached the final letter with the General Plan and Municipal Code attachments for reference. The only significant difference between the version delivered by hand on Oct. 6 to Engineering and the version delivered by hand on Oct. 8 to City Council is the addition of two residents' names.

Hope this clears things up so we're all working from the same documents.

thanks,
Nick

On Tue, Oct 14, 2008 at 4:19 PM, Carter, Yvette <cartery@cityofmerced.org> wrote:
Good afternoon Nick. Thanks for the information. I will pass it on right now. Have a nice day.
Yvette

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

From: Nick Robinson [mailto:ndrobinson@gmail.com]
Sent: Tuesday, October 14, 2008 4:08 PM
To: Carter, Yvette
Subject: Truck idling regulations

Hello Yvette,

This is Nick Robinson from the traffic committee meeting. I'm hoping that if I send materials to you, you'll pass them along to the rest of the Traffic Committee members. If not, let me know where to send them.

Thank you,
Nick

Background on California anti-idling regulations:

Factsheet summary: <http://www.arb.ca.gov/msprog/truck-idling/factsheet.pdf>

Current text of Cal. Code 2485: <http://www.arb.ca.gov/msprog/truck-idling/2485.pdf>

For reference, the California Air Resources Board's truck idling regulations can be found here:

<http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>

Note that state law limits all idling to a maximum of five minutes with few exemptions. No idling is allowed within 100 feet of residential areas/schools.

To: City of Merced Traffic Committee

Oct. 8, 2008

CC: Mayor, City of Merced
Merced City Council

Subject: Truck traffic in Southeast Merced

We are residents of Southeast Merced, the area roughly defined as east of Highway 99 and south of State Route 140. For years, we have lived with the problem of trucks in our neighborhoods: trucks idling illegally, trucks illegally parking on our streets, trucks illegally using our neighborhood streets as truck routes.

Many of us have tried to communicate with City staff, the Merced Police Department, or individual truck drivers. Sometimes a ticket is issued; sometimes not. Sometimes the driver parks down the street, or somewhere else; sometimes not.

It's time for the City of Merced and Merced Police Department to do everything in its power to protect our quality of life by enforcing our City municipal code and General Plan.

What's at stake:

Air pollution and health. Merced is one of the most polluted cities in the country; much of this pollution comes from diesel trucks on Highway 99. Not everyone is exposed to pollution equally, though. Our homes and schools – Golden Valley High School, Weaver Middle School and Pioneer Elementary – are unusually close to high levels of truck traffic. One in five children have already been diagnosed with asthma, and many of our friends and family members have asthma.

Noise. Diesel trucks have a noise level of 80-90 decibels – strong enough to damage our hearing. Allowing diesel trucks to travel near our homes and schools worsens our quality of life and makes learning more difficult.

Traffic. Big-rigs don't belong on our crumbling residential streets and are incompatible with planned and existing traffic levels.

Pedestrian safety. Children and youth lack sidewalks and use Chids to walk to both Golden Valley High School and Weaver Middle School on packed dirt next to open canals. Truck traffic dramatically increases the risk of a tragic accident.

Home values. The value of our homes has plummeted in the past several years. The housing market will improve eventually, but our neighborhood needs to be livable, not overrun by the impacts of nearby industrial development.

Thankfully, laws already exist to deal with these problems. Now the City needs to enforce them!

Requests:

1. Truck parking on residential streets.

- Post “No Truck Parking” signs along Gerard Ave. and side streets as appropriate.
- Police training and allocate staff time in Southeast Merced to enforce City traffic code.
- Issue letters as appropriate to trucking companies instructing their drivers to follow City parking regulations.

2. Truck idling

- Post “no idling” signs near schools and industrial areas such as Kibby Rd.

3. Truck routes

- Post signs directing trucks to follow existing truck routes and not drive through Childs Ave.
- Notify McLane Pacific when trucks using their facility violate the City’s truck route.
- If necessary, issue a cease and desist letter to McLane Pacific instructing them to follow the law and stop using Childs Ave. as a truck route.

Where possible, we encourage the City to fund the costs of the signage and Police staff time through voluntary donations and fines from trucking companies in violation of these laws.

Yours truly,

Individuals (in formation):

Anthony and Gracie Brown, 502 Buckner Road

Tom Hang, 411 Lily Drive

Joel Knox, 88 Sweetwater Avenue

Marilynne Pereira, 505 Mustang Court

Mary-Michal and Stuart Rawling, 410 Petunia Court

Kyle Stockard, 2499 E. Gerard Avenue #12

Jesus de la Torre, 415 Lily Drive

Danny Valdez, 498 Hydrangea Court

Joaquin Valencia, 438 Azalea Ct.

Susan Wagoner, 474 Hydrangea Court

Organizations:

Golden Valley Neighborhood Association

Merced Stop Wal-Mart Action Team

shown in *Figure 10.6*, should be taken into account when evaluating proposed development:

- 1) A maximum outdoor noise level of 60 LdN in residential areas where outdoor use is a major consideration, and whenever the realm of economic or aesthetic consideration makes it possible; a maximum of 65 LdN in any other case.
- 2) The indoor noise level as required by the State of California Noise Insulation Standards must not exceed 45 LdN in multi-family dwellings. This maximum should also be used for single-family homes.
- 3) If the noise source is a railroad, then 70 LdN as the maximum outdoor noise level should be considered as long as a maximum of 45 dBA indoor level in bedrooms is maintained. This is because train noise is usually characterized by relatively few loud events during which the noise levels will be acceptable for speech communication; the 45 dBA indoor level requirement should be implemented especially if there are trains passing by between 10:00 p.m. and 7:00 a.m., however.

Truck Routes

Truck routes have been identified within the City to direct large trucks onto roadways designed for that purpose. Truck routes direct trucks through the City to a designation outside Merced. Delivery trucks, which need to reach specific destinations within the City, are not restricted to these roadways.

Traffic noise generation is highly sensitive to the number of trucks as a

percentage of the total vehicles using the roadway on a daily basis. By designating truck routes where it will be less disruptive for sensitive land uses, the City is avoiding noise conflicts with adjacent land uses. *Figure 10.7* shows the City of Merced's truck routes which are basically along busy streets of mainly commercial areas or along streets with little development. Proposed land uses next to these designated truck routes where development has not yet occurred will need to be compatible with the noise generated along these streets.



10.3.6 Issues for Future Study

The Noise Element went through a substantial update in 1993. The subsequent closure of Castle Air Force Base (1995) and its conversion to civilian use eliminated the City of Merced's most significant noise source.

This noise chapter has subsequently been modified to a limited degree, to reflect the Castle closure. This allowed the noise chapter to be coordinated with the *Merced Vision 2015 General Plan* (1996).

However, new and expanded traffic information was generated for the Transportation and Circulation chapter, as well as other areas, of the updated plan. Once the Merced 2015 plan has been adopted, it will be important for the City to update the projected noise contours to reflect this new information.

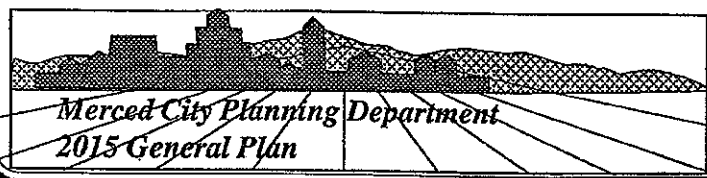
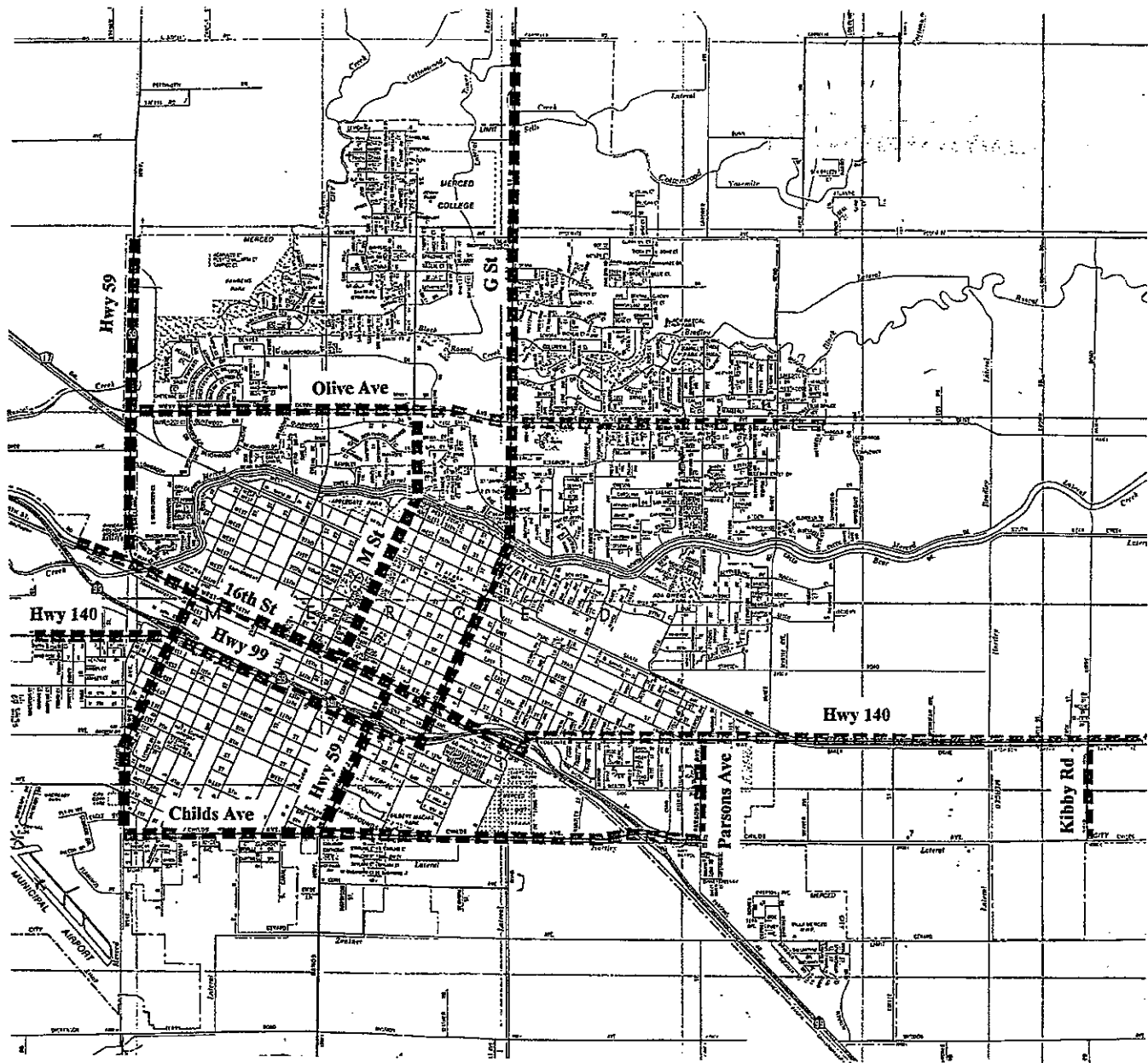


Figure 10.7

Truck Routes

City of Merced Municipal Code

10.28.290 Commercial vehicles in residential districts.

No person shall park or leave standing any commercial vehicle, as defined in the Vehicle Code of the state, upon any street within any residential district of the city, if such vehicle has a manufacturer's gross vehicle weight rating of ten thousand pounds or more, for any purpose other than making pickups or deliveries of persons, goods, wares, and merchandise from or to any building or structure, located on such street or for any purpose other than delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such street for which a building permit has previously been obtained. A residential district of the city is any area of the city which is classified as residential under the provisions of Title 18. (Ord. 1271 § 1, 1979: prior code § 16.66).

10.40.010 Designated.

The following named streets in the city are designated as truck routes: A. West 13th Street from G Street to V Street; B. West Highway 140 (Me Swain Road) from its intersection with V Street to the westerly city limits; C. West 16th Street from the westerly city limits to G Street; D. East 16th Street from G Street to Yosemite Parkway; E. Yosemite Parkway from its intersection with East 16th Street to the easterly city limits; F. G Street from the northerly city limits to 13th Street; G. Martin Luther King, Jr. Way from West 16th Street to Childs Avenue; H. V Street from West 16th Street to West Avenue; I. Childs Avenue from westerly city limit to Highway 99; J. West Olive Avenue Iona Highway 59 to the easterly city limits; K. Kibby Road from Yosemite Parkway to Childs Avenue; L. Parsons Avenue from Yosemite Parkway to Childs Avenue; M. West Avenue from V Street to Childs Avenue; N. Highway 59 (Snelling Road) from 16th Street to northerly city limits. O. M Street from West 16th Street to Olive Avenue. (Ord. 1952 § 3, 1997: Ord. 1851 §§ 26, 27, 1993: Ord. 1550 § 1, 1984: prior code § 16.95).

10.40.020 Trucks exceeding weight limit--Prohibited where.

It is unlawful for any vehicle exceeding a maximum gross weight of six tons to use any street in the city, other than those designated in Section 10.40.010, except as otherwise provided for in this chapter. (Prior code § 16.96).

10.40.030 Direct route deliveries.

Any vehicle to which this chapter is applicable may use any street by direct route to or from a street the use of which is not restricted, for the purpose of delivering or loading for transportation of goods, wares or merchandise. (Prior code § 16.97).

10.40.040 Signs.

The city engineer is authorized and directed to erect appropriate signs either indicating those streets affected by this chapter or those streets not so affected. (Prior code § 16.98).

10.40.050 Exception.

Any passenger stage or vehicle which is subject to the provisions of Section 50-1/2 of the Public Utilities Act shall not be subject to the provisions of this chapter. (Prior code § 16.99).

October 17, 2008

Alternate Shifts – Police Department

Pursuant to the memoranda of understanding negotiated with the Merced Police Officer's Association and with the Merced Police Sergeants, the Police Chief and City Manager have the authority to make shift schedule changes. There has been a request for shift schedule changes in both the Traffic and Investigations Unit. Based upon a review of the proposed shift schedules and the amount of coverage provided, the Police Chief and I have agreed to implement a pilot program for six months with a revised shift schedule. At the end of six months, an evaluation will be made to determine if there has been an increase in overtime usage; or, a decrease in activity. Clearly, we cannot afford either less production or more cost. A copy of the letter authorizing the shift change signed by the Chief, City Manager, and representatives from each unit is attached.

City of Merced FY 2008-09 Budget Binder Amendments

Attached you will find a number of printed pages for replacement in your FY 2008-09 budget binder. The pages generally reflect amendments made by the City Council during the budget adoption process for Measure C related expenditures. If you have any questions regarding the page amendments, please feel free to contact either Kathy Childress, Assistant to the City Manager, or Finance Director Brad Grant.

Commercial Truck Operations – Southeast Merced

The "Merced Stop Wal-Mart Action Team" and neighbors in southeast Merced have raised issues about commercial truck traffic in southeast Merced. The City Council received a letter from the "Stop Wal-Mart Action Team" and neighbors in southeast Merced as part of the Council Information packet last week. The item was discussed at the Traffic Safety Committee meeting this week.

Attached you will find a memorandum addressed to Chief Thomas from Sergeant Struble, Traffic Sergeant, Merced Police Department regarding commercial truck enforcement in the southeast Merced area.

October 17, 2008

The City is sensitive to the issues raised in the letter and will make every effort to ensure safe traffic movements; and, and will seek corporate good neighbor practices in the area.

Merced Police Department

Officers in the Merced Police Department are to be commended for two specific items:

1. Traffic Officer Craig McKeeman observed a motorcyclist practicing operations at the DMV motorcycle course. The cyclist had failed his motorcycle examination and was practicing before rescheduling a subsequent exam. Officer McKeeman, a motorcycle officer, stopped and provided counsel to the rider based upon his own observations. The motorcycle rider advised that he passed the test the next day and feels much more confident when operating his motorcycle based upon the tips provided by Officer McKeeman. It is this kind of self-initiated citizen contact and excellent customer service that makes the Merced Police Department an example for other law enforcement agencies to follow.
2. Officer Alan Adrian has been working closely with the District Attorney's Office on the prosecution of graffiti vandals. Together, procedures have been developed to treat tagging crews as criminal street gangs and charging them as such. The tagging crews meet the criteria for a criminal street gang because they have a criminal purpose – property destruction. Officer Adrian has been maintaining records on several tagging crews and has worked to validate them as criminal street gangs.

In a recent juvenile case, two members of a tagging crew were charged with felony tagging with a criminal street gang enhancement. Both admitted to the charges.

The Department patrol officers have been asked to use the street gang enhancement additional violation whenever possible.

CITY OF MERCED
POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM

TO: Chief Thomas

DATE: October 13, 2008

FROM: Sergeant Struble

SUBJECT: Merced Stop Wal-Mart Action Team News Letter

Chief Thomas,

I have reviewed The Merced Stop Wal-Mart Action Team October update newsletter. We are sensitive to the needs of the residents living in the area and understand their concerns. Hopefully our recent conversations with McLane will lead to a resolution that addresses the concerns of SWAT and McLane.

SWAT comments in their letter that "Trucks park near homes on Gerard Ave daily." There have been several commercial vehicles found parked on Gerard Avenue over the past several months. When officers see these vehicles, citations are issued for violating the Merced Municipal Code. There is nothing in the California Vehicle Code or the Merced Municipal Code that permits the Police Department to remove the vehicles parked in violation of the Merced Municipal Code, unless they violate the 72 hr provision for parked vehicles.

SWAT also comments that "Dozens of trucks drive past two schools on Childs Ave. every day to enter and exit the McLane distribution center, one-tenth the size of Wal-Mart's proposed distribution center."

E. Childs Avenue is not a designated truck route by the Merced Municipal Code. Merced Municipal Code Section 10.40.030 Direct Route Deliveries says "Any vehicle to which this chapter is applicable may use any street by direct route to or from a street the use of which is not restricted, for the purpose of delivering or loading for transportation of goods, wares or merchandise." This section does not restrict delivery trucks from using E. Childs Avenue, since they are taking a direct route to McLane Distribution center to deliver their merchandise. Contact has been made with McLane Pacific Distribution Center requesting that their commercial vehicles do not use E. Childs Avenue. McLane Distribution has been instructed to use East Highway 140 for their vehicles.

We should explore the possibility of restricting vehicles over 10,000# GVW from the using Childs and post signs indicating the restriction.

Additional enforcement action is always an option and one that we are willing to pursue if we cannot obtain compliance in a voluntary manner.

Additionally, SWAT states "Residents also report that trucks idle excessively on Kibby Rd. outside the McLane distribution center – much like the Porterville residents who say that Wal-Mart trucks idle in their neighborhood."

To summarize the following codes, the 5-minute restriction of idling applies only to a truck idling within 100 feet of a restricted area. A restricted area is defined as property zoned for housing and having a residence upon it. Property adjacent to McLane does not fall within this definition.

California Code of Regulations, Section 2485 addresses commercial vehicles idling. Section 2485 (c) Requirements says; On or after February 1, 2005, the driver of any vehicle subject to this section (1) shall not idle the vehicle's primary diesel engine greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

Subsection (d), Exceptions (2) idling of the primary diesel engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This section does not apply when operating within 100 feet of a restricted area; (9) idling of the primary engine or operating a diesel-fueled APS when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency.

Subsection (h), Definitions (15) "restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it. (16) "Safety or health emergency" means: (A) a sudden, urgent, or usually unforeseen, occurrence; or (B) a foreseeable occurrence relative to a medical or physiological condition.

When commercial vehicles are left idling outside McLane Distribution, they are not within 100 feet of a restricted area. McLane Distribution is within a commercial zoning area, and well in excess of 100 feet from residential zoning.

The Merced Police Department has been in contact with McLane Distribution regarding this matter. McLane Distribution is working at resolving the issue with their personnel.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Thursday, October 09, 2008 8:19 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Cahill, Bill; Conway, Mike; Quintero, Frank; Davidson, Dana; Espinosa, Kim
Subject: FW: Walmart DC

From the website...

Dawn

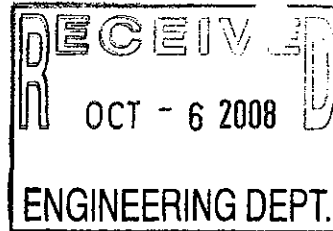
Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Richard Hargrove [mailto:sygmarich@yahoo.com]
Sent: Wednesday, October 08, 2008 12:35 PM
To: city, council
Subject: Walmart DC

I want to show my support for the proposed Walmart DC, I think when our economy is having this tough a time any influx of jobs is a good thing.

Rich Hargrove
209-205-0999



To: City of Merced Traffic Committee

Oct. 6, 2008

CC: Mayor, City of Merced
Merced City Council
Weaver School District

Subject: Truck traffic in Southeast Merced

We are residents of Southeast Merced, the area roughly defined as east of Highway 99 and south of State Route 140. For years, we have lived with the problem of trucks in our neighborhoods: trucks idling illegally, trucks illegally parking on our streets, trucks illegally using our neighborhood streets as truck routes.

Many of us have tried to communicate with City staff, the Merced Police Department, or individual truck drivers. Sometimes a ticket is issued; sometimes not. Sometimes the driver parks down the street, or somewhere else; sometimes not.

It's time for the City of Merced and Merced Police Department to do everything in its power to protect our quality of life by enforcing our City municipal code and General Plan.

What's at stake:

Air pollution and health. Merced is one of the most polluted cities in the country; much of this pollution comes from diesel trucks on Highway 99. Not everyone is exposed to pollution equally, though. Our homes and schools – Golden Valley High School, Weaver Middle School and Pioneer Elementary – are unusually close to high levels of truck traffic. One in five children have already been diagnosed with asthma, and many of our friends and family members have asthma.

Noise. Diesel trucks have a noise level of 80-90 decibels – strong enough to damage our hearing. Allowing diesel trucks to travel near our homes and schools worsens our quality of life and makes learning more difficult.

Traffic. Big-rigs don't belong on our crumbling residential streets and are incompatible with planned and existing traffic levels.

Pedestrian safety. Children and youth lack sidewalks and use Childs to walk to both Golden Valley High School and Weaver Middle School on packed dirt next to open canals. Truck traffic dramatically increases the risk of a tragic accident.

Home values. The value of our homes has plummeted in the past several years. The housing market will improve eventually, but our neighborhood needs to be livable, not overrun by the impacts of nearby industrial development.

Thankfully, laws already exist to deal with these problems. Now the City needs to enforce them!

Requests:

1. Truck parking on residential streets.

- Post "No Truck Parking" signs along Gerard Ave. and side streets as appropriate.
- Police training and allocate staff time in Southeast Merced to enforce City traffic code.
- Issue letters as appropriate to trucking companies instructing their drivers to follow City parking regulations.

2. Truck idling

- Post "no idling" signs near schools and industrial areas such as Kibby Rd.

3. Truck routes

- Post signs directing trucks to follow existing truck routes and not drive through Childs Ave.
- Notify McLane Pacific when trucks using their facility violate the City's truck route.
- If necessary, issue a cease and desist letter to McLane Pacific instructing them to follow the law and stop using Childs Ave. as a truck route.

Where possible, we encourage the City to fund the costs of the signage and Police staff time through voluntary donations and fines from trucking companies in violation of these laws.

Yours truly,

Individuals (in formation):

Anthony and Gracie Brown, 502 Buckner Road

Tom Hang, 411 Lily Drive

Joel Knox, 88 Sweetwater Avenue

Marilynne Pereira, 505 Mustang Court

Mary-Michal and Stuart Rawling, 410 Petunia Court

Kyle Stockard, 2499 E. Gerard Avenue #12

Danny Valdez, 498 Hydrangea Court

Susan Wagoner, 474 Hydrangea Court

Organizations:

Golden Valley Neighborhood Association

Merced Stop Wal-Mart Action Team

City of Merced Municipal Code

10.28.290 Commercial vehicles in residential districts.

No person shall park or leave standing any commercial vehicle, as defined in the Vehicle Code of the state, upon any street within any residential district of the city, if such vehicle has a manufacturer's gross vehicle weight rating of ten thousand pounds or more, for any purpose other than making pickups or deliveries of persons, goods, wares, and merchandise from or to any building or structure, located on such street or for any purpose other than delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such street for which a building permit has previously been obtained. A residential district of the city is any area of the city which is classified as residential under the provisions of Title 18. (Ord. 1271 § 1, 1979: prior code § 16.66).

10.40.010 Designated.

The following named streets in the city are designated as truck routes: A. West 13th Street from G Street to V Street; B. West Highway 140 (Me Swain Road) from its intersection with V Street to the westerly city limits; C. West 16th Street from the westerly city limits to G Street; D. East 16th Street from G Street to Yosemite Parkway; E. Yosemite Parkway from its intersection with East 16th Street to the easterly city limits; F. G Street from the northerly city limits to 13th Street; G. Martin Luther King, Jr. Way from West 16th Street to Childs Avenue; H. V Street from West 16th Street to West Avenue; I. Childs Avenue from westerly city limit to Highway 99; J. West Olive Avenue Iona Highway 59 to the easterly city limits; K. Kibby Road from Yosemite Parkway to Childs Avenue; L. Parsons Avenue from Yosemite Parkway to Childs Avenue; M. West Avenue from V Street to Childs Avenue; N. Highway 59 (Snelling Road) from 16th Street to northerly city limits. O. M Street from West 16th Street to Olive Avenue. (Ord. 1952 § 3, 1997: Ord. 1851 §§ 26, 27, 1993: Ord. 1550 § 1, 1984: prior code § 16.95).

10.40.020 Trucks exceeding weight limit--Prohibited where.

It is unlawful for any vehicle exceeding a maximum gross weight of six tons to use any street in the city, other than those designated in Section 10.40.010, except as otherwise provided for in this chapter. (Prior code § 16.96).

10.40.030 Direct route deliveries.

Any vehicle to which this chapter is applicable may use any street by direct route to or from a street the use of which is not restricted, for the purpose of delivering or loading for transportation of goods, wares or merchandise. (Prior code § 16.97).

10.40.040 Signs.

The city engineer is authorized and directed to erect appropriate signs either indicating those streets affected by this chapter or those streets not so affected. (Prior code § 16.98).

10.40.050 Exception.

Any passenger stage or vehicle which is subject to the provisions of Section 50-1/2 of the Public Utilities Act shall not be subject to the provisions of this chapter. (Prior code § 16.99).

shown in *Figure 10.6*, should be taken into account when evaluating proposed development:

- 1) A maximum outdoor noise level of 60 LdN in residential areas where outdoor use is a major consideration, and whenever the realm of economic or aesthetic consideration makes it possible; a maximum of 65 LdN in any other case.
- 2) The indoor noise level as required by the State of California Noise Insulation Standards must not exceed 45 LdN in multi-family dwellings. This maximum should also be used for single-family homes.
- 3) If the noise source is a railroad, then 70 LdN as the maximum outdoor noise level should be considered as long as a maximum of 45 dBA indoor level in bedrooms is maintained. This is because train noise is usually characterized by relatively few loud events during which the noise levels will be acceptable for speech communication; the 45 dBA indoor level requirement should be implemented especially if there are trains passing by between 10:00 p.m. and 7:00 a.m., however.

Truck Routes

Truck routes have been identified within the City to direct large trucks onto roadways designed for that purpose. Truck routes direct trucks through the City to a designation outside Merced. Delivery trucks, which need to reach specific destinations within the City, are not restricted to these roadways.

Traffic noise generation is highly sensitive to the number of trucks as a

percentage of the total vehicles using the roadway on a daily basis. By designating truck routes where it will be less disruptive for sensitive land uses, the City is avoiding noise conflicts with adjacent land uses. *Figure 10.7* shows the City of Merced's truck routes which are basically along busy streets of mainly commercial areas or along streets with little development. Proposed land uses next to these designated truck routes where development has not yet occurred will need to be compatible with the noise generated along these streets.



10.3.6 Issues for Future Study

The Noise Element went through a substantial update in 1993. The subsequent closure of Castle Air Force Base (1995) and its conversion to civilian use eliminated the City of Merced's most significant noise source.

This noise chapter has subsequently been modified to a limited degree, to reflect the Castle closure. This allowed the noise chapter to be coordinated with the *Merced Vision 2015 General Plan* (1996).

However, new and expanded traffic information was generated for the Transportation and Circulation chapter, as well as other areas, of the updated plan. Once the Merced 2015 plan has been adopted, it will be important for the City to update the projected noise contours to reflect this new information.

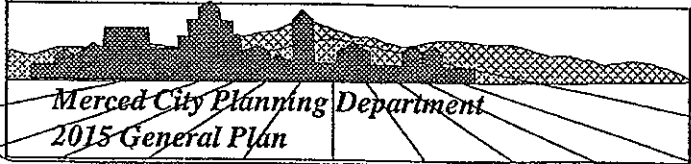
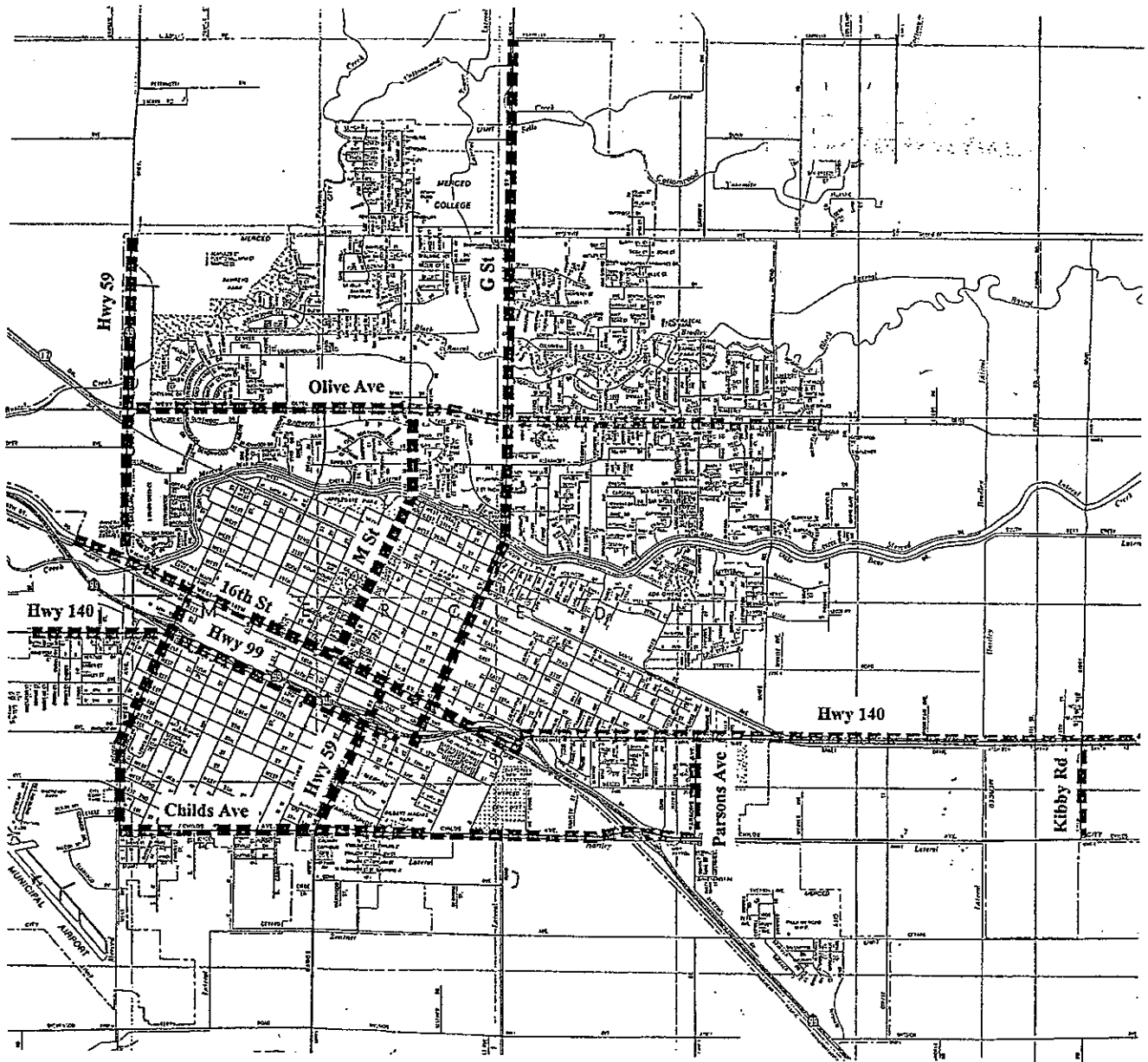


Figure 10.7
Truck Routes



IMPORTANT INFORMATION **FOR TRUCKERS!**



Regarding California's Anti-Idling Regulations

DOES YOUR DIESEL TRUCK HAVE A GROSS VEHICLE WEIGHT RATING GREATER THAN 10,000 POUNDS? If yes, then the following applies to you.

IDLING FOR MORE THAN 5 MINUTES IS PROHIBITED WITHIN CALIFORNIA'S BORDERS CURRENTLY, THE IDLING LIMIT DOES NOT APPLY TO SLEEPER BERTH TRUCKS, BUT STARTING JANUARY 1, 2008, THIS WILL CHANGE AND SLEEPER BERTH TRUCKS WILL NO LONGER BE ALLOWED TO IDLE FOR MORE THAN 5 MINUTES.

WHY IS THERE AN IDLING LIMIT?

Unnecessary idling:

- Produces emissions that contribute to cancer, premature death, and other serious health problems.
- Wastes fuel and contributes to global warming.

WHAT ARE THE VIOLATION PENALTIES?

Fines start at \$300 and can be as much as \$1000 per day. Violators may also face criminal charges.

IF I CAN'T IDLE, WHAT CAN I DO ABOUT CAB COMFORT?

Here is a list of some available idle reduction technologies:

- Battery-Powered Auxiliary Power Systems
- Fuel-Fired Heaters (restrictions apply - visit www.arb.ca.gov/noidle for details)
- Diesel-Fueled Auxiliary Power Systems (restrictions apply - visit www.arb.ca.gov/noidle for details)
- Truck stop infrastructures that provide heating, cooling, electricity, and/or other services at various locations throughout California
- Visit www.arb.ca.gov/cabcomfort for information on these and other idle reduction technologies.

ARE THERE SITUATIONS WHEN IDLING IS ALLOWED?

Yes, idling under the following situations is acceptable:

- You are stuck in traffic.
- When idling is necessary for inspecting or servicing your vehicle.
- You are operating a power take-off device.
- You cannot move because of adverse weather conditions or mechanical failure.
- You are queuing (must be beyond 100 feet from any residential area).
- Your truck's engine meets the optional NOx idling emission standard and your truck is located beyond 100 feet from any residential area.
- Please visit www.arb.ca.gov/noidle for a complete list of exemptions.

ARE THERE RESTRICTIONS THAT APPLY TO IDLE REDUCTION TECHNOLOGIES?

Yes, here are some restrictions that apply:

- You cannot operate a diesel-fueled auxiliary power system for more than 5 minutes if you are located within 100 ft of a residential area.
- Starting January 1, 2008, if your truck has a 2007 or newer engine, your diesel-fueled auxiliary power system or fuel-fired heater must meet additional equipment requirements.
- Please visit www.arb.ca.gov/noidle for more information.

DOES MY TRUCK NEED A NEW LABEL?

Starting January 1, 2008, a special hood label will be required if:

- Your truck has a 2007 or newer engine and you operate an engine-based auxiliary power system within California, or
- Your truck's engine meets the optional NOx idling emission standard and you idle for more than 5 minutes within California.

WHERE CAN I GET MORE INFORMATION?

- Contact the California Air Resources Board at 1-800-END-SMOG (1-800-363-7664)
- Visit Our Program Webpage at: www.arb.ca.gov/noidle.

Other laws, regulations, and restrictions may apply. Nothing in this fact sheet or in the referenced regulation sections allows idling in excess of other applicable laws, regulations, and restrictions.

**FINAL REGULATION ORDER: AIRBORNE TOXIC CONTROL
MEASURE TO LIMIT SCHOOL BUS IDLING AND IDLING AT SCHOOLS**

Adopt new Chapter 10 – Mobile Source Operational Controls, Article 1 – Motor Vehicles, Section 2480, title 13, California Code of Regulations (CCR) to read as follows:

Section 2480. Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools.

(a) **Purpose.** This airborne toxic control measure seeks to reduce public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) **Applicability.** Except as provided in subsection (d), this section applies to the operation of every school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other commercial motor vehicle as defined in subsection (h).

(c) **Idling Control Measure.**

- (1) A driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle:
 - (A) must turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school, and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or from within 100 feet of a school; and
 - (B) must not cause or allow a bus or vehicle to idle at any location greater than 100 feet from a school for:
 - (i) more than five consecutive minutes; or
 - (ii) a period or periods aggregating more than five minutes in any one hour.
- (2) A driver of a transit bus or of a commercial motor vehicle not identified in (c)(1):
 - (A) must turn off the bus or vehicle engine upon stopping at a school and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school; and
 - (B) must not cause or allow a bus or vehicle to idle at any location within 100 feet of, but not at, a school for:
 - (i) more than five consecutive minutes; or
 - (ii) a period or periods aggregating more than five minutes in any one hour.

- (3) A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:
 - (A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
 - (B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(1) are reviewed and remedial action is taken as necessary; and
 - (C) records of (3) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

- (4) A motor carrier of a transit bus or of a commercial motor vehicle not identified in (c)(1) must ensure that:
 - (A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;
 - (B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(2) are reviewed and remedial action is taken as necessary; and
 - (C) records of (4) (A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(d) Exemptions

This section does not apply for the period or periods during which:

- (1) idling is necessary while stopped:
 - (A) for an official traffic control device;
 - (B) for an official traffic control signal;
 - (C) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic; or
 - (D) at the direction of a peace officer;

- (2) idling is necessary to ascertain that the school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle is in safe operating condition and equipped as required by all provisions of law, and all

equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

- (3) idling is necessary for testing, servicing, repairing, or diagnostic purposes;
- (4) idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged diesel engine before turning the engine off;
- (5) idling is necessary to accomplish work for which the vehicle was designed, other than transporting passengers, for example:
 - (A) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;
 - (B) controlling cargo temperature; or
 - (C) operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;
- (6) idling is necessary to operate:
 - (A) a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or
 - (B) a heater or an air conditioner of a bus or vehicle that has, or will have, one or more children with exceptional needs aboard;
- (7) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to ensure the safety or health of the driver or passengers, or as otherwise required by federal or State motor carrier safety regulations; or
- (8) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric bus or vehicle.

(e) Relationship to Other Law

Nothing in this section allows idling in excess of other applicable law, including, but not limited to:

- (1) Title 13 California Code of Regulations Section 1226;
- (2) Vehicle Code Section 22515; or
- (3) any local ordinance or requirement as stringent as, or more stringent than, this section.

(f) **Penalties**

- (1) For each violation of subsection (c)(1), a driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (2) For each violation of subsection (c)(2), a driver of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (3) For each violation of subsection (c)(3), a motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.
- (4) For each violation of subsection (c)(4), a motor carrier of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(g) **Enforcement.** This section may be enforced by the Air Resources Board, peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts.

(h) **Definitions.**

The following terms are defined for the purposes of this section:

- (1) **Children With Exceptional Needs.** "Children with exceptional needs" means children meeting eligibility criteria described in Education Code Section 56026.
- (2) **Commercial Motor Vehicle.** "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, with the following exceptions:
 - (A) a zero emission vehicle; or
 - (B) a pickup truck defined in Vehicle Code Section 471.
- (3) **Driver.** "Driver" means any person who drives or is in actual physical control of a vehicle.

- (4) General Public Paratransit Vehicle. "General public paratransit vehicle" means any motor vehicle defined in Vehicle Code Section 336, other than a zero emission general public paratransit vehicle, that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities.
- (5) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (6) Hybrid Electric Bus or Vehicle. "Hybrid electric bus or vehicle" means any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle equipped with at least the following two sources of motive energy on board:
 - (A) an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and
 - (B) one of the following:
 - (i) an internal combustion engine;
 - (ii) a turbine; or
 - (iii) a fuel cell.
- (7) Idling. "Idling" means the engine is running while the bus or vehicle is stationary.
- (8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle who operates or directs the operation of any such bus or vehicle on either a for-hire or not-for-hire basis.
- (9) Motor Truck. "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (10) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

- (11) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- (12) School. "School" means any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.
- (13) School Bus. "School bus" means any school bus defined in Vehicle Code Section 545, except a zero emission school bus.
- (14) School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.
- (15) Transit Bus. "Transit bus" means any bus defined in Vehicle Code Section 642, except a zero emission transit bus.
- (16) Youth Bus. "Youth bus" means any bus defined in Vehicle Code Section 680, except a zero emission youth bus.
- (17) Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Commercial Motor Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle" means any bus or vehicle certified to zero-emission standards.

Authority Cited: Sections 39600, 39601, 39658, 39667, 39674, Health and Safety Code; Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist. (1975) [14 Cal.3d.411].

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42403.5, Health and Safety Code; Section 27153, Vehicle Code.

Espinosa, Kim

From: Espinosa, Kim
Sent: Thursday, October 02, 2008 5:00 PM
To: Aaron Rios (E-mail); Bingaman, Jamie; Ed Hess (E-mail); Gary A. Laffoon (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); Marko Mlikotin (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)
Cc: Marshall, Jim
Subject: Phone Call in Support of Wal-Mart

I received a phone call today (transferred from Frank Quintero) from Mrs. Rey, who lives in Southeast Merced, who said she and her husband support the location of the Wal-Mart Distribution Center in Southeast Merced. She said she did NOT support the lack of good jobs in our City. Her phone number is 388-1430, but she did not leave an address.

--Kim

Kim Espinosa
Planning Manager

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Friday, September 26, 2008 11:58 AM
To: John Carlisle (E-mail); Carlisle, John
Cc: Marshall, Jim; Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim
Subject: FW: traffic committee

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Gvna Merced [mailto:gvna2008@yahoo.com]
Sent: Thursday, September 25, 2008 9:05 PM
To: city, council
Subject: traffic committee

Mr. Carlisle, if possible could you please let me know where the WalMart trucks will be able to access the Campus Parkway. The blog below shows plans for the center and it doesn't show where the trucks will be able to get on the highway leading me to wonder if they will have to drive in FRONT of the schools? Thank you for all your help and looking out for those that it will effect directly. While I myself feel the center will be approved, I'm hoping that the other members of the council are giving SOME thought to this other than the "gold at the end of the rainbow" theory that they think this will bring Merced. Keeping the truck traffic away from the schools is the main concern for many of us out here let alone traffic from people coming in from all over to work there other than Merced residents. (Remember the Grove fiasco?) I and many others know Merced will be left holding the bag as WalMart's track record has shown but if we can at the very least keep the trucks out of our neighborhoods, that in itself will be a small enough victory for us to tolerate it, until the day we can say we told you so to Mayor Wooten, Mr. Spriggs and the short sighted staff in the Planning Department. Keep up the great work!

<http://gvnamerced.blogspot.com/>

SEARCH BLOG

FLAG BLOG

Next Blog>>

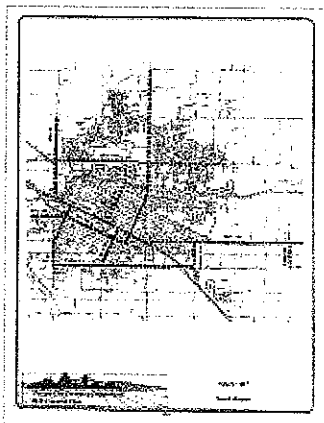
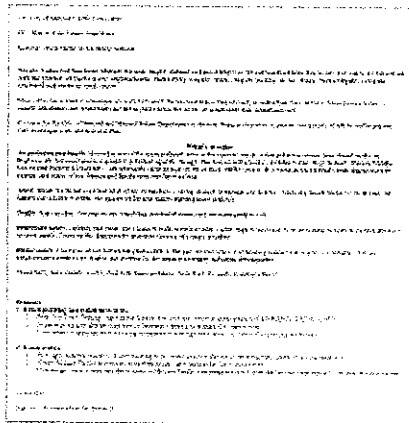
Create Blog | Sign In

Golden Valley Neighborhood News

THURSDAY, SEPTEMBER 25, 2008

Traffic Committee part 2....

This is the letter and map mentioned in the prior post for those of you interested!



Blog Archive

▼ 2008 (8)

▼ September (7)

[Traffic Committee part 2....](#)

[City Traffic Committee Meeting](#)

[Letters to the Editor....](#)

[Wal Mart subsidies](#)

[Wal Mart Distribution Center](#)

[City Staff Report](#)

[GVNA Meeting](#)

► July (1)

What type of service would you like to see at the proposed shopping center?

- Bank
- Grocery Store
- Big Box Retailer
- Restaurant
- All the above

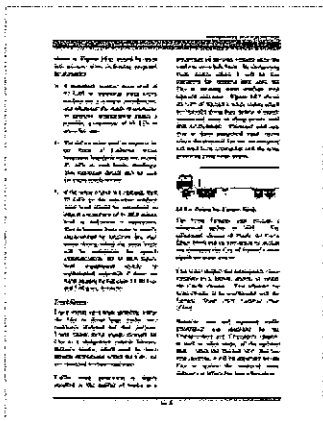
Vote

Show results

Votes so far: 5

Days left to vote: 34

News



Posted by RJE at 9:14 PM

0 comments

Labels: city council, traffic committee, WalMart

City Traffic Committee Meeting

The following email was sent via Nick Robinson and reads as follows:

Folks,

See attached for a draft letter and attachments asking the City Traffic Committee and City Council to enforce their own laws regarding truck parking and truck routes in Southeast Merced.

Please read the letter, and

1. Reply-all with any changes/edits by Sunday (Sept. 28)
2. Let us know if we can add your name to the letter.

The next City Traffic Committee meeting is Oct. 14 at 2 pm, which makes it impossible for working people to meaningfully participate except through this letter. We'll also need to find someone who can attend the meeting and represent our concerns. Let's shoot for getting 25 SE Merced residents to sign on to this letter.

I hope we'll resolve these issues for good in the coming months. If the City can't or won't enforce their own truck laws now, imagine the problems if they approve the Wal-Mart distribution center!

Thank you,
- Nick

Merced California Walmart

Former UC Merced grade student gets plea deal in 'supermeth' case ..

San Jose Mercury News, USA
MERCED — A UC Merced grad student accused of stealing school equipment to make methamphetamine pleaded no contest to charges of felony conspiracy to make ...

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Two Recovering from Gunshots Wounds in Merced

CBS 47, USA
The victims are 21-year-old Desmond Roddy, and 26-year-old Fredrick Morse, both of Merced. Both men are in the hospital in stable condition.

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Merced, Edison meet in one of state's top football games

Merced Sun-Star, USA
Many of his Merced teammates feel the same way. During the last six months they've heard plenty about Edison's three All-Americans -- Rolando Jefferson, ...

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Merced judge cancels arrest warrant for restaurant owner Bishop

Merced Sun-Star, USA
By VICTOR A. PATTON A Merced County Superior Court judge has recalled an arrest warrant for a well-known downtown restaurant owner who's the focus of a ...

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Background on the Traffic Committtee:

http://ci.merced.ca.us/depts/engineering_division/traffic_committee/default.asp

Background on McLane:

The City Police Dept. recently spoke to McLane about the City's truck route policy and apparently told them that Childs is not a truck route. McLane's response was that it's a public safety issue for their trucks to use Kibby to 140 because at the stop sign, truck trailers hang over the railroad tracks. The real problem is that the City Planning Dept. approved McLane Pacific and its expansion with a minimal amount of environmental and site plan review; as a result, McLane's operation doesn't fit into its current location, and residents in the neighborhood pay the price.

--

Nick Robinson

*Organizer, The Merced Stop Wal-Mart Action Team
1735 Canal St Suite 13, Merced, CA 95340
209.518.8751 cell | 209.723.9458 office
ndrobinson@gmail.com | www.warnwalmart.org |
www.mercedstopwalmart.org*

So while the city appears to be up to its old tricks I would like to recommend that you all, whether for or against the distribution center, look at the plans. Unless I am reading those plans wrong I don't see any access to the Campus Parkway at either Gerard Avenue or Childs Avenue leading me to wonder how the trucks will access Highway 99. Will they have to pass in front of Pioneer Elementary School? There are already trucks which use that route and although the city posted no parking signs at the vacant lot next to Pioneer, on any given day all you have to do is look there to see the city is not enforcing that law. Or will the trucks gain access to the highway by taking Childs Avenue down past Golden Valley and Weaver Elementary? Many of you know already of the traffic problems there. If I am reading those plans incorrectly please, someone let me know.....

Posted by RJE at 8:42 PM 0 comments
Labels: city of merced, Golden Valley High School, Pioneer Elementary, walmart distribution center, weaver elementary

TUESDAY, SEPTEMBER 23, 2008

All Comments

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Letters to the Editor.....

The following Letters to the Editor are taken from recent editions of the Merced Sun Star about, you guessed it, Wal Mart:

Monday, Sep. 22, 2008

Letter: Hoping for better

Editor: Sam Walton founded Wal-Mart in 1962. His idea was to buy products in bulk at the lowest possible price so he could sell below his competition. In the United States, you can expect a Wal-Mart within 60 miles.

This has allowed Wal-Mart to absorb an average of 20 percent of the competition wherever it opens a store.

In small towns it can be as much as 50 percent. The middleman is eliminated because Walmart can sell to retailers below wholesale. Wal-Mart refers to this as "fostering a healthy competitive environment."

Walton decided to cut his overhead by eliminating unions in his business so he wouldn't have to pay wage increases or negotiate for benefits.

What Wal-Mart lacks in moral integrity and ethical values it makes up for in money. In July, Wal-Mart showed \$166 billion in sales this year. Currently, there is a lawsuit pending against Wal-Mart for discrimination against women.

Our City Council must decide the value of having a Wal-Mart distribution center in Merced.

Merced could lose higher-paying jobs than Wal-Mart can create with lower-paying jobs. We might lose more than we can regain -- our integrity.

JOAN PORTER

Merced

Letter: Wal-Mart will bring much-needed jobs

Editor: The Wal-Mart distribution center proposed for Merced will bring some badly needed jobs to this area where unemployment is

historically high.

And such expansion is merely a part of growth, and cities like ours either grows or stagnates.

If the distribution center is not built here I believe it will be in either the county to our north or to our south, and we will still get the increased traffic, which appears to be the reason many people oppose the project.

LEE PIERCE

Merced

City Council and integrity are two words that don't usually come to mind together at least. Especially when it comes to a big donor like WalMart. As for Mr. Pierce's assumptions, I think he misses the point. Its not that most people don't want a distribution center in Merced, it's that most opponents don't want it so close to elementary schools. We would prefer the center further out away from our children. Does Mr. Pierce disagree with that?

Posted by RJE at 10:27 PM

0 comments

Labels: children, Golden Valley High School, Pioneer Elementary, pollution, WalMart, Weaver Elementary

TUESDAY, SEPTEMBER 16, 2008

Wal Mart subsidies

The following stats were provided by the web site Good Jobs First and although it comes as no surprise that Wal Mart uses subsidies, the amount of those subsidies was surprising:

LARGEST WAL-MART ECONOMIC DEVELOPMENT SUBSIDY DEALS IN EACH STATE

Note: Good Jobs First found deals in 38 of the 50 states; there are no Wal-Mart stores or distribution centers in the District of Columbia.

Also note that complete information was not available on some deals.

State City Facility Type Year Opened Value of Subsidy

AL Cullman distribution center 1983 more than \$12 million

AR Clarksville distribution center 1993 more than \$1.1 million

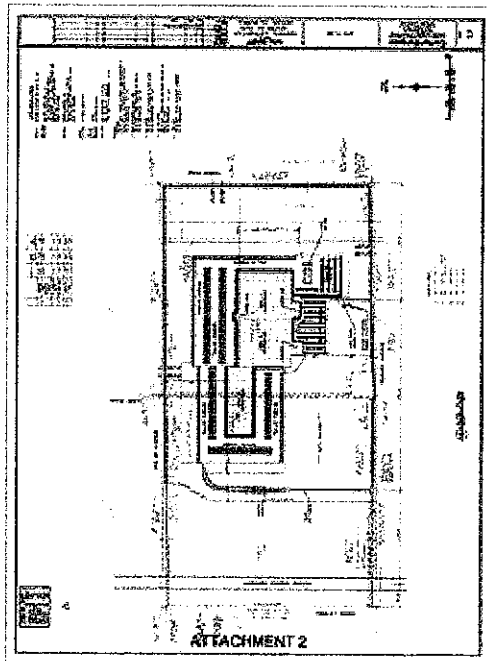
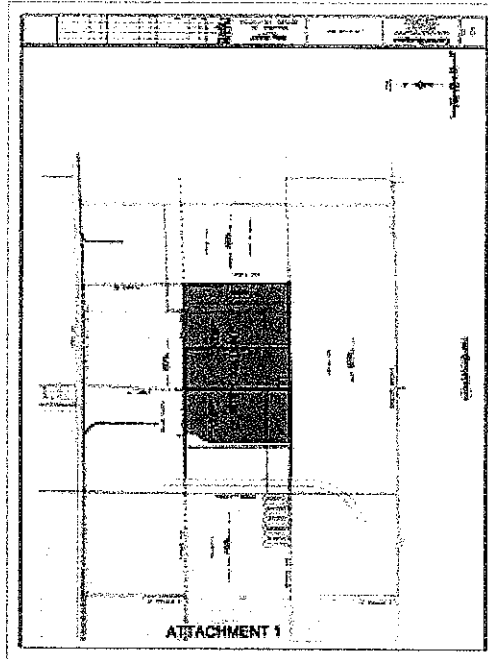
AZ Mesa Supercenter Fall 2007 up to \$13.2 million

CA Porterville distribution center 1992 estimated \$14 million
CO Westminster Supercenter 2007/2008 \$5 million
DE Smyrna distribution center 2004 \$4.1 million
FL Arcadia distribution center 2005 more than \$23.8 million
GA Douglas distribution center 1987 more than \$10 million
IA Mount Pleasant distribution center 1985 \$10 million
IL Country Club Hills Supercenter 2006 \$12.25 million
IN Gas City distribution center 2007 more than \$6.4 million
KS W. Kansas City/Speedway Supercenter undetermined \$29.1 million
KY Hopkinsville distribution center 2003 more than \$15 million
LA Opelousas distribution center 1999 \$33 million
MD Princess Anne distribution center undetermined Up to \$12.5 million
ME Lewiston distribution center 2006 \$16 million
MI Coldwater distribution center 2001 \$2.4 million
MN Mankato distribution center undetermined \$2 million
MO Kansas City (Blue Ridge Mall) Supercenter 2007 \$26.75 million
MS New Albany distribution center 1996 about \$11.5 million
NC Shelby distribution center 2002 at least \$2.1 million
NE North Platte distribution center 2003 more than \$15.2 million
NJ Audubon discount store 2005 \$1.2 million
NM Los Lunas distribution center 1999 about \$6.7 million
NY Sharon Springs distribution center 1995 estimated \$46 million
OH Grove City distribution center 1992 \$19 million
OK Ochelata (Bartlesville) dist center 2005 about \$15.9 million
OR Hermiston distribution center 1998 about \$2.5 million
PA Woodland distribution center 1993 \$8 million
SC Pageland distribution center 1997 \$28.2 million
TN Midway distribution center 1997 \$5.4 million
TX New Braunfels distribution center 1989 estimated \$20 million
UT Hurricane distribution center 1993 estimated \$10 million
VA Mount Crawford distribution center 2006 \$2.5 million
WA Grandview distribution center 2004 \$1 million
WI Beaver Dam distribution center 2007 about \$7.7 million
WV Nitro Supercenter 1998 \$4.9 million
WY Cheyenne distribution center 2007 estimated \$6.275 million

Interesting. The Porterville center was located in an enterprise zone, which made it eligible for state tax credits of up to \$31,500 per employee. The exact value of the credits used was not available, but if we assume that credits were received for only one third of the 1,400 employees, the total would be about \$14 million

Labels: retail center, shop Target, subsidies

Wal Mart Distribution Center



meeting. They are for the proposed Wal Mart Distribution Center.

Posted by RJE at 9:32 PM

0 comments

Labels: Wal Mart Distribution Center

City Staff Report

Here is the link for the staff report for council item regarding Wal Mart Distribution Center for those interested.

http://www.mercedstopwalmart.org/images/SWAT_PDFS/staffreport9152008.pdf

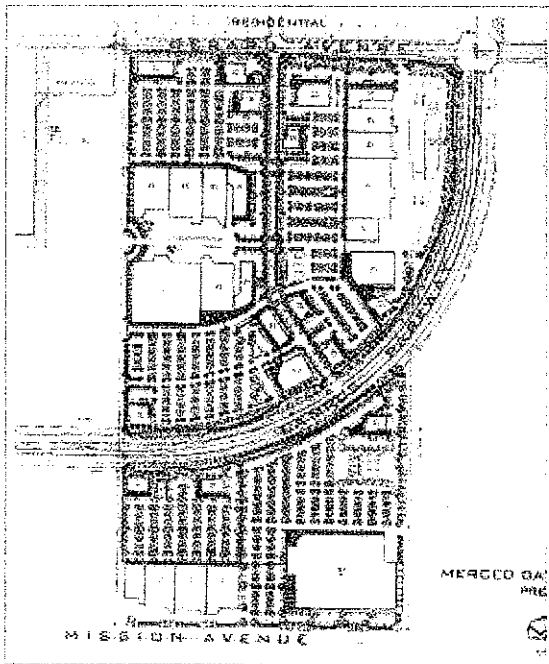
Posted by RJE at 9:30 PM

0 comments

Labels: Merced City Council, staff report, WalMart

WEDNESDAY, SEPTEMBER 10, 2008

GVNA Meeting



Golden Valley Neighborhood Association

Agenda

Date: September 8, 2008
 Time: 6:00 P.M. Place: Hesperian Inn & Suites

1. Call To Order

September's meeting was attended by guest speaker Dave Sprinkel from the Merced

Gateway Project. Mr. Sprinkel reported that progress is being made on the proposed shopping center on Gerard Ave. with Merced's leaders giving the project another serious look. Funding for additional work on the Campus Parkway has been recently approved and with the opening of the Target Superstore in Atwater, Merced City Council and City Staff have changed their attitude on the project and are trying to work with Gateway. While no tenants have been confirmed as of yet, Mr. Sprinkel was optimistic that once ground was broken, interested companies may start to look at Merced. There are still issues regarding city fees and final plan approval but the income generated and potential jobs for the citizens of Merced would benefit greatly.

In addition to the Merced Gateway Project and jobs, the subject of Wal-Mart's proposed distribution center once again came front and center. In reading between the lines of city officials and examining the current state of Merced's economic situation, the center MAY soon be approved. Issues such as air and noise pollution, truck traffic and the centers proximity to schools may have to take a backseat in order to provide for the 900 jobs WalMart promises as a benefit to the community. Of course exactly how many of those "900" jobs will actually go to Merced residents is still up for debate. If the city planning departments past record (i.e. the Grove Apartments) is any indication that number may not be as close to 900 as some would believe. At least not for Merced residents that is.

In more positive news Lee Pevsner reported that the Central California Band Review will take place November 8 along the same route as last year. Residents living in the Dinkey Creek area should make a note of this date as detours and road closures will be in effect with the review hours lasting from approximately 7:00 until around 1:00. Also, after the band review Golden Valley will play it's football game at Golden Valley High School's football field. It will be a great time to take the family out for a day of marching bands and a good old football game!

With the coming changing of the seasons now would also be a great time to plan a Neighborhood Watch Meeting. With many houses in foreclosure, meeting with your neighbors and planning a strategy to keep empty houses free from vandals and trespassers might be a good idea. If you'd like to plan a meeting you can leave a message at this blog and you will be contacted.

Posted by RIF at 6:20 PM

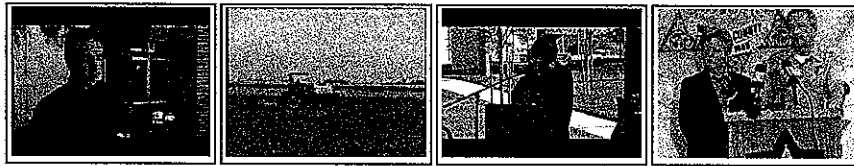
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Labels: Central California Band Review, Golden Valley Neighborhood Association, GVNA, Merced, Merced Gateway Project, Wal Mart Distribution Center

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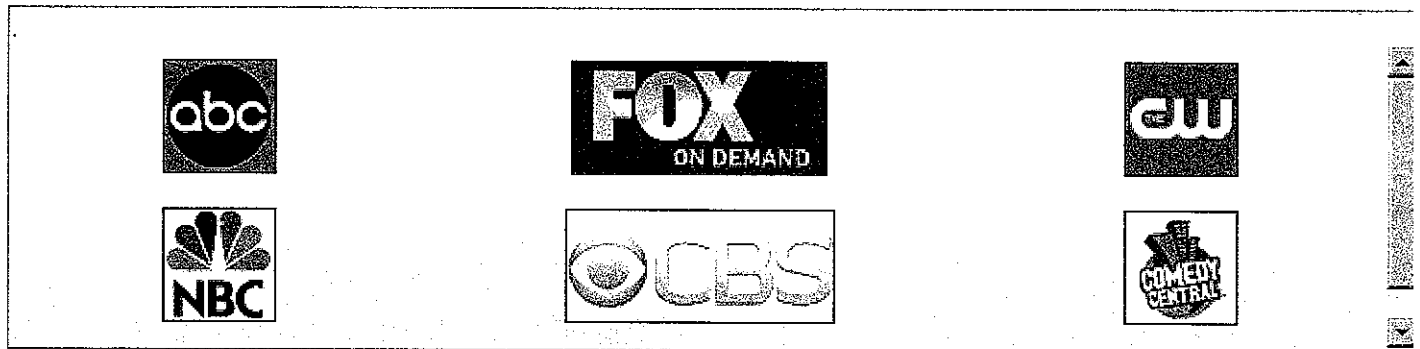
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Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Wednesday, September 24, 2008 8:41 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim
Subject: FW: Support for Wal-Mart

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Brenda Johnson [mailto:bjohnson@transcountytitle.com]
Sent: Tuesday, September 23, 2008 11:36 AM
To: city, council
Subject: Support for Wal-Mart

Dear City Council and Planning Commissioners,

I'm writing to voice my support in bringing the Wal-Mart Distribution Center to Merced. In my opinion, the positive results will far outweigh the negatives:

1. Nearly 1,000 new GOOD-PAYING jobs for Merced.
2. New jobs = LESS CRIME!
3. New jobs = more potential homeowners, which in turn will reduce the number of vacant homes in Merced, help stem the tide of falling home values, and thereby reduce the amount of vandalism, graffiti and other crimes.
4. New jobs = more dollars spent at local businesses in Merced, and more tax dollars in the City and County coffers.
5. The presence of a Wal-Mart Distribution Center in Merced will encourage other large employers to locate here, in turn bringing MORE NEW JOBS!
6. The improvements in the local economy that the Wal-Mart Distribution Center will bring, and the subsequent reduction in crime, will help attract bright, new, talented individuals to our community, and help prevent our current community "stars" from giving up, jumping ship and moving out of the area.

It is not up to Merced, nor is it even remotely possible for us to solve the problem of "cheap goods from China" flooding

our market. It's up to the free-market system and our legislators to solve that problem. Nor is it possible for us to single-handedly cure air pollution in Merced. Wal-Mart distribution trucks will speed down Highway 99 through Merced whether or not we have a Wal-Mart distribution center, and Wal-Mart's "green fleet" will surely be far less polluting than the B52s and tankers from Castle AFB that once roared over our skies.

We must PRIORITYIZE the problems we have NOW and seek to SOLVE the ones we are CAPABLE of solving NOW. High unemployment, poverty and crime are CRITICAL PROBLEMS WE FACE NOW. A Wal-Mart distribution center will be a GREAT START to solving many of Merced's problems NOW.

Please do what's right for our community and vote to approve Wal-Mart's distribution center.

Best regards,



Brenda Johnson
Marketing Representative
TransCounty Title Co.
Cell: 209-658-4274
Office: 209-383-4660 ext. 35
Fax: 209-383-0912

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Tuesday, September 23, 2008 9:06 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Quintero, Frank; Conway, Mike; Espinosa, Kim
Subject: FW: Wal Mart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Poppy Phares [mailto:pphares@transcountytitle.com]
Sent: Monday, September 22, 2008 9:28 AM
To: city, council
Subject: Wal Mart Distribution Center

Good morning,

I just wanted to take a moment this morning to write to you in support of Merced County bringing in a Wal Mart Distribution center. It is imperative in this economically challenged era, that we do everything possible to bring employment to this area. Merced County has been long suffering in its lack of gainful employment. We've got far too many people and far too few jobs. We have higher gas prices and higher grocery prices than our surrounding counties. We need a fighting chance here in our County - I urge you to do everything possible to promote this venture and bring much needed employment and hope to our community.
Thank you.



Poppy I. Phares, Escrow Officer
TransCounty Title Company
2553 First Street, Atwater CA 95301
P: (209)358-8254 ext. 14

F: (209)381-2741

God's love is a daily promise!

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Thursday, September 18, 2008 8:56 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim
Subject: FW: Wal-Mart distribution center

From the website ...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: mary bass [mailto:sjd@yosemite.net]
Sent: Wednesday, September 17, 2008 10:13 AM
To: city, council
Subject: Wal-Mart distribution center

This is not kind of growth Merced needs. These type of jobs will keep Merced in the lowest income and in the worst places to live lists, not to mention adding to the poor air quality our children already face. Please don't let Wal-Mart open this center.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Wednesday, September 17, 2008 8:24 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim
Subject: FW: Wal-Mart distribution center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Sydney Spittler [mailto:sspittler@elite.net]
Sent: Tuesday, September 16, 2008 2:06 PM
To: city, council
Subject: Wal-Mart distribution center

Dear City Hall,

I can't say I'm sorry to hear that Wal-Mart is showing signs that they do not want to build their distribution center in/by Merced.

It was a horrible idea all the time. If Wal-Mart wants to build let them do it where they are not going to intrude on almost every aspect of a city or county's way and quality of life.

I must say, if fuel prices are the reason Wal-Mart is not coming to our area, that is the ONLY positive aspect about the high fuel prices and I hope the prices soon go down but Wal-Mart doesn't change its mind and decide to build in our area again.

Syd Spittler

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Wednesday, September 17, 2008 8:23 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim
Subject: FW: Wal-Mart distribution center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Lisa Brown [mailto:nworbasil@yahoo.com]
Sent: Tuesday, September 16, 2008 10:17 AM
To: city, council
Subject: Wal-Mart distribution center

I am opposed to the Wal-Mart distribution center. The central valley should be making their air quality a higher priority. No matter how much money or jobs are available in the valley, it won't matter if the air is too dirty to breathe comfortably or sustain life.

And what happens after Walmart paves over and contaminates 1,000,000 square feet of some the richest farm land in the world then decides that needs to abandon the property to "streamline efficiencies" as they've done in Georgia. What then? Merced is left with the clean up and an eyesore of enormous proportions.

Please try to look at this from a long-term perspective and not as a short-term way out of a budget crisis.

Thank you

Lisa Brown
1634 Pettinotti Rd
Merced CA 95348

9/17/2008

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Wednesday, September 17, 2008 8:22 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Conway, Mike; Davidson, Dana; Quintero, Frank; Espinosa, Kim
Subject: FW: Wal-Mart distribution center

From the website...
Dawn
Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: nancy holmes [<mailto:nkholmes2004@yahoo.com>]
Sent: Tuesday, September 16, 2008 9:53 AM
To: city, council
Subject: Wal-Mart distribution center

If all of this is true, please take better care of our tax dollars. You owe it to the people you represent.

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Wednesday, September 17, 2008 8:21 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Conway, Mike; Quintero, Frank; Davidson, Dana; Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Matthew Wright [mailto:match247@sbcglobal.net]
Sent: Tuesday, September 16, 2008 8:41 AM
To: city, council
Subject: Wal-Mart Distribution Center

Dear City Council,

My sixteen year old daughter Alyse has been an active softball player since she was nine years old. She has a real passion for the sport. Alyse is now sixteen and hoping her softball skills can be turned into collage scholarship options.

Recently she has not been doing well in her conditioning training at GVH and we've just learned from her doctors that she has asthma. We are learning about the treatments available but we've been told that this will certainly affect her future in softball.

My family lives in South East Merced and strongly oppose the Wal-Mart Distribution Center. My point is that our air quality is bad enough here in Merced and our recent struggle with asthma has been heartbreaking and I'd hate to see any family deal with this due to the influx of Wal-Mart trucks further polluting our city. My wife just gave birth to our healthy baby girl and I realize now that sadly I have to fight to help keep her healthy and safe from bad corporate neighbors such as Wal-Mart.

Please don't let Wal-Mart build their distribution center less than a mile from my home and the

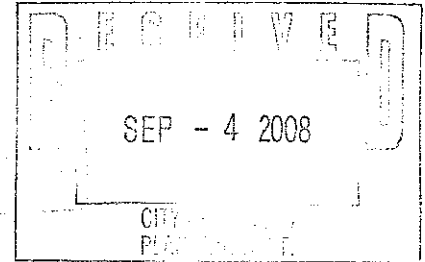
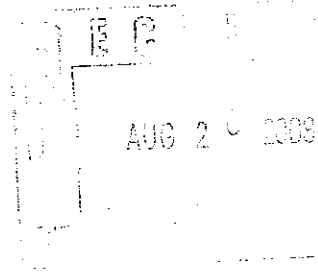
schools of my children, of Merced's children.


Thank you,
Matt Wright
395 Albert Drive
Merced, CA 95341
725-9298

Susan Bubenchik
79 Sun Valley Court
Merced, CA 95340
(209) 722-1792

August 25, 2008

The Honorable John Carlisle
Councilmember, City of Merced
678 West 18th Street
Merced, CA 95340



Dear Councilmember Carlisle: 

As part of the recently established coalition of Merced County business and community leaders and organizations whose purpose is building public support for the proposed Wal-Mart distribution Center, I want to express my believe of how critical this project is to creating new jobs and protecting our local economy.

Not since efforts to bring the University of California, Merced, to our community have such a diverse group of concerned citizens and organizations come together to bring new jobs and opportunities to our community. So far, over 9,000 local residents have submitted supporter cards in favor of the proposed Wal-Mart project and with good reason.

Our community will benefit greatly from a distribution center project that will create over 1,000 new jobs, 900 of which will be full time. In addition, 600 new construction jobs will be created to build a \$60 million building that is environmentally friendly and energy efficient.

This project is critical to diversifying and protecting the local job market, because it will serve as a critical hub for exporting many of the Central Valley's finest products throughout the United States and the world.

Today, Merced and its surrounding communities have benefited from Wal-Mart's partnership with local businesses and farming operations. Over the past three years alone, Wal-Mart has purchased over \$169 million from Merced County suppliers, supporting almost 11,000 local jobs!

More jobs simply means fewer home foreclosures, money spent in local businesses and more tax revenue for critical public services such as police and fire services that keep our neighborhoods, schools and roads safe – all of which protect the quality of life in a community we call home.

At a time when so many are seeking work, the City Council simply can't afford to forgo an opportunity to bring hundreds of quality jobs to our community. If Wal-Mart is invited to do business in Merced it will send a strong message to other major employers that Merced is "Open for Business."

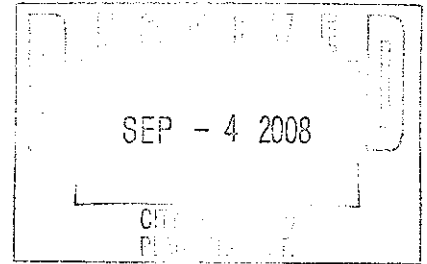
For the betterment of Merced we ask you to join us in supporting the Wal-Mart distribution center.

Thank you for your favorable consideration.

Sincerely,

Susan Bubenchik

Merced County Jobs Coalition



Dear Council Member Carlisle,

We recently established The Merced County Jobs Coalition, consisting of Merced County business/community leaders and organizations with the purpose building public support for the proposed Wal-Mart distribution center, a project critical to creating new jobs and protecting our local economy.

Not since efforts to bring the University of California, Merced, to our community have such a diverse group of concerned citizens and organizations come together to bring new jobs and opportunities to our community.

So far, over 9000 local residents have submitted supporter cards in favor of the proposed Wal-Mart project and with good reason.

Our community will benefit greatly from a distribution center project that will create over 1000 new jobs, 900 of which will be full time. In addition, 600 new construction jobs will be created to build a \$60 million building that is environmentally friendly and energy efficient.

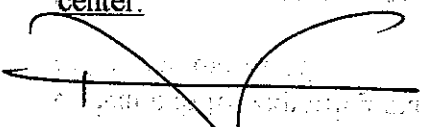
This project is critical to diversifying and protecting the local job market, for it will serve as a critical hub for exporting many of the Central Valley's finest products throughout the United States and the world.

Today, Merced and its surrounding communities have benefited from Wal-Mart's partnership with local businesses and farming operations. Over the past three years alone, Wal-Mart has purchased over \$169 million from Merced County suppliers, supporting almost 11,000 local jobs!

More jobs simply means fewer home foreclosures; more money spent in local businesses and more tax revenue for critical public services such as police and fire services that keep our neighborhoods, schools and roads safe – all of which protect the quality of life in a community we call home.

At a time when so many are seeking work, the city council simply can't afford to forgo an opportunity to bring hundreds of quality jobs to our community. If Wal-Mart is invited to do business in Merced it will send a strong message to other major employers that Merced is "Open for Business."

For the betterment of Merced we ask you to join us in supporting the Wal-Mart distribution center.


Doug Fluetsch, Chairman
Merced County Jobs Coalition

Steering Committee

Julius Pekar, CEO
Merced County Chamber of Commerce

Bruce Logue, President
Greater Merced Chamber of Commerce

Dorothy Kielty, President
Merced County Association of Realtors

Rick Eason, President
Merced Boosters

Vickie Ramirez, President
Merced County Business & Profession Women

Joe Ramirez, President
Merced County Hispanic Cham. of Comm.

Dr. Lee Boese, Jr.
Citizens for the Betterment of Merced County

Henry Xiong, Employment Program
Coordinator, Lao Family of Merced

Carl Pollard
Former Merced City Councilman

Bud Wallace, Past President
Merced County Chamber of Commerce

John F. Adame
Planada Business Development Committee

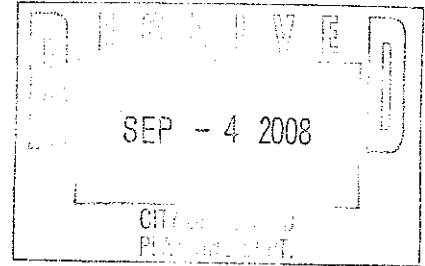
John S. Adame (Sr.)
Planada Municipal Advisory Committee



LIFESPING CHURCH

25 August 2008

Mr. John Carlisle
City Council, City of Merced
678 W. 18th Street
Merced, CA 95340



Dear Councilmember Carlisle:

I am a member of a recently established coalition of Merced County business and community leaders whose purpose is building public support for the proposed Wal-Mart distribution center.

I believe our community will benefit greatly from this project that will create over 1000 new jobs, 900 of which will be full time. In addition, 600 new construction jobs will be created to build a \$60 million building that is environmentally friendly and energy efficient.

This project is critical to diversifying and protecting the local job market, because it will serve as a critical hub for exporting many of the Central Valley's finest products throughout the United States and the world. Additionally, over the past three years alone, Wal-Mart has purchased over \$169 million from Merced County suppliers, supporting almost 11,000 local jobs!

More jobs means fewer home foreclosures, money spent in local businesses, and more tax revenue for essential public services such as police and fire services. More jobs means the offer of a better life to people in our community who live below the poverty line. It means money for education, health, and safety. Who can argue against that?

At a time when so many are seeking work, the city council simply can't afford to forgo an opportunity to bring hundreds of quality jobs to our community. If Wal-Mart is invited to do business in Merced it will send a strong message to other major employers that Merced is "Open for Business."

I ask you to join us in supporting the Wal-Mart distribution center.

Very truly yours,

Bruce W. Logue

Please note new address

731 E. Yosemite Ave. Ste. B, PMB 308
Merced, CA 95340-8039

Merced, CA 95348-3404 • (209) 327-0308 (cell) • (209) 383-4257 (home) • bruce@lifespringchurch.net

LIKE A GOOD NEIGHBOR

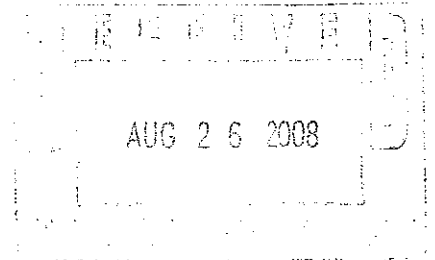


STATE FARM IS THERE.

Providing Insurance and Financial Services

August 23, 2008

John Carlisle, Mayor Pro Tempore
City of Merced
678 W 18th Street
Merced, CA 95340



Dear Mayor Pro Tempore Carlisle,

We are a recently established coalition of Merced County business and community leaders and organizations whose purpose is building public support for the proposed Wal-Mart distribution center. We believe this project is critical to creating new jobs and protecting our local economy.

Not since efforts to bring the University of California, Merced, to our community have such a diverse group of concerned citizens and organizations come together to bring new jobs and opportunities to our community. So far, over 9000 local residents have submitted supporter cards in favor of the proposed Wal-Mart project and with good reason. Our community will benefit greatly from a distribution center project that will create over 1000 new jobs, 900 of which will be full time. In addition, 600 new construction jobs will be created to build a \$60 million building that is environmentally friendly and energy efficient.

This project is critical to diversifying and protecting the local job market, because it will serve as a critical hub for exporting many of the Central Valley's finest products throughout the United States and the world.

Today, Merced and its surrounding communities have benefited from Wal-Mart's partnership with local businesses and farming operations. Over the past three years alone, Wal-Mart has purchased over \$169 million from Merced County suppliers, supporting almost 11,000 local jobs!

More jobs simply means fewer home foreclosures, money spent in local businesses and more tax revenue for critical public services such as police and fire services that keep our neighborhoods safe, schools and roads – all of which protect the quality of life in a community we call home.

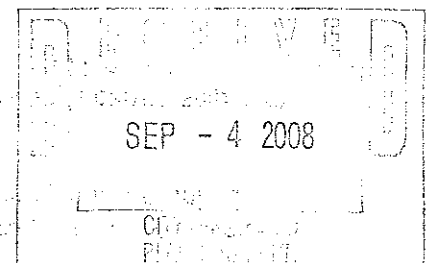
At a time when so many are seeking work, the city council simply can't afford to forgo an opportunity to bring hundreds of quality jobs to our community. If Wal-Mart is invited to do business in Merced it will send a strong message to other major employers that Merced is "Open for Business."

For the betterment of Merced we ask you to join us in supporting the Wal-Mart distribution center.

Thank you for your favorable consideration.

A handwritten signature in cursive script that reads "Peggy Biddison".

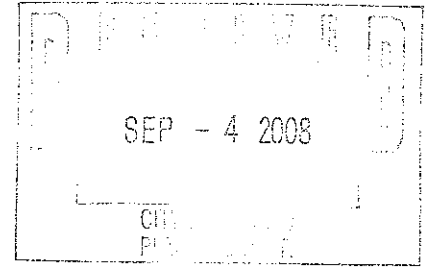
Peggy Biddison, Agent
State Farm Insurance



Whitehill Accounting

385 W. N. Bearcreek Drive, Merced, CA 95348

August 25, 2008



Councilman John Carlisle
City of Merced

Dear Councilman Carlisle:

I support the efforts of the recently established coalition of Merced County business and community leaders and organizations whose purpose is building public support for the proposed Wal-Mart distribution center. I believe this project is critical to creating new jobs and protecting our local economy.

Our community will benefit greatly from a distribution center project that will create over 1000 new jobs, 900 of which will be full time. In addition, 600 new construction jobs will be created to build a \$60 million building that is environmentally friendly and energy efficient.

More jobs simply means fewer home foreclosures, money spent in local businesses and more tax revenue for critical public services such as police and fire services that keep our neighborhoods safe, schools and roads – all of which protect the quality of life in a community we call home.

At a time when so many are seeking work, the city council simply can't afford to forgo an opportunity to bring hundreds of quality jobs to our community. If Wal-Mart is invited to do business in Merced it will send a strong message to other major employers that Merced is "Open for Business."

For the betterment of Merced I ask you to join in supporting the Wal-Mart distribution center.

Thank you for your favorable consideration.
Sincerely,

Carole Whitehill

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Tuesday, September 02, 2008 10:40 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Quintero, Frank; Conway, Mike; Davidson, Dana; Espinosa, Kim
Subject: FW: Wal Mart Dist. Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Mary Bigelow [mailto:mry_bigelow@yahoo.com]
Sent: Sunday, August 24, 2008 10:14 AM
To: city, council
Subject: Wal Mart Dist. Center

Dear City Council Members,

I am in complete support of this project. We need these jobs in Merced and hopefully this will start a relationship that other corporations and companies will notice and inquire about moving their operations to Merced. We should courting MANY large companies for their business operations to be run out of Merced County.

Respectfully Yours,

Mary Bigelow

Sun Star version - revised

Merced Sun-Star
Classifieds



Wednesday, Aug. 13, 2008

Letter: Misleading, defeatist

Editor: The two most recent editorials endorsing Wal-Mart's distribution center were misleading and defeatist.

The Sun-Star's editorial of July 16 suggests that a few individuals represent the views of everyone, and thus our community's conventional wisdom; and the Chamber of Commerce-financed survey that is so often referred to suggests that 230 people represent the opinion of more than 80,000.

Voter Consumer Research, which conducted the chamber survey, is a Texas-based company that offers marketing information to its clients. They called 300 registered voters over two days and found that roughly 190 replied favorably to the way they framed the question of the proposed Wal-Mart distribution center, and 40 replied somewhat favorably.

After reading the company's findings I could not find the wording used by the pollsters. Anyone who has performed statistical analysis knows that wording can be constructed to induce favorable responses. Also 300 out of 80,000 is a small sample, and we have no idea what segment of our population these 300 came from.

There is no doubt that we would see a more favorable response if they polled more of our citizens and asked if we would prefer less polluting and better-paying industries in Merced instead of the distribution center, but that was not the agenda.

This leads to the issue of defeatism. The editorial also stated a preference for greener and better-paying industries, and that we do not want "growth at any price." But our civic leaders are currently not striving to bring us better choices, our citizens are not good enough to work in better industries and Wal-Mart's trucks will be on our roads anyway.

If the center is built, it should be away from any population center and alongside a railroad track, which is going to be the cleaner transportation option of the future.

The debate is not only about great versus less-great jobs, it is also about public health. It is especially about our children, who already suffer lung disease at an unacceptable rate. I am hoping that we all feel that they are worth fighting for.

KEITH LAW

Merced

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Tuesday, September 02, 2008 10:30 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Quintero, Frank; Conway, Mike; Davidson, Dana; Espinosa, Kim; Lucas, Terri
Subject: FW: Wal-Mart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Sam Palmer [mailto:samrp@sbcglobal.net]
Sent: Monday, August 18, 2008 9:02 PM
To: city, council
Subject: Wal-Mart Distribution Center

To:

City Council Members:

Mayor Ellie Wooten
John Carlisle
Joe Cortez
Michele Gabriault-Acosta
Noah Lor
Jim Sanders
Bill Spriggs

City Council Website

City Planning Commission Members:

Mary Ward, Chair
Dwight Amey, Vice-Chair
Robert Acheson
Richard Cervantes
Carole McCoy
Larry Shankland

Tena Williams

Hi folks,

As a constituent and voter I am voicing my support for the Wal-Mart distribution Center. I thought it a good idea when first proposed and consider it a good idea now. We need high quality transition employment in this area as we undergo a lifestyle change that will take 20-30 years to accomplish. This is primarily an agricultural area with very few other opportunities for advancement in life. Wal-Mart, and other similar industries, will help our transition. This type of employer is a good fit for the area and educational abilities of a large percentage of our residents; certainly better than a lot of the field work many families perform. This is a step up opportunity for them and us as a whole.

Those that denigrate this type of industry are ill informed to the realities of life. They want industries that we cannot provide the level of education required, in the quantities that are needed. One thing builds upon another as I am sure you realize as the leaders of this city. We cannot attract hi-tech industry without a proper demographic and existing job base for them to draw from. I urge you to support the distribution center, and I will also attend any and all community events regarding this subject that I am able to.

Best regards to you all

Sam Palmer
Merced, CA
209-383-4642

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Tuesday, September 02, 2008 10:29 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Quintero, Frank; Conway, Mike; Davidson, Dana; Espinosa, Kim
Subject: FW: Wall Mart

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Robert Tussey [mailto:tusseyrobert@sbcglobal.net]
Sent: Monday, August 18, 2008 3:24 PM
To: city, council
Subject: Wall Mart

To: Merced City Counsel Members

We need jobs in Merced, pollution will be here, it will come no matter what. We are a leaders in one sad statistic after another "UNEMPLOYMENT , FOR-CLOSURES, GANGS, CRIME, HIGH SCHOOL DROP OUTS" Jobs reduce these. Wall Mart means jobs, jobs provide motivation to kids to stay in school, not join gangs, they provide income for people to buy homes, and pay bills. They provide a sense of self worth. When one our citizens are asked "What do you do for a living?" What answer will they give:

1. I collect state welfare
2. I pan handle
3. I steel
4. I am a member of a gang
5. I sell drugs.
- 6.I work for Wall Mart at the distribution center loading and loading trucks, but I am going to Merced JC and will have my AS next spring.

A vote against Wall Mart means we continue to have our citizens answering the questions with responses 1-5, a yes for Wall Mart means our citizens can answer with #6. Wall Mart is not perfect and pollution is not good but the other option is worse in my view.

Creating jobs should be number one in this town, riding the bus, or biking to work at Wall Mart cannot be worse than commuting to Turlock, Modesto, Madera Fresno or wherever to find work. Perhaps we should cancel the new Hospital, Medical work UC Merced is going to do. Can you imagine all the people that will go there rather than out of town for medical care. All that traffic in town rather than going some place else.....terrible.

Robert L. Tussey
2499 E. Gerard #98
Merced, CA 95341
209-383-1752

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Tuesday, September 02, 2008 10:28 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Quintero, Frank; Conway, Mike; Davidson, Dana; Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Jim Metcalf [mailto:JMetcalf@labeltech.com]
Sent: Monday, August 18, 2008 2:41 PM
To: city, council
Subject: Wal-Mart Distribution Center

Dear Mayor and City Council Members,

I urge you to move ahead and support the building of the Wal-Mart Distribution Center in Merced and Merced County. Our city needs to look to additional tax sources and new prospective jobs for its citizens. As a former council member Dodgeville, Wisconsin I helped bring Lands End to that community and it is one of the largest employers in that part of the state. This is a win for both Merced and Wal-Mart and comes at a time when we could use more growth.

Thank you,

Jim Metcalf
Label Technology
Machine Systems Manager
2050 Wardrobe Avenue, Merced, CA 95340 USA
Phone: 800 388 1990 Ext: 3032, Fax: 209 384 0322
Email: jmetcalf@labeltech.com
Visit: <http://www.product-catalog.com/labeltechindex.cfm>



Espinosa, Kim

From: Bingaman, Jamie
Sent: Tuesday, August 05, 2008 11:26 AM
To: Espinosa, Kim
Subject: FW: WSJ.com - Wal-Mart Warns of Democratic Win

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

From: Proctor, Deneen
Sent: Monday, August 04, 2008 9:31 AM
To: Bingaman, Jamie
Subject: FW: WSJ.com - Wal-Mart Warns of Democratic Win

For the Record...

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

From: Marshall, Jim
Sent: Monday, August 04, 2008 9:24 AM
To: Proctor, Deneen
Subject: FW: WSJ.com - Wal-Mart Warns of Democratic Win

for the record

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

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

From: jbc76@sbcglobal.net [mailto:jbc76@sbcglobal.net]
Sent: Sunday, August 03, 2008 1:20 AM
To: Marshall, Jim
Subject: WSJ.com - Wal-Mart Warns of Democratic Win

THE WALL STREET JOURNAL.

WSJ.com

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John Carlisle

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WSJ.com THE WALL STREET JOURNAL ONLINE

August 1, 2008

PAGE ONE

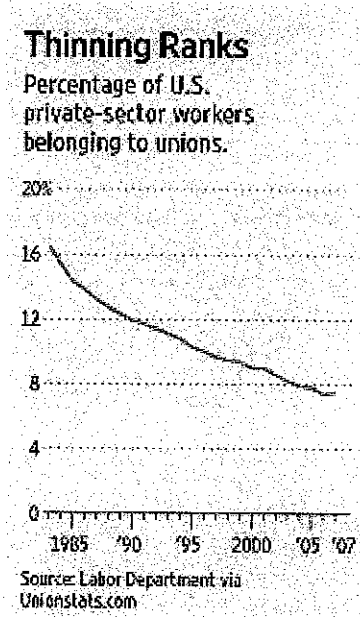
Wal-Mart Warns of Democratic Win

By ANN ZIMMERMAN and KRIS MAHER
August 1, 2008; Page A1

Wal-Mart Stores Inc. is mobilizing its store managers and department supervisors around the country to warn that if Democrats win power in November, they'll likely change federal law to make it easier for workers to unionize companies -- including Wal-Mart.

In recent weeks, thousands of Wal-Mart store managers and department heads have been summoned to mandatory meetings at which the retailer stresses the downside for workers if stores were to be unionized.

According to about a dozen Wal-Mart employees who attended such meetings in seven states, Wal-Mart executives claim that employees at unionized stores would have to pay hefty union dues while getting nothing in return, and may have to go on strike without compensation. Also, unionization could mean fewer jobs as labor costs rise.



The actions by Wal-Mart -- the nation's largest private employer -- reflect a growing concern among big business that a reinvigorated labor movement could reverse years of declining union membership. That could lead to higher payroll and health costs for companies already being hurt by rising fuel and commodities costs and the tough economic climate.

The Wal-Mart human-resources managers who run the meetings don't specifically tell attendees how to vote in November's election, but make it clear that voting for Democratic presidential hopeful Sen. Barack Obama would be tantamount to inviting unions in, according to Wal-Mart employees who attended gatherings in Maryland, Missouri

and other states.

"The meeting leader said, 'I am not telling you how to vote, but if the Democrats win, this bill will pass and you won't have a vote on whether you want a union,'" said a Wal-Mart

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customer-service supervisor from Missouri. "I am not a stupid person. They were telling me how to vote," she said.

"If anyone representing Wal-Mart gave the impression we were telling associates how to vote, they were wrong and acting without approval," said David Tovar, Wal-Mart spokesman. Mr. Tovar acknowledged that the meetings were taking place for store managers and supervisors nationwide.

Wal-Mart's worries center on a piece of legislation known as the Employee Free Choice Act, which companies say would enable unions to quickly add millions of new members. "We believe EFCA is a bad bill and we have been on record as opposing it for some time," Mr. Tovar said. "We feel educating our associates about the bill is the right thing to do."

Other companies and groups are also making a case against the legislation to workers. Laundry company Cintas Corp., which has been fighting a multiyear organizing campaign by Unite Here, relaunched a Web site July 14 called CintasVotes. The site instructs visitors to take action by telling members of Congress to oppose the legislation.

"We feel it's important that our employee partners fully understand the implications that the Employee Free Choice Act could have on their work environment and benefits," said Heather Trainer, a Cintas spokeswoman.

Business-backed organizations are also running ads aimed at building opposition to the bill, including the Coalition for a Democratic Workplace, which counts several hundred industry associations as members. Another group, the Employee Freedom Action Committee, is run by former tobacco lobbyist Rick Berman. The groups, which aren't affiliated with each other, say they have a total of \$50 million in funding. Neither will disclose which companies or individuals have provided funding.

The U.S. Chamber of Commerce has made defeat of the legislation a top priority. In the past six months, it has flown state and local Chamber members to Washington to lobby members of Congress. On Thursday, the Chamber began airing a television ad in Minnesota and plans to run ads in other states as part of a broader campaign.

The bill was crafted by labor as a response to more aggressive opposition by companies to union-organizing activity. The AFL-CIO and individual unions such as the United Food and Commercial Workers have promised to make passage of the new labor law their No. 1 mission after the November election.

First introduced in 2003, the bill came to a vote last year and sailed through the Democratic-controlled House of Representatives, but was blocked by a filibuster in the Senate and faced a veto threat by the White House. The bill was taken off the floor, and its backers pledged to reintroduce it when they could get more support.

The November election could bring that extra support in Congress, as well as the White House if Sen. Obama is elected and Democrats extend their control in the Senate. Sen. Obama co-sponsored the legislation, which also is known as "card check," and has said several times he would sign it into law if elected president. Sen. John McCain, the likely Republican presidential nominee, opposes the Employee Free Choice Act and voted against it last year.

Wal-Mart's labor-relations meetings are led by human-resources managers who received training from Wal-Mart on the implications of the Employee Free Choice Act.

Fine Legal Line

Wal-Mart may be walking a fine legal line by holding meetings with its store department heads that link politics with a strong antiunion message. Federal election rules permit companies to advocate for specific political candidates to its executives, stockholders and salaried managers, but not to hourly employees. While store managers are on salary, department supervisors are hourly workers.

However, employers have fairly broad leeway to disseminate information about candidates' voting records and positions on issues, according to Jan Baran, a Washington attorney and expert on election law.

Both supporters and opponents of the Employee Free Choice Act believe it would simplify and speed labor's ability to unionize companies. Currently, companies can demand a secret-ballot election to determine union representation. Those elections often are preceded by months of strident employer and union campaigns.

Under the proposed legislation, companies could no longer have the right to insist on one secret ballot. Instead, the Free Choice, or "card check," legislation would let unions form if more than 50% of workers simply sign a card saying they want to join. It is far easier for unions to get workers to sign cards because the organizers can approach workers repeatedly, over a period of weeks or months, until the union garners enough support.

Employers argue that the card system could lead to workers being pressured to sign by pro-union colleagues and organizers. Unions counter that it shields workers from pressure from their employers.

On June 30 the National Labor Relations Board ruled that Wal-Mart illegally fired an employee in Kingman, Ariz., who supported the UFCW and illegally threatened to freeze merit-pay increases if employees voted for union representation. The decision came eight years after the organizing campaign failed, and four years after the case was originally heard.

"We've always maintained the termination was not related to the union and that there was nothing unlawful about an answer provided an associate about merit pay," said Mr. Tovar, the Wal-Mart spokesman. "Following the decision, we were considering offering reinstatement, but that is on hold, since the [union] appealed the decision."

Unions consider the Employee Free Choice Act as vital to the survival of the labor movement, which currently represents 7.5% of private-sector workers, half the percentage it did 25 years ago. The Service Employees International Union said the legislation would enable it to organize a million workers a year, up from its current pace of 100,000 workers a year.

The Underdogs

The business-backed lobbying groups are running ads in states where a win by a Democratic Senate candidate would boost support for the legislation in the Senate, saying the loss of secret ballots exposes workers to bullying labor bosses. In one, they use an actor from the "Sopranos" TV series about mob life to hammer home their point.

Business groups say they're the underdogs since they will be outspent by unions by a wide margin. Labor has pledged to spend \$300 million on the election and securing passage of

the Employee Free Choice Act, compared with under \$100 million by business groups, according to Steven Law, chief legal officer of the U.S. Chamber of Commerce. The Chamber's strategy is to focus on the Senate, where labor needs eight more supporters of the legislation to reach the 60 votes needed to overcome a filibuster.

"This is a David-and-Goliath confrontation, but we believe we'll have enough stones in the sling to knock this out," said Mr. Law.

Wal-Mart is a powerful ally. Through almost all of its 48-year history, Wal-Mart has fought hard to keep unions out of its stores, flying in labor-relations rapid-response teams from its Bentonville, Ark., headquarters to any location where union activity was building. The United Food and Commercial Workers was successful in organizing only one group of Wal-Mart workers -- a small number of butchers in East Texas in early 2000. Several weeks later, the company phased out butchers in all of its stores and began stocking prepackaged meat. When a store in Canada voted to unionize several years ago, the company closed the store, saying it had been unprofitable for years.

Labor has fought back with a campaign to portray Wal-Mart as treating its workers poorly. The UFCW helped employees file a series of complaints about the company's overtime, health-care and other policies with the National Labor Relations Board. Dozens of class-action lawsuits were filed on behalf of workers, many of which are still winding their way through the courts.

Wal-Mart has been trying to burnish its reputation by improving its worker benefits and touting its commitment to the environment. On the political front, it's hedging its bets, spreading its financial contributions on both sides of the political divide.

Twelve years ago, 98% of Wal-Mart's political donations went to Republicans. Now, as the Democrats seem poised to gain control in Washington, 48% of its \$2.2 million in political contributions go to Democrats and 52% to Republicans, according to the Center for Responsive Politics, a nonpartisan organization that tracks political giving.

Write to Ann Zimmerman at ann.zimmerman@wsj.com¹ and Kris Maher at kris.maher@wsj.com²

URL for this article:

<http://online.wsj.com/article/SB121755649066303381.html>

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(1) <mailto:ann.zimmerman@wsj.com>

(2) <mailto:kris.maher@wsj.com>

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Espinosa, Kim

From: Espinosa, Kim
Sent: Monday, July 28, 2008 4:19 PM
To: 'ljensen34@hotmail.com'
Subject: RE: Wal-Mart D.C.

We have added you to the mailing list for the project so you will receive information regarding when the environmental impact report is available and receive notifications of any public meetings on the project. That information will be posted to the City's website at the following link when it is available. Thanks for your interest.

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

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: Lucas, Terri **On Behalf Of** planningweb
Sent: Monday, July 28, 2008 1:42 PM
To: Espinosa, Kim
Subject: FW: Wal-Mart D.C.

Please see below.

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

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

From: Lelia Jensen [<mailto:ljensen34@hotmail.com>]
Sent: Saturday, July 26, 2008 4:20 PM
To: planningweb
Subject: Wal-Mart D.C.

Hilton T Lynch
748 Pritchard Dr.
Morristown, Tn.
37813-1961

Please send any available info regarding the Wal-Mart D.C. project.

Time for vacation? WIN what you need. [Enter Now!](#)

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Thursday, July 24, 2008 10:13 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Quintero, Frank; Espinosa, Kim
Subject: FW: Wal Mart

From the website...

Dawn
Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: clint.moore@ubs.com [<mailto:clint.moore@ubs.com>]
Sent: Wednesday, July 23, 2008 3:57 PM
To: city, council
Subject: Wal Mart

I strongly support the building of the Distribution center here in Merced.

1255 W. 21st St
Merced, Ca,

Clint Moore

Please do not transmit orders or instructions regarding a UBS account by e-mail. The information provided in this e-mail or any attachments is not an official transaction confirmation or account statement. For your protection, do not include account numbers, Social Security numbers, credit card numbers, passwords or other non-public information in your e-mail. Because the information contained in this message may be privileged, confidential, proprietary or otherwise protected from disclosure, please notify us immediately by replying to this message and deleting it from your computer if you have received this communication in error. Thank you.

UBS Financial Services Inc.
UBS International Inc.
UBS Financial Services Incorporated of Puerto Rico

Espinosa, Kim

From: Walker, Dawn
Sent: Monday, July 14, 2008 12:01 PM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Quintero, Frank; Davidson, Dana; Espinosa, Kim
Subject: FW: Wal Mart Distribution Center

From Public Information Officer Mike Conway...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Conway, Mike
Sent: Monday, July 14, 2008 10:56 AM
To: Walker, Dawn
Subject: FW: Wal Mart Distribution Center

From the County Chamber folks

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

From: Julius [mailto:julius@mercedcountychamber.com]
Sent: Monday, July 14, 2008 10:53 AM
To: Conway, Mike
Cc: city, council
Subject: Wal Mart Distribution Center

Hi Mike,

Hope your week is starting out well.

Here are some questions we received from some of our members regarding the Wal Mart Distribution Center:

1. What is the starting wage at the Apple Valley distribution center? How many employees are full and part time, and what benefits are made available to them? How many people applied for these jobs when the center first opened?
2. It is reported in the Merced newspapers that the Merced distribution center can service 450 truck trips to and from the center daily. Does this figure reflect the actual number of trucks the center would service daily or does it reflect a maximum number trucks the center could service at maximum

7/14/2008

production? What is the most likely number of trucks trips expected to service the Merced distribution center? Is this figure common for California distribution centers?

3. Does having a Wal-Mart distribution center located in Apple Valley benefit Apple Valley's efforts to attract other major employers to do business in the community?
4. Has Wal-Mart been a good corporate citizen in Apple Valley? Does the company contribute to local charities, private organizations or public agencies?
5. Did Wal-Mart fulfill its promise to build an environmentally friendly and energy efficient building and trucks? If so, has Wal-Mart set a new standard for green practices that Apple Valley will come to expect from other future major employers that wish to do business in the community?
6. What has been the direct and indirect economic benefit of the distribution center and the construction jobs created to build the center?

Thank You

Be Well & Safe

Julius

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Monday, July 14, 2008 8:30 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Quintero, Frank; Conway, Mike
Subject: FW: Wal-Mart Distribution Questions

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Kelly Hamit-Nanez [mailto:silverspring1975@att.net]
Sent: Sunday, July 13, 2008 8:08 PM
To: city, council
Subject: Wal-Mart Distribution Questions

1. Are there any plans in the near future (before the Wal-Mart Distribution center comes in) to expand the freeway into three or four lanes in one direction? As it is our two lane freeway is already impacted by thousands of other trucks/cars daily.
2. What guarantees can be made about the effects of air quality? We have a school dangerously close to the proposed center and as it is students spend several days a year in the classroom because of bad air quality won't the distribution center only make things worse?
3. Right now we only have access to Pioneer School through one road since Coffee Street has been blocked off. So does that mean that all the Wal-Mart trucks will be driving by in front of the school-which is already a traffic nightmare in the morning and when school lets out? Or does that mean that Coffee street or Mission street will finally be opened to offer extra access?
4. If Coffee or Mission street are not opened has the council thought about what will happen in case of an emergency fire, accident, etc. at Pioneer if the emergency vehicles cannot get through a one lane road due to all of the trucks and only one access into the school?

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Monday, July 14, 2008 8:29 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Quintero, Frank; Conway, Mike
Subject: FW: Wal Mart

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Robert Escobedo [mailto:resco16@sbcglobal.net]
Sent: Sunday, July 13, 2008 10:57 AM
To: city, council
Subject: Wal Mart

the following was taken off the Merced Sun Star blog and summarizes my feelings exactly:

Leslie,

I read your story from June. I just want to point out that despite the 4.5 hour tour at the center and the comments about 'few trucks' being seen, Wal-mart goods (mostly imported from China) do not magically appear from the works of elves using teleportation. This is a major regional distribution center on par with any major port or airport. Any 1.2MM square foot logistics facility requires massive 24/7 truck traffic to support it and the 900 full time employees. That traffic alone will have a major impact (cost) on the city/county and its residents. Is Wal-mart going to pay for all those new streets, or are the tax-payers?

As a former banker for Wal-mart and one that tracked Wal-mart's imports from China, it is important to note that Wal-mart's "success" is driven by their capacity to buy massive quantities of goods. These volume purchases command reduced prices from manufacturers, who over time structure their business to rely more and more upon Wal-mart. If you sell to Wal-mart you are required to drop your prices each year going forward. These reduced prices require US (any) manufacturers to ultimately relocate US jobs to China and elsewhere to bring down costs (no environmental, employee safety laws, payroll taxes, etc. China labor costs are typically only 5% of the US). Wal-mart has a special unit that compels 'helps' move US manufacturers to China in order to meet these price targets. What does all this mean - Wal-mart is simply a distribution affiliate for China exports.

Wal-mart (anybody) coming to Merced is a good thing. However, the reality is that any big corporation is only willing to relocate to an area if they are given "free stuff" by the local

7/14/2008

politicos. The big worry is how much will Merced residents subsidize Wal-mart for the privilege of making \$14/hr. The untold story is; What list of tax holidays, infrastructure improvements, imminent domain actions, etc. will the city/county give to Wal-mart on the backs of citizen taxpayers to build this distribution center. Wal-mart is no dummy. Just as they are talking to Merced, they are talking to everyone else - waiting to see who is desperate enough to build their distribution center for them. This kind of predatory bottom feeding will induce some local mafia of politicians to give away the farm at the expense of everyone else. Merced is no different than Atwater, Madera, Chowchilla and the like in this matter. If you were in Wal-mart's shoes you would try the same strategy - grind away at small communities for new subsidized development in the same way you treat your suppliers.

You really need to transparently report just what the citizens of Merced have to give Wal-mart in order to get this going. Does it make economic sense? Is it a net gain to Merced or a net loss? This is important, because it is already well documented that many Wal-mart employees must also receive tax-payer social service just to make ends meet. If Wal-mart is already unwilling to pay its own employees enough to live on, why do we assume that building their distribution center is any different to our fair city?

So I guess what we who will be affected the most by your decision are wondering how much will you be selling us out.

Robert Escobedo

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Monday, July 14, 2008 8:27 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Quintero, Frank; Conway, Mike
Subject: FW: Wal Mart

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Robert Escobedo [mailto:resco16@sbcglobal.net]
Sent: Sunday, July 13, 2008 10:48 AM
To: city, council
Subject: Wal Mart

Would you please ask why you were brought to Apple Valley's center instead of Porterville? Portervilles is adjacent to homes much like ours will be. Wal Mart needs to go further out in the county if you are going to build it. Mr. Carlisle you seemed more than any other councilman to have the least amount of myopia when it comes to Wal Mart so please try and keep Spriggs and the others realistic. There was a recent news article again about Wal Mart and its labor abuse and one about how Wal Mart wins 40% of the time when they refuse to pay taxes. If the citizens want Wal Mart, then they deserve it and they'll get whats coming to them. I have a union job and wouldn't work for Wal Mart EVER. Merced has been left holding the bag once too often whether it be our county (amusement/water park, Condren's race track) or the city (mortgage fiasco and no doubt in my mind this Wal Mart center). If thats the best our city can do then what can we citizens do? Merced is on its path toward becoming South Stockton, unless of course you live in the north where a beautiful UC and hospital are being built. We get Wal Mart. Not a Urgent Care or a bank. Now, of all hypocrisies, Wal Mart wants to stop a shopping center (which would bring jobs and more revenue) because of TRAFFIC CONCERNS?! If you approve WalMart we better get a shopping center!

Espinosa, Kim

From: Walker, Dawn on behalf of city, council
Sent: Monday, July 14, 2008 8:26 AM
To: Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Quintero, Frank; Conway, Mike
Subject: FW: Walmart

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Dene Silveira [mailto:dwsilveira@sbcglobal.net]
Sent: Saturday, July 12, 2008 12:39 PM
To: Bill Spriggs; city, council
Subject: Re: Walmart

Councilman Spriggs, Your point of being identical to the one prosposed to be built here is appreciated, however for example one could build the EXACT same home in different locations right here in Merced and they most likely would be assessed and valued differently. You get my drift?? Let's find out what it is like living next/close to a huge distribution center. Talk to real people who do, and not rely only on what Wal-Mart is presenting. That would seem to be the most fair way to see and understand the operations of a huge distribution center such as the one proposed. Also I take it that you and fellow council members will not be visiting after dark and 10:00pm since you did not address my question concerning the noise, lights etc. I believe this is a legitimate concern here. Sincerely, Daralene W. Silveira
Bill Spriggs <billspriggs@sbcglobal.net> wrote:

Daralene,

The reason that the Apple Valley facility was selected is that it is identical to the proposed facility in Merced.

The highest number of Walmart trucks to leave the facility to date is 183. The majority of trucks in and out of the facility are Walmart trucks. Apple Valley has aggressively enforced its ordinance which does not allow for truck parking. Incoming trucks which are not owned by Walmart are given a specific window of time to enter the facility, if they

are too early they learn that they have to spend the time at the nearest truck stop until it is their time to enter. Walmart does not allow trucks to idle more than 3 minutes, in fact Walmart's trucks automatically shut off if they have not moved in 3 minutes, even in traffic. The California Air Resources Board has set a 5 minute maximum idle time.

As for your concern about the proximity of the development to residential development I am attaching a parcel map which shows the specific distances. The proposed Walmart facility will not adjoin any existing or future residential developments.

Bill Spriggs

Bingaman, Jamie

From: Davidson, Dana
Sent: Thursday, July 10, 2008 1:00 PM
To: Bingaman, Jamie
Subject: FW: Wal-Mart Center

For the record.

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Thursday, July 10, 2008 8:01 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Conway, Mike; Quintero, Frank
Subject: FW: Wal-Mart Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Vicente Carri [mailto:eltiempomerced@hotmail.com]
Sent: Wednesday, July 09, 2008 1:49 PM
To: city, council
Subject: Wal-Mart Center

My questions are:

- 1.- Have you asked to Wal-Mart if the trucks are going to be in & out from their distribution center are going to be installed with the NOx, PM, HC & CO Diesel Emission Control System or any similar for advanced emission controls? or it doesn't care to you?
- 2.-Are they going to have any filter cleaning system., e.g. Diesel Particulate Filter Cleaning Station in their site?
- 3.- What are the measures you are taking, if any to make sure this center is going to benefit the Valley, mainly the Merced County and not contribute with the already deteriorated quality of our air?
- 4.- There are things your can't change as the geography and meteorology of the valley, the 99 principal north-south corridor for the goods movement, but what are you doing about the things you really can change such as push more to receive more per capita federal funding than the 31% less than you receive compared with the national average?

5.- Please, name five things or more if you want that you are doing to change in favor of our environment and our growing population.

Vicente Carrillo
El Tiempo Newspaper
eltiempomerced@hotmail.com

Making the world a better place one message at a time. [Check out the i'm Talkathon.](#)

Bingaman, Jamie

From: Davidson, Dana
Sent: Thursday, July 10, 2008 12:58 PM
To: Bingaman, Jamie
Subject: FW: Apple Valley Wal-Mart facility tour question

For the record.

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Thursday, July 10, 2008 8:05 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana; Conway, Mike; Quintero, Frank
Subject: FW: Apple Valley Wal-Mart facility tour question

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: Adam Cox [mailto:wadamcox@gmail.com]
Sent: Wednesday, July 09, 2008 11:01 PM
To: city, council
Subject: Apple Valley Wal-Mart facility tour question

My question:

What's the percentage of the Apple Valley facilities employees that live within 2 miles of the facility? 5 miles? 10 or more miles? A lot of fuss has been made about how Wal-Mart won't be doing any heavy recruiting within Merced. It would be good to see where the average Apple Valley facility employee lives in relation to the plant's location.

7/7/08

MEMORANDUM

TO: Mark Hamilton, Planner
City of Merced Planning & Permitting Division
678 West 18th Street
Merced, CA 95340

CC: Mayor, City Council members and
Other interested parties

FROM: The Merced Stop Wal-Mart Action Team
1735 Canal St. Suite 13
Merced, CA 95340
swat@mercedstopwalmart.org

DATE: July 7, 2008

**RE: Comments on Lyons Investments for Irrigation and Drainage Pipeline
Encroachment Permit #288 / Mitigated Negative Declaration
Item K-2 on July 7 City Council agenda**

Mr. Hamilton,

We are the Merced Stop Wal-Mart Action Team: a broad, grassroots coalition of community groups and thousands of Merced residents opposed to the construction of the proposed Wal-Mart distribution center in Southeast Merced. Many of our members and supporters live in South and Southeast Merced, meaning that our health and quality of life will be among those most affected by the proposed distribution center.

Site Plan Application #288 proposes a "14-inch irrigation pipeline" which would travel under the Campus Parkway and close to or onto the proposed Wal-Mart distribution center site, thus interacting intimately with two of the largest, most complex projects in the history of our city. The pipeline must, therefore, be considered in light of its relationship to these two projects. Furthermore, the relationship between the "irrigation pipeline" and the proposed Wal-Mart distribution center is far closer than mere adjacency. Rather, the pipeline is an integral part of the Wal-Mart project and/or nearby anticipated industrial development whose separate consideration is misleading to the public and to decisionmakers and contravenes the California Environmental Quality Act (CEQA).

The purpose of this letter is to comment on Site Plan Application #288 and the accompanying Mitigated Negative Declaration. We conclude that the pipeline is not approvable as proposed and its impacts must be further examined as part of the environmental review process for the larger industrial development of which it is a part.

I. The Pipeline Is Part of the Wal-Mart Distribution Center Project and/or nearby Industrial Development

The Mitigation Measure proposed by the City's Mitigated Negative Declaration which purports to limit the use of the pipeline to irrigation purposes states in part:

The applicants shall only use the irrigation pipes for watering the existing agricultural use (orchard). They may not use the pipes for storm drainage or any other purpose for any future development, **until that use (an industrial one per the current zoning) goes through an environmental review and is approved by the City.** (emphasis added)

In other words, the Mitigated Negative Declaration recognizes the pipeline's future use as a stormwater pipe for "an industrial use" such as the proposed distribution center and expressly allows such stormwater use following approval of the industrial project by the City. Indeed, since the distribution center and nearby industrial development are intended to replace all of the current agricultural use on the site either concurrently with or soon after the Campus Parkway is constructed, the project's ostensible purpose—allowing the pipeline to continue to function after the Parkway is built—only makes sense if the applicant's primary intention is to use the pipeline for industrial stormwater rather than for agricultural irrigation.

The proposed Wal-Mart Distribution Center is separated from the nearest major canals and laterals by City rights-of-way and substantial distances, posing problems for Wal-Mart's stormwater drainage plans. The nearest waterway into which Wal-Mart could potentially deliver its stormwater is the Doane Lateral, but the Lateral is separated from the distribution center site by the right-of-way of the proposed Campus Parkway. A memorandum from Wal-Mart's engineer to the City dated July 5, 2007, lays out the two potential options for stormwater drainage then being negotiated by Wal-Mart and the Merced Irrigation District (Attachment A). Both routes would require thousands of linear feet of pipeline (Attachments A1, A2).

A stormwater pipe which, instead of being forced to follow the Campus Parkway right-of-way until it crossed the Doane Lateral, crossed under the Campus Parkway, could potentially reduce the linear footage of a distribution center stormwater pipe by over half over the two current options, if the discharge point was approved by MID. The "irrigation pipeline" provides just such a route.

It therefore seems very likely that the pipeline will become an integral part of the Wal-Mart project. If so, any approvals required for the pipeline must be included in the Wal-Mart project description and analyzed together with the rest of the impacts of the proposed Wal-Mart distribution center in the forthcoming Environmental Impact Report for that project (CEQA Guidelines 15124 et seq.). If the pipeline connects to another project adjacent to the distribution center (the only other option), the same principle applies. The courts have consistently held that splitting one project into two or more smaller projects for the purposes of avoiding full environmental review is unacceptable under CEQA, yet this is the only possible explanation for the current attempt to have the pipeline considered separately from any industrial development it would serve.

The Mitigated Negative Declaration for Site Plan Application #288 is inadequate in that it does not consider all of the impacts of the full Wal-Mart distribution center project and/or nearby industrial development. The proposed pipeline cannot be approved prior to certification of the EIR for the industrial development of which it is a part, which EIR must analyze it as part of said industrial project(s). Should the applicant wish to pursue the pipeline as an independent project, the City must remove the qualifying statement from the proposed Mitigation Measure cited above and instead must expressly prohibit any future stormwater use of the pipeline regardless of the outcomes of the City's environmental review and permitting processes for any other pending and future projects.

II. An "Irrigation Pipeline" Contravenes Title 20 of the Merced Municipal Code

Even assuming that the proposed pipeline would or could in fact be used for agricultural irrigation, Site Plan Application #288 cannot be approved. In fact, even temporary usage for agricultural irrigation prior to conversion to industrial stormwater use is prohibited by Title 20 of the Merced Municipal Code.

Rather disingenuously, the "Land Use" section of Initial Study #08-21 states in part:
Given the zoning and the surrounding industrial and agricultural uses in the area, the project is very compatible with the purpose and the intent of the City's General Plan designation of Industrial.

In fact, agricultural uses are **not** allowed under the site's current zoning designation of I-H, as they are not listed as Permitted (MMC Section 20.36.020), Accessory (MMC Section 20.36.030), or Conditional Uses (MMC Section 20.36.040) in the City's Code. The current agricultural use of the site is a legal nonconformity, resulting from the continuation of such use from a time prior to the establishment of the site's current zoning (MMC Section 20.60). However, the City may not approve new plans or uses for the site which do not conform with the current zoning restrictions (MMC Section 20.60.050), and no new or existing agricultural structures—such as the proposed irrigation pipeline—may be built, modified, or moved on the site (MMC Section 20.60.060).

The proposed "irrigation pipeline" is in fact intended to be a stormwater drainage pipeline, as discussed above. Even as an irrigation pipeline, however, it is not an allowable use under the site's current zoning designation.

III. The Pipeline Environmental Review is Inadequate

The Mitigated Negative Declaration is an invalid document under CEQA, as it is the product of a piecemeal environmental review of only one part of a larger project or projects—the proposed Wal-Mart distribution center and/or nearby industrial development. Even if the Declaration were to stand on its own, however, the document would be inadequate on several grounds.

First, the project description is incomplete. When the pipeline was first proposed (along with a second nearby pipeline) several months ago, the applicant requested encroachment permits from the City to allow the pipelines to cross City rights-of-way (Attachment B). The current project is framed as a site plan application, which is appropriate, but an encroachment permit also remains necessary. The project description should include both approvals.

The failure to address the encroachment permit requirement appears to have contributed to some of the inadequacies of the environmental review for the pipeline. For example, the conclusion that the pipeline will have negligible impacts on public services results from a failure to consider the potential restrictions on the construction of the Campus Parkway and attendant drainage facilities which could be caused by the placement of the pipe under the roadway.

Further inadequacies resulted from failure to consider the impacts of the acknowledged future use of the pipeline for stormwater drainage. Thus, the Mitigated Negative Declaration rejects without sufficient analysis the possibility of significant impacts on surface water quality, on the capacity of receiving waters to continue to receive stormwater from other sources, etc. Furthermore, the document fails to acknowledge that the project will, in fact, "result in a significant alteration of the present or planned land use" of the area by facilitating the conversion of existing agricultural land to the proposed and anticipated industrial uses.

In sum, the proposed pipeline cannot be approved at the current time in any form. The pipeline "project" is in fact part of a much larger industrial development—most likely the Wal-Mart distribution center project currently undergoing environmental review—and must be analyzed and reviewed accordingly; even if the pipeline were in fact an independent project accurately described by the applicant, no new irrigation pipeline can be approved on the site pursuant to its current zoning designation; and the current Mitigated Negative Declaration is in any case inadequate.

Attachments

- Attachment A: Memorandum from Wal-Mart's Engineer, Dated July 5, 2007
- Attachment A1: "Preferred Stormwater Drainage Route"
- Attachment A2: "Alternate Stormwater Drainage Route"
- Attachment B: Request for Encroachment Permits
- Attachment C: Merced Municipal Code

Sincerely,

The Merced Stop Wal-Mart Action Team (SWAT)

Attachment A: Memorandum from Wal-Mart's Engineer

MEMO

TO: Kim Espinosa – Planning Manager
City of Merced

FROM: Jim Emerson, P.E. – Carter & Burgess, Inc.

DATE: Revised July 5, 2007

PROJECT NO: 290803

**SUBJECT: Wal-Mart Regional Distribution Center No. 7073
Merced, California
Preliminary Site Drainage Analysis**

An introduction and preliminary site drainage analysis from Carter & Burgess, Inc. for the proposed Wal-Mart distribution center in Merced.

Attachment B: Request for Encroachment Permits

Site from Administrative Report

To: James G. Marshall, City Manager

From: John C. Ainsworth, Principal Civil Engineer

Date: April 7, 2008

Agenda Item: L-14

Subject: Request by Lyons Investments for Irrigation Encroachment Permits across Campus Parkway and Mission Avenue

Attachment C: Merced Municipal Code 20

Title 20 Zoning

Chapter 20.36 I-H District

20.36.020 Permitted uses.

The following are principal permitted uses:

A. Any manufacturing, processing, assembling, research, wholesale, or storage uses,

provided they are not prohibited by law or ordinance, except that those uses listed in Section 20.36.040 of this chapter must comply with the required conditions;

B. Railroad yards, trucks depots and service stations;

C. Public utility uses, distribution and transmission substations, and communication equipment buildings;

D. Signs appurtenant to any permitted use on the property, except billboards, not to exceed five hundred (500) square feet of total sign area per lot, except as provided under conditional uses. (Ord. 2270 § 4, 2006: Ord. 824 § 8.302, 1964).

20.36.030 Accessory uses.

The following are accessory uses:

A. Incidental services, such as restaurants to serve employees when conducted in and entered from within the building group;

B. Accessory buildings and uses customarily appurtenant to a permitted use, such as an incidental storage facility, garage, or off-street parking area. (Ord. 824 § 8.303, 1964).

20.36.040 Conditional uses.

The following are conditional uses:

A. Any of the following manufacturing uses; provided, that when they are located within one hundred fifty feet of a residential district all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials may be opened to the sky, provided the storage area is enclosed with a solid wall or fence at least six feet high:

1. Structural steel fabricating shops, forges, and foundries,
2. Brewing or distilling of liquors, or perfume manufacturing,
3. Poultry slaughterhouse and meat packing, but not other stockyards or slaughterhouses,
4. Brick or pottery manufacturing, stone or monument works;

B. Salvage and wrecking operations;

C. Public and quasipublic uses appropriate in the I district;

D. Retail commercial uses, such as restaurants and service stations;

E. The following uses are prohibited, unless the applicant can demonstrate to the satisfaction of the planning commission that such uses do not create more vehicular or rail traffic, produce more odor, dust, fumes, smoke, noise, vibration, glare, heat or any other objectionable factor or create a greater hazard of fire or explosion than is normally created by any of the permitted uses:

1. Asphalt, cement, charcoal and fuel briquettes,
2. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric phosphoric, picric, and sulphuric acids,
3. Coal, coke, and tar products, including use in other manufacturing; explosives, fertilizers, gelatin, animal glue and size,
4. Turpentine, matches, paint,
5. Rubber, soaps, including fat rendering,

6. Flour mill,
 7. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins,
 8. Stockyards, slaughterhouses except for poultry, animal feed or sales yard, fertilizer yard; slag piles,
 9. Storage of fireworks or explosives, except where incidental to a permitted use,
 10. Any other use which is determined by the planning commission to be of the same general character as the above uses;
- F. Signs in excess of the allowable limit but not to exceed an additional five hundred square feet of sign area per lot. (Ord. 824 § 8.304, 1964).

Chapter 20.60 NONCONFORMITIES

20.60.050 Land uses.

Where, at the effective date of adoption or amendment of the ordinance codified in this title, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which the land is located. (Ord. 824 § 4.03, 1964).

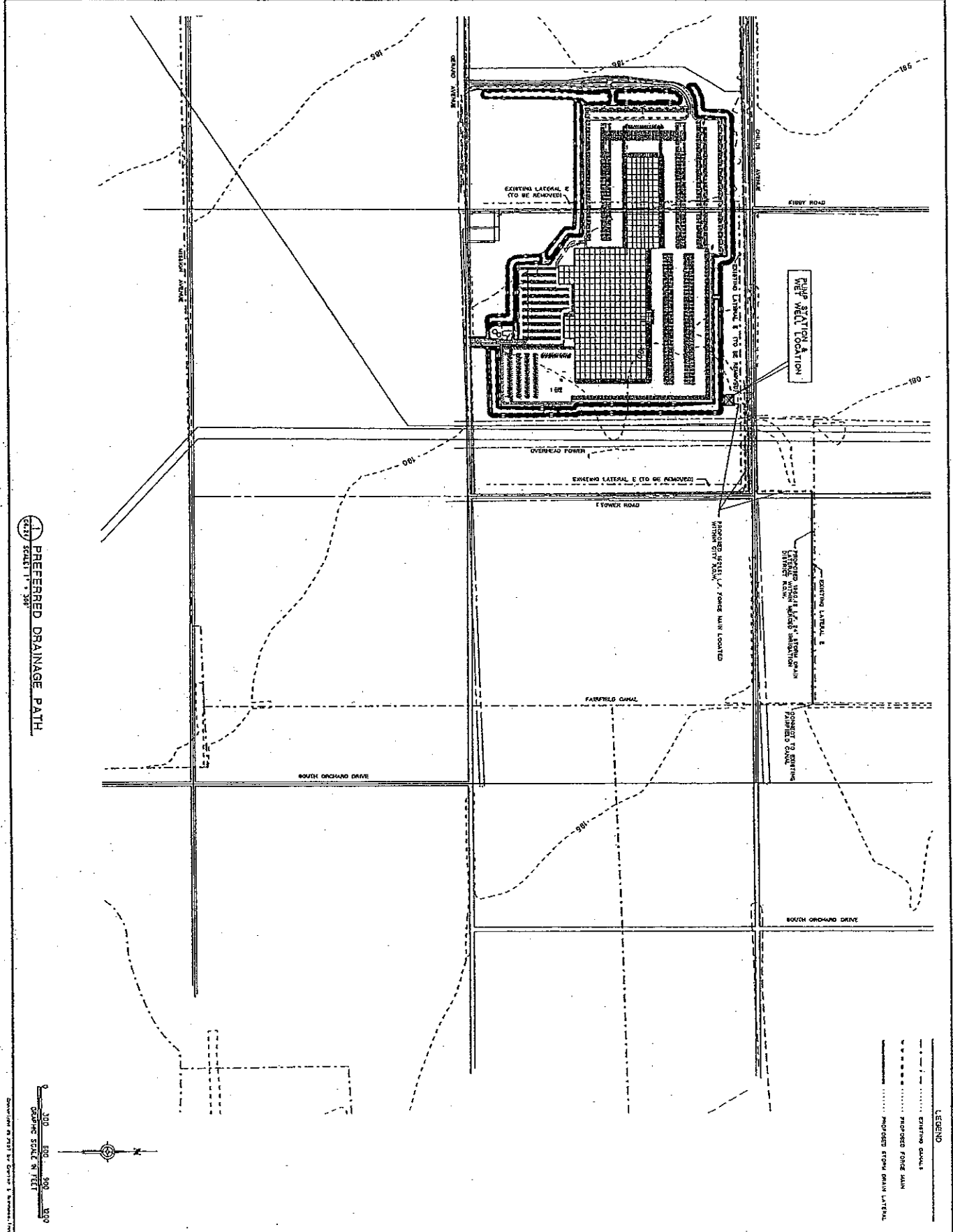
20.60.060 Structures.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity;
- B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title;
- C. Should such structure be moved for any reason for any distance, whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 824 § 4.04, 1964)

Attachment A1

SHEET NO. 0424
 PROJECT NO. 0424
 DATE: 04/24/04
 DRAWN BY: JLD
 CHECKED BY: JLD
 APPROVED BY: JLD
 TITLE: PREFERRED DRAINAGE PATH



PREFERRED DRAINAGE PATH
 SCALE: 1" = 30'

0 300 600 900 1200
 GRAPHIC SCALE IN FEET

LEGEND
 - - - - - EXISTING CANALS
 - - - - - PROPOSED FORCE MAIN
 - - - - - PROPOSED FROM DRAIN LATERAL

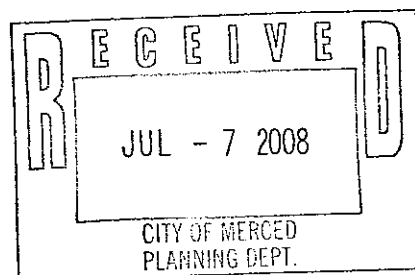
0424 SHEET	Carter Burgess CONSULTING ENGINEERS 2700 BROADWAY, SUITE 200 OAKLAND, CALIFORNIA 94612 (415) 764-1000	PREFERRED DRAINAGE PATH	WAL-MART REGIONAL DISTRIBUTION CENTER NO. 7073 MERCED, CALIFORNIA	<table border="1"> <tr> <td>PROJECT NO.</td> <td>0424</td> </tr> <tr> <td>DATE</td> <td>04/24/04</td> </tr> <tr> <td>DRAWN BY</td> <td>JLD</td> </tr> <tr> <td>CHECKED BY</td> <td>JLD</td> </tr> <tr> <td>APPROVED BY</td> <td>JLD</td> </tr> <tr> <td>TITLE</td> <td>PREFERRED DRAINAGE PATH</td> </tr> <tr> <td>SHEET NO.</td> <td>0424</td> </tr> <tr> <td>TOTAL SHEETS</td> <td>0424</td> </tr> </table>	PROJECT NO.	0424	DATE	04/24/04	DRAWN BY	JLD	CHECKED BY	JLD	APPROVED BY	JLD	TITLE	PREFERRED DRAINAGE PATH	SHEET NO.	0424	TOTAL SHEETS	0424
PROJECT NO.	0424																			
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CHECKED BY	JLD																			
APPROVED BY	JLD																			
TITLE	PREFERRED DRAINAGE PATH																			
SHEET NO.	0424																			
TOTAL SHEETS	0424																			

MEMORANDUM

TO: Mark Hamilton, Planner
City of Merced Planning & Permitting Division
678 West 18th Street
Merced, CA 95340

CC: Mayor, City Council members and
Other interested parties

FROM: The Merced Stop Wal-Mart Action Team
1735 Canal St. Suite 13
Merced, CA 95340
swat@mercedstopwalmart.org



DATE: July 7, 2008

**RE: Comments on Lyons Investments for Irrigation and Drainage Pipeline
Encroachment Permit #288 / Mitigated Negative Declaration
Item K-2 on July 7 City Council agenda**

Mr. Hamilton,

We are the Merced Stop Wal-Mart Action Team: a broad, grassroots coalition of community groups and thousands of Merced residents opposed to the construction of the proposed Wal-Mart distribution center in Southeast Merced. Many of our members and supporters live in South and Southeast Merced, meaning that our health and quality of life will be among those most affected by the proposed distribution center.

Site Plan Application #288 proposes a "14-inch irrigation pipeline" which would travel under the Campus Parkway and close to or onto the proposed Wal-Mart distribution center site, thus interacting intimately with two of the largest, most complex projects in the history of our city. The pipeline must, therefore, be considered in light of its relationship to these two projects. Furthermore, the relationship between the "irrigation pipeline" and the proposed Wal-Mart distribution center is far closer than mere adjacency. Rather, the pipeline is an integral part of the Wal-Mart project and/or nearby anticipated industrial development whose separate consideration is misleading to the public and to decisionmakers and contravenes the California Environmental Quality Act (CEQA).

The purpose of this letter is to comment on Site Plan Application #288 and the accompanying Mitigated Negative Declaration. We conclude that the pipeline is not approvable as proposed and its impacts must be further examined as part of the environmental review process for the larger industrial development of which it is a part.

I. The Pipeline Is Part of the Wal-Mart Distribution Center Project and/or nearby Industrial Development

The Mitigation Measure proposed by the City's Mitigated Negative Declaration which purports to limit the use of the pipeline to irrigation purposes states in part:

The applicants shall only use the irrigation pipes for watering the existing agricultural use (orchard). They may not use the pipes for storm drainage or any other purpose for any future development, **until that use (an industrial one per the current zoning) goes through an environmental review and is approved by the City.** (emphasis added)

In other words, the Mitigated Negative Declaration recognizes the pipeline's future use as a stormwater pipe for "an industrial use" such as the proposed distribution center and expressly allows such stormwater use following approval of the industrial project by the City. Indeed, since the distribution center and nearby industrial development are intended to replace all of the current agricultural use on the site either concurrently with or soon after the Campus Parkway is constructed, the project's ostensible purpose—allowing the pipeline to continue to function after the Parkway is built—only makes sense if the applicant's primary intention is to use the pipeline for industrial stormwater rather than for agricultural irrigation.

The proposed Wal-Mart Distribution Center is separated from the nearest major canals and laterals by City rights-of-way and substantial distances, posing problems for Wal-Mart's stormwater drainage plans. The nearest waterway into which Wal-Mart could potentially deliver its stormwater is the Doane Lateral, but the Lateral is separated from the distribution center site by the right-of-way of the proposed Campus Parkway. A memorandum from Wal-Mart's engineer to the City dated July 5, 2007, lays out the two potential options for stormwater drainage then being negotiated by Wal-Mart and the Merced Irrigation District (Attachment A). Both routes would require thousands of linear feet of pipeline (Attachments A1, A2).

A stormwater pipe which, instead of being forced to follow the Campus Parkway right-of-way until it crossed the Doane Lateral, crossed under the Campus Parkway, could potentially reduce the linear footage of a distribution center stormwater pipe by over half over the two current options, if the discharge point was approved by MID. The "irrigation pipeline" provides just such a route.

It therefore seems very likely that the pipeline will become an integral part of the Wal-Mart project. If so, any approvals required for the pipeline must be included in the Wal-Mart project description and analyzed together with the rest of the impacts of the proposed Wal-Mart distribution center in the forthcoming Environmental Impact Report for that project (CEQA Guidelines 15124 et seq.). If the pipeline connects to another project adjacent to the distribution center (the only other option), the same principle applies. The courts have consistently held that splitting one project into two or more smaller projects for the purposes of avoiding full environmental review is unacceptable under CEQA, yet this is the only possible explanation for the current attempt to have the pipeline considered separately from any industrial development it would serve.

The Mitigated Negative Declaration for Site Plan Application #288 is inadequate in that it does not consider all of the impacts of the full Wal-Mart distribution center project and/or nearby industrial development. The proposed pipeline cannot be approved prior to certification of the EIR for the industrial development of which it is a part, which EIR must analyze it as part of said industrial project(s). Should the applicant wish to pursue the pipeline as an independent project, the City must remove the qualifying statement from the proposed Mitigation Measure cited above and instead must expressly prohibit any future stormwater use of the pipeline regardless of the outcomes of the City's environmental review and permitting processes for any other pending and future projects.

II. An "Irrigation Pipeline" Contravenes Title 20 of the Merced Municipal Code

Even assuming that the proposed pipeline would or could in fact be used for agricultural irrigation, Site Plan Application #288 cannot be approved. In fact, even temporary usage for agricultural irrigation prior to conversion to industrial stormwater use is prohibited by Title 20 of the Merced Municipal Code.

Rather disingenuously, the "Land Use" section of Initial Study #08-21 states in part:
Given the zoning and the surrounding industrial and agricultural uses in the area, the project is very compatible with the purpose and the intent of the City's General Plan designation of Industrial.

In fact, agricultural uses are **not** allowed under the site's current zoning designation of I-H, as they are not listed as Permitted (MMC Section 20.36.020), Accessory (MMC Section 20.36.030), or Conditional Uses (MMC Section 20.36.040) in the City's Code. The current agricultural use of the site is a legal nonconformity, resulting from the continuation of such use from a time prior to the establishment of the site's current zoning (MMC Section 20.60). However, the City may not approve new plans or uses for the site which do not conform with the current zoning restrictions (MMC Section 20.60.050), and no new or existing agricultural structures—such as the proposed irrigation pipeline—may be built, modified, or moved on the site (MMC Section 20.60.060).

The proposed "irrigation pipeline" is in fact intended to be a stormwater drainage pipeline, as discussed above. Even as an irrigation pipeline, however, it is not an allowable use under the site's current zoning designation.

III. The Pipeline Environmental Review is Inadequate

The Mitigated Negative Declaration is an invalid document under CEQA, as it is the product of a piecemeal environmental review of only one part of a larger project or projects—the proposed Wal-Mart distribution center and/or nearby industrial development. Even if the Declaration were to stand on its own, however, the document would be inadequate on several grounds.

First, the project description is incomplete. When the pipeline was first proposed (along with a second nearby pipeline) several months ago, the applicant requested encroachment permits from the City to allow the pipelines to cross City rights-of-way (Attachment B). The current project is framed as a site plan application, which is appropriate, but an encroachment permit also remains necessary. The project description should include both approvals.

The failure to address the encroachment permit requirement appears to have contributed to some of the inadequacies of the environmental review for the pipeline. For example, the conclusion that the pipeline will have negligible impacts on public services results from a failure to consider the potential restrictions on the construction of the Campus Parkway and attendant drainage facilities which could be caused by the placement of the pipe under the roadway.

Further inadequacies resulted from failure to consider the impacts of the acknowledged future use of the pipeline for stormwater drainage. Thus, the Mitigated Negative Declaration rejects without sufficient analysis the possibility of significant impacts on surface water quality, on the capacity of receiving waters to continue to receive stormwater from other sources, etc. Furthermore, the document fails to acknowledge that the project will, in fact, "result in a significant alteration of the present or planned land use" of the area by facilitating the conversion of existing agricultural land to the proposed and anticipated industrial uses.

In sum, the proposed pipeline cannot be approved at the current time in any form. The pipeline "project" is in fact part of a much larger industrial development—most likely the Wal-Mart distribution center project currently undergoing environmental review—and must be analyzed and reviewed accordingly; even if the pipeline were in fact an independent project accurately described by the applicant, no new irrigation pipeline can be approved on the site pursuant to its current zoning designation; and the current Mitigated Negative Declaration is in any case inadequate.

Attachments

- Attachment A: Memorandum from Wal-Mart's Engineer, Dated July 5, 2007
- Attachment A1: "Preferred Stormwater Drainage Route"
- Attachment A2: "Alternate Stormwater Drainage Route"
- Attachment B: Request for Encroachment Permits
- Attachment C: Merced Municipal Code

Sincerely,

The Merced Stop Wal-Mart Action Team (SWAT)

MEMO

TO: Kim Espinosa – Planning Manager
City of Merced

DATE: Revised July 5, 2007

FROM: Jim Emerson, P.E. – Carter & Burgess, Inc.
Wal-Mart Regional Distribution Center No. 7073

SUBJECT: Merced, California
Preliminary Site Drainage Analysis

PROJECT NO: 290803

I. INTRODUCTION

Proposed for construction is Wal-Mart Stores East, LP Regional Distribution Center 7073 to be located on an approximately 235 acre site southwest of the intersection of Childs Avenue and Tower Road in Merced, California. The site is bounded to the north by commercial and undeveloped open space, to the east by a single-family home which is surrounded by an orchard, to the south by single-family homes which are surrounded by agricultural land, and to the west by an orchard.

The regional distribution center will consist of a 1,100,000 square foot warehouse, a Truck Maintenance Garage, a Truck Gate, a Truck Wash, a Fuel Island, and a Fire Pump House. Other site construction will include paved entrance roads, paved parking areas, utilities necessary to service each building, and a storm water management system.

The storm water management system will provide an effective method of controlling the increase amount of storm water runoff created by site development. An effective system will control the quantity and quality of runoff from the site. For the proposed distribution center site in Merced, the runoff will be collected by overland flow and an underground storm sewer system into detention ponds to control the quantity of runoff exiting the site. The quality of runoff will be controlled by sedimentation in the ponds, biological treatment of the water by vegetation, infiltration of the water into the ground and a skimmer plate to skim floatable objects from the water surface.

II. DESIGN CRITERIA & METHODOLOGY

The City of Merced (City) and the Merced Irrigation District (MID) guidelines contain several standards that must be met or exceeded. To meet or exceed the criteria of these agencies, the site was analyzed to determine the peak discharge rates for the pre-developed and developed conditions considering various storm events. The City required the detention ponds to be designed to store the 50-Year storm and the allowable discharge from developed conditions to not exceed the 2-Year pre-developed discharge. The City also has a requirement that the ponds be dry in 48 hours, if the maximum discharge rate will allow it. The Merced Irrigation District requirement is that the allowable discharge from developed conditions can not exceed the 10-Year storm. However, MID requested that the maximum allowable discharge be 2200 gpm (gallons per minute), which is less than both the 10-Year storm and the 2-Year pre-developed discharge rates. The 2-Year pre-developed discharge rate is approximately 20 cfs (8960 gpm) and the 10-Year discharge rate is greater than the 2-Year pre-developed discharge rate.

The 24-hour rainfall values were selected from NOAA Atlas 14, Volume I by the National Oceanic and Atmosphere Administration. Time of concentration values were computed based on the methods in SCS TR-55. A minimum time of Concentration of five minutes was utilized. Manning's and energy equations were applied to design the storm sewer. Inlets were designed using the weir equations. The detention ponds were size based on volume required to hold the storm water runoff from a 100-YR storm event. The computer program Interconnected Pond Routing by Streamline Technologies, Inc. was utilized to rout the various storms through the detention ponds and the pump station. The 2-Year, 10-Year, 25-Year, 50-Year and 100-Year 24-Hour Storms were used in the analysis.

III. PRE-DEVELOPED CONDITIONS

The site is currently used as farmland, with cultivation of alfalfa and almonds being the primary crops. Site topography indicates that the site slopes from northeast to southwest, with elevations ranging from approximately 195 feet MSL near the northeast corner to approximately 187 feet MSL at the southwest corner. Storm water runoff from the site currently ponds in a low lying area near the southwest corner of the site and eventually spills over to a roadside ditch running to the west along the north side of Gerard Avenue.

IV. DEVELOPED CONDITIONS

The development of the approximately 235 acre site will create approximately 110 acres of impervious area. To offset the additional impervious area, a series of detention ponds will be constructed around the perimeter of the site area to store storm water runoff. The detention ponds will be utilized to control the quantity and quality of runoff plus the time the storm water is retained in the ponds will allow additional storm water infiltration into the soil. As allowed by MID, storm water will be pumped from the detention ponds into a connection to an existing irrigation canal.

Using a maximum discharge rate of 2200 gpm, the ponds could not be drained within 48 hours for the 10-year storm. The City of Merced was contacted concerning this conflict and the City agreed to allow longer drawdown duration. The drawdown durations for the 10-year, 25-year, 50-year and 100-year are approximately 72 hours, 88 hours, 95 hours and 108 hours, respectively. These drawdown times assume that once the pumps start pumping they will continue to pump; however, the pumps will be connected to a controller that is controlled by MID. If MID believes downstream conditions warrant the discharge from our site to be discontinued, then MID will have the ability to shut the pumps down to discontinue the discharge. This will then increase the duration storm water will remain in the ponds and the additional volume that can infiltrate into the soil. The 10-Year, 24-Hour Storm runoff volume for the entire 235 acre site for pre-developed conditions is 10.7 ac-ft and for developed conditions is 26.2 ac-ft.

The MID canal to receive the storm water runoff is the Fairfield Canal. This is the canal preferred by MID. To discharge in to this canal, a pump station will be located near the northeast corner of the development. Storm water will be pumped in a close system within the property owned by Wal-Mart, City Right-of-Way and MID Easement/Property to Fairfield Canal.

If for some reason, the Fairfield Canal can not be discharged to, the alternative canal to receive the flow is the Farmdale Lateral. To reach the Farmdale Lateral, a pump station will be located near the southwest corner of the development. Storm water will be pumped in a close system within the property owned by Wal-Mart, City Right-of-Way or easement and MID Easement/Property to Farmdale Lateral.

V. WATER QUALITY

To maintain the water quality standards from the site, various measures will be taken during the construction of the project and during the operation of the project. During construction, some measurements that may be incorporated are sedimentation ponds, inlet protection, perforated riser pipes, check dams and silt fences. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for project construction. The SWPPP will have a construction sequence and will go into detail on what erosion control measures are to be implemented. Permanent water quality improvement measures include unlined detention ponds for filtration, biological treatment of runoff over vegetation, skimmer plates on discharge structures and sedimentation.

Because the current land use is agricultural, the current priority pollutants from this site per the Merced Storm Water Group's Storm Water Management Program could include nutrients, organic materials, synthetic chemicals (PCBs and pesticides), chlorides and trash and debris. Many of these priority pollutants entering the system will be removed by the permanent water quality improvement measures.

VI. FLOODPLAIN

The site is shown to be located in three (3) flood zones per the FIRM Maps (Panel 445, Map 06047C0445E) prepared by FEMA. Two of the zones are designated as Zone X, with different definitions and the third zone is designated as Zone A. The two definitions for Zone X are 1) areas flooded by the 500-year flood but not the 100-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood and 2) areas determined to be outside the 500-year floodplain. The definition for Zone A is areas that are subject to inundation by the 100-year flood but no base flood elevations have been determined.

The City requirement for developing within Zone A was to have the finish floor of each structure at a minimum of 2 feet above the existing ground elevation at the location of the structure. The finish floor elevation of each structure on the site will be at least 2 feet above the existing ground elevation at the structure.

VII. CONCLUSION

Carter & Burgess believes the storm water management system presented above meets the criteria set forth by the City of Merced California and The Merced Irrigation District. Carter & Burgess believes that the design presented provides a balance with the existing conditions and will have no adverse effect on the surrounding areas in terms of storm water management and erosion control.

JDE/au

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cc:

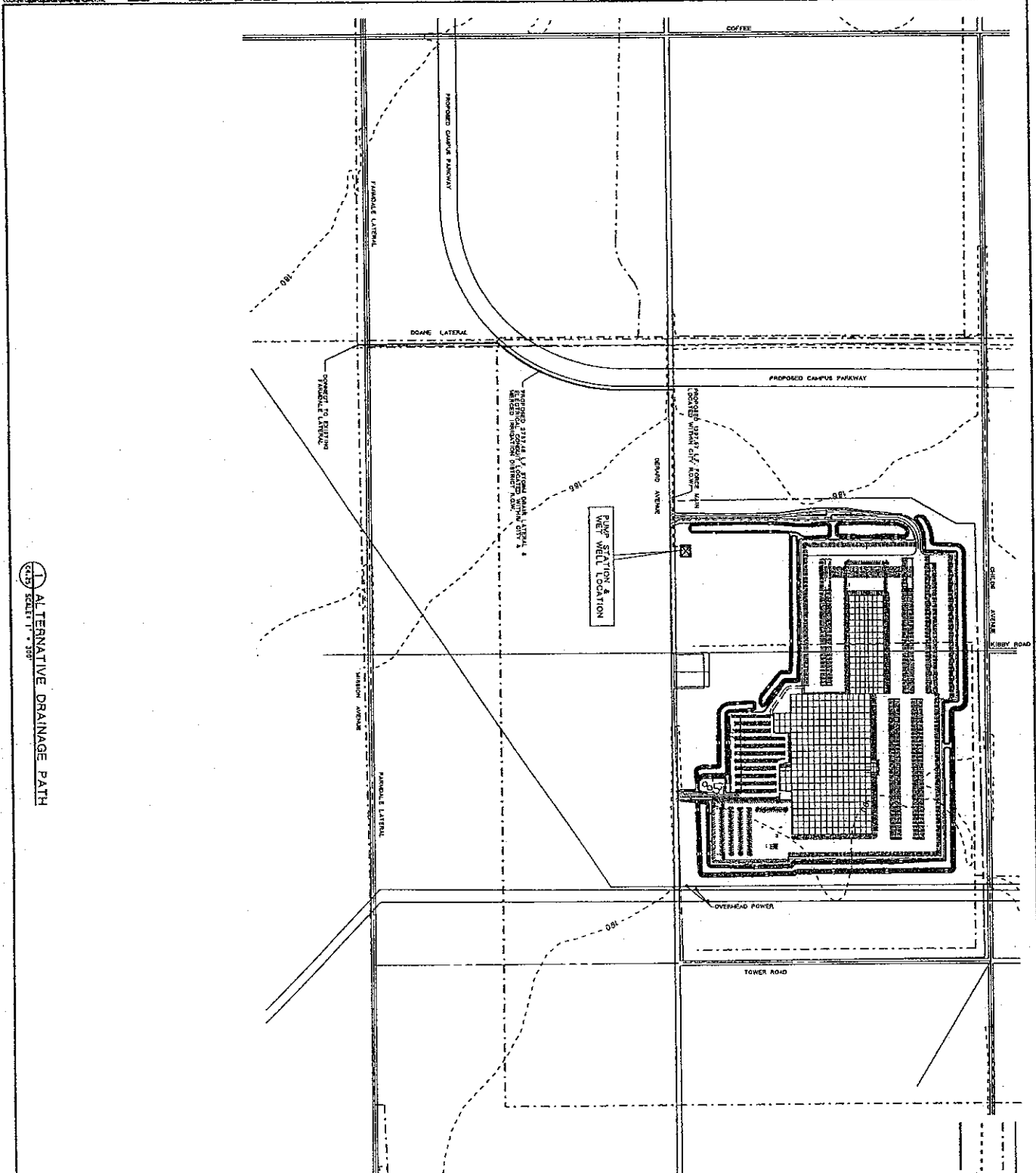
Correspondence
Ed Hess
Ted Dalferes
Ed Green
Larry Wright
Perry Hassell

Steeffel, Levitt & Weiss
Judy Davidoff via E-Mail
Miriam Montesinos

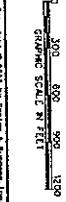
Wal-Mart
Lynn McAlexander via E-Mail
Joe Loethen via E-Mail

Attachment A2

SHEET NO. 04-25
 PROJECT NO. 04-25
 DATE: 04-25-00
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



1 ALTERNATIVE DRAINAGE PATH
 SCALE: 1" = 300'



LEGEND
 - - - - - EXISTING DRAINS
 - - - - - PROPOSED FORCE MAIN
 - - - - - PROPOSED STORM DRAIN LATERAL

Carter-Burgess CONSULTING ENGINEERS 2770 BROADWAY, SUITE 200 SACRAMENTO, CALIFORNIA 95833 (916) 441-1100	WAL-MART REGIONAL DISTRIBUTION CENTER NO. 7073 MERCED, CALIFORNIA	SHEET NO. 04-25	TOTAL SHEETS 04-25	DATE 04-25-00	DRAWN BY [Name]	CHECKED BY [Name]	APPROVED BY [Name]
		PROJECT NO. 04-25	SHEET NO. 04-25	DATE 04-25-00	DRAWN BY [Name]	CHECKED BY [Name]	APPROVED BY [Name]

Attachment B



ADMINISTRATIVE REPORT

AGENDA
ITEM: L-14
MTG.
DATE: 4/7/08

TO: James G. Marshall, City Manager
FROM: John C. Ainsworth, Principal Civil Engineer
DATE: April 7, 2008
SUBJECT: Request by Lyons Investments for Irrigation Encroachment Permits
across Campus Parkway and Mission Avenue

RECOMMENDATION: Adopt a motion approving a two encroachment permits to Lyons Investments for irrigation purposes across Campus Parkway and Mission Avenue and authorizing the City Manager to sign the necessary documents.

POSSIBLE CITY COUNCIL ACTIONS:

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

AUTHORITY:

Charter of the City of Merced, Section 200.

DISCUSSION:

Due to the amount of time necessary to construct Campus Parkway, the Lyons Investments properties is requesting the necessary access to continue to irrigate their existing almond trees (see Location Map – Attachment No. 1). The existing pump station to irrigate the almond orchard is located next to the Doane Lateral approximately 400 feet south of Childs Avenue. The irrigation line will run from the pump station through the proposed storm water detention basin and under Campus Parkway. See Attachment No. 3 – Legal Description (Exhibit A) and drawing (Exhibit B). This will allow irrigation to continue after Campus Parkway is built.

A second location is for an irrigation line to run under Mission Avenue from the Farmdale Lateral located on the south side of Mission Avenue to run north to their almond trees. See Attachment No. 5 – Legal Description (Exhibit A) and drawing (Exhibit B).

FUNDING:

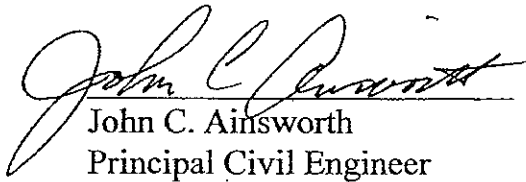
No appropriation is necessary. Installation costs are to be paid by Lyons Investments.

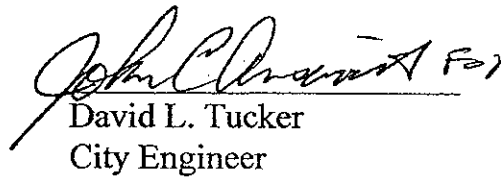
CONCLUSION/RECOMMENDATION:

Staff recommends approval of the Encroachment Permits across Campus Parkway and Mission Avenue (Attachment 2 & 4).


Respectfully Submitted:

Reviewed:


John C. Ainsworth
Principal Civil Engineer


David L. Tucker
City Engineer

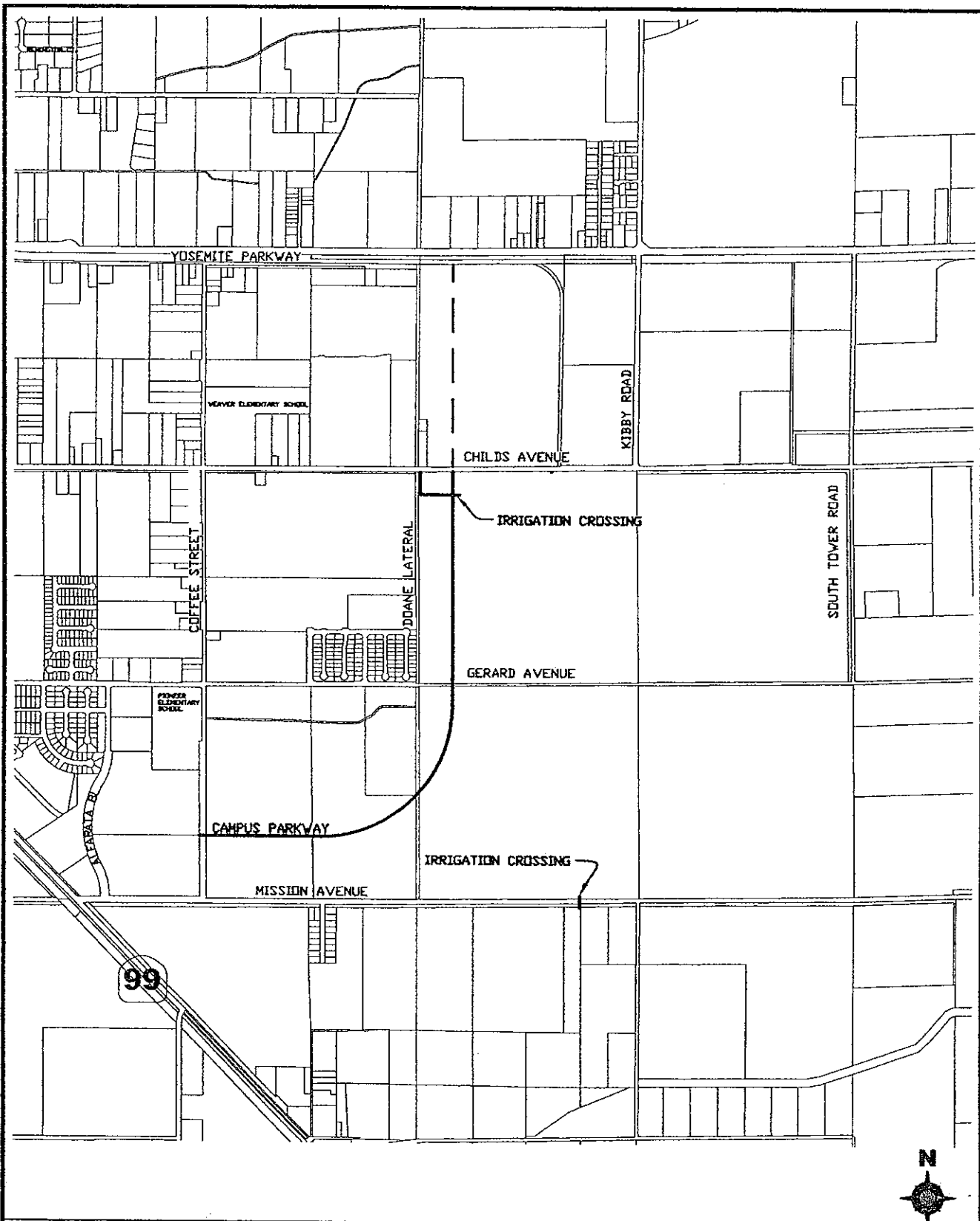
Reviewed and Approved:


James G. Marshall
City Manager

Attachments:

1. Location Map
2. Encroachment Permit, Campus Parkway
3. Campus Parkway Legal Description (Exhibit A) and Map (Exhibit B)
4. Encroachment Permit, Mission Avenue
5. Mission Avenue Legal Description (Exhibit A) and Map (Exhibit B)

N:\ENGINEER\ANG\LOCATION MAPS\CAMPUS PARKWAY-Irrigation Crossing.dwg



City of Merced
 "Gateway to Yosemite"
DEVELOPMENT SERVICES
 ENGINEERING PROJECTS AND STANDARDS
 678 W. 18th Street (209) 385-6848

LOCATION MAP
ENCROACHMENT PERMITS
LYON'S INVESTMENT

DR. BY: AV
DATE: 3/26/06
CH. BY: JA
DATE: 3/28/06
File No.
SCALE: NTS

ATTACHMENT No. 1

ENCROACHMENT PERMIT

An Encroachment Permit is hereby granted to Lyons Investments, a California Limited Partnership whose address of record is 10555 Maze Boulevard., Modesto, California 95358, hereinafter-called "Permittee," to allow a structure to encroach within and upon real property in the City of Merced, County of Merced, State of California, said real property having been heretofore acquired for street right-of-way purposes and a storm water detention basin, subject to the following covenants and conditions:

1. Said encroachment is an irrigation/drainage pipeline not to exceed 18" in diameter under Campus Parkway that is more fully described in Exhibits "A" and "B" attached hereto.
2. Said encroachment shall be maintained in a condition free of defects at the sole cost of the Permittee and shall consist of only irrigation/drainage conduits below the surface of the road at a level approved in writing by the City Engineer with no above ground structures or overhead wires or conductors allowed.
3. Neither the City of Merced, nor any officer or employee thereof, shall be responsible or liable for damage to any property of Permittee installed or located upon the real property covered by this Encroachment Permit. Permittee, by accepting this Encroachment Permit, agrees to protect, defend with counsel selected by the City, indemnify, and hold the City of Merced, its officers and employees, free and harmless from any and all claims for damages of any kind whatsoever, loss, or liability, including injury to property or persons--including death of a person or persons--related to the encroachment herein granted to Permittee or by Permittee or Permittee's agents or contractors use of the encroachment described in Exhibits "A" and "B."
4. This Encroachment Permit does not constitute a deed or grant of any easement by the City of Merced, and is not transferable or assignable without the express written permission of the City of Merced which shall not be unreasonably withheld and formal

written acceptance and assumption of all of obligations hereunder by any assignee, and is revocable by the City of Merced, upon notice of violation to Permittee of any provision hereof that is not corrected within five days or such extension granted in writing by the City Engineer, abandonment by Permittee, or of the abandonment of the use or uses contemplated herein.

5. Upon the abandonment by Permittee or termination as provided herein, the irrigation/drainage conduits permitted herein may remain in place, unless required to be removed by City to ensure integrity of Campus Parkway or other public improvements.
6. This Encroachment Permit shall not become effective until receipt by the City of Merced of a copy of this Encroachment Permit properly signed by Permittee accepting the same, subject to terms and conditions herein.
7. Permittee waives any right to compensation upon abandonment, extinguishment, or termination.
8. The Permittee hereunder shall construct, install, and maintain all pipes, conduits, and appurtenances in accordance with and in conformity to all of the Ordinances and rules adopted by the City Council, all instructions from the City Engineer, and any plans and/or specifications approved by the City.
9. The Permittee shall pay to the City upon demand the cost of any and all repairs to public property made necessary by any of the operations, actions, on failure to act by Permittee hereunder.
10. The Permittee shall remove or relocate without expense to the City any facility, pipe, conduit, or appurtenances installed, used, or maintained under this Encroachment Permit if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place, including the construction of any subway or viaduct by the

**AGREEMENT AND ACCEPTANCE OF ENCROACHMENT
PERMIT**

AGREED AND ACCEPTED by Permittee on this _____ day of
_____ 2008 by _____ who covenants, warrants, and
represents that he/she has the authority to execute this Agreement and
Acceptance of Encroachment Permit on behalf of their business entity and
warrants and represents that he/she has the authority to bind his/her entity to
the performance of the obligations hereunder.

PERMITTEE

LYONS INVESTMENTS, a
California Limited Partnership

By: Lyons Investments
Management, LLC a
California limited Liability
Company

By: _____
William (Bill) J. Lyons, Jr.,
Managing Member

By: _____
Edward M. Lyons,
Member

City, or for the convenience of the City in providing water,
sanitary sewer, or storm water drainage.

Dated: _____

CITY OF MERCED

By: _____
City Manager

ATTEST:

By: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

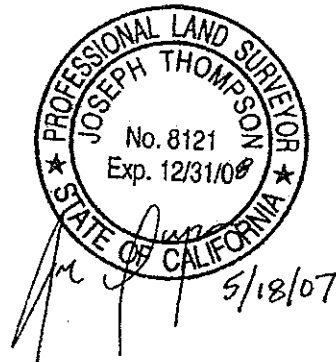
By: *Gregory H. Goggin* 3/28/2008
City Attorney

**EXHIBIT A
LEGAL DESCRIPTION**

All that portion of the "Proposed Campus Parkway and Storm Drain Detention Basin" parcel as shown on that map filed for record at Volume 101 of Parcel Maps at Pages 46-49, Merced County Records, for the purpose of a irrigation pump station easement, situate in Section 34, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, Merced County, State of California, being more particular described as follows:

Beginning at the northwest corner of said parcel; thence along the west line of said parcel South 00°20'08" East 392.55 feet; thence South 90°00'00" East 380.26 feet to the east line of said parcel; thence along said east line North 00°19'55" West 20.00 feet; thence North 90°00'00" West 338.26 feet; thence North 00°20'08" West 49.00 feet; thence North 90°00'00" West 30.00 feet; thence North 00°20'08" West 323.69 feet to the south line of the 47.00 foot half width of Childs Avenue; thence along said south line South 89°20'32" West 12.00 feet to the Point of Beginning all as shown on the attached "EXHIBIT B" and made a part hereof and containing 12,743 square feet, more or less.

END DESCRIPTION



CHILDS AVENUE

PROPOSED CAMPUS
PARKWAY AND STORM
DRAIN DETENTION BASIN

101-PM-46-49
M.C.R.

AREA=13,547± S.F.

SCALE: 1"=100'

LOT 94
4-O.P.-24
M.C.R.

PARCEL 1
101-PM-46-49
M.C.R.

M.I.D. DOANE LATERAL

LINE TABLE		
LINE	BEARING	LENGTH
L3	S 89°20'32" W	12.00'
L4	N 00°19'55" W	20.00'
L5	N 90°00'00" E	30.00'
L6	N 00°20'08" W	49.00'



SCALE: 1"=100'

DRAWN BY: drew thompson

FILE: 8910LEG_IRR.PUMPSTA.EASEMENT

DATE: 5/18/07

O'DELL
ENGINEERING

1165 Scenic Drive, Suite A Modesto, CA 95350
Ph 209.571.1765 Fax 209.571.2466

EXHIBIT B

ENCROACHMENT PERMIT

An Encroachment Permit is hereby granted to Lyons Investments, a California Limited Partnership whose address of record is 10555 Maze Boulevard., Modesto, California 95358, hereinafter-called "Permittee," to allow a structure to encroach within and upon real property in the City of Merced, County of Merced, State of California, said real property having been heretofore acquired for street right-of-way purposes and a storm water detention basin, subject to the following covenants and conditions:

1. Said encroachment is an irrigation/drainage pipeline not to exceed 24" in diameter under Mission Avenue that is more fully described in Exhibits "A" and "B" attached hereto.
2. Said encroachment shall be maintained in a condition free of defects at the sole cost of the Permittee and shall consist of only irrigation/drainage conduits below the surface of the road at a level approved in writing by the City Engineer with no above ground structures or overhead wires or conductors allowed.
3. Neither the City of Merced, nor any officer or employee thereof, shall be responsible or liable for damage to any property of Permittee installed or located upon the real property covered by this Encroachment Permit. Permittee, by accepting this Encroachment Permit, agrees to protect, defend with counsel selected by the City, indemnify, and hold the City of Merced, its officers and employees, free and harmless from any and all claims for damages of any kind whatsoever, loss, or liability, including injury to property or persons--including death of a person or persons--related to the encroachment herein granted to Permittee or by Permittee or Permittee's agents or contractors use of the encroachment described in Exhibits "A" and "B."
4. This Encroachment Permit does not constitute a deed or grant of any easement by the City of Merced, and is not transferable or assignable without the express written permission of the City of Merced which shall not be unreasonably withheld and formal

written acceptance and assumption of all of obligations hereunder by any assignee, and is revocable by the City of Merced, upon notice of violation to Permittee of any provision hereof that is not corrected within five days or such extension granted in writing by the City Engineer, abandonment by Permittee, or of the abandonment of the use or uses contemplated herein.

5. Upon the abandonment by Permittee or termination as provided herein, the irrigation/drainage conduits permitted herein may remain in place, unless required to be removed by City to ensure integrity of Mission Avenue or other public improvements.
6. This Encroachment Permit shall not become effective until receipt by the City of Merced of a copy of this Encroachment Permit properly signed by Permittee accepting the same, subject to terms and conditions herein.
7. Permittee waives any right to compensation upon abandonment, extinguishment, or termination.
8. The Permittee hereunder shall construct, install, and maintain all pipes, conduits, and appurtenances in accordance with and in conformity to all of the Ordinances and rules adopted by the City Council, all instructions from the City Engineer, and any plans and/or specifications approved by the City.
9. The Permittee shall pay to the City upon demand the cost of any and all repairs to public property made necessary by any of the operations, actions, on failure to act by Permittee hereunder.
10. The Permittee shall remove or relocate without expense to the City any facility, pipe, conduit, or appurtenances installed, used, or maintained under this Encroachment Permit if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place, including the construction of any subway or viaduct by the

City, or for the convenience of the City in providing water,
sanitary sewer, or storm water drainage.

Dated: _____

CITY OF MERCED

By: _____
City Manager

ATTEST:

By: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *[Handwritten Signature]* 3/27/2008
City Attorney

**AGREEMENT AND ACCEPTANCE OF ENCROACHMENT
PERMIT**

AGREED AND ACCEPTED by Permittee on this _____ day of
_____ 2008 by _____ who covenants, warrants, and
represents that he/she has the authority to execute this Agreement and
Acceptance of Encroachment Permit on behalf of their business entity and
warrants and represents that he/she has the authority to bind his/her entity to
the performance of the obligations hereunder.

PERMITTEE

LYONS INVESTMENTS, a
California Limited Partnership

By: Lyons Investments
Management, LLC a
California limited Liability
Company

By: _____
William (Bill) J. Lyons, Jr.,
Managing Member

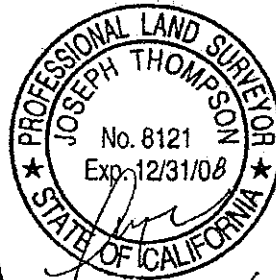
By: _____
Edward M. Lyons,
Member

**EXHIBIT A
LEGAL DESCRIPTION**

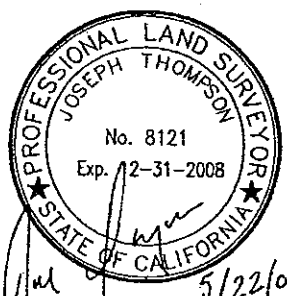
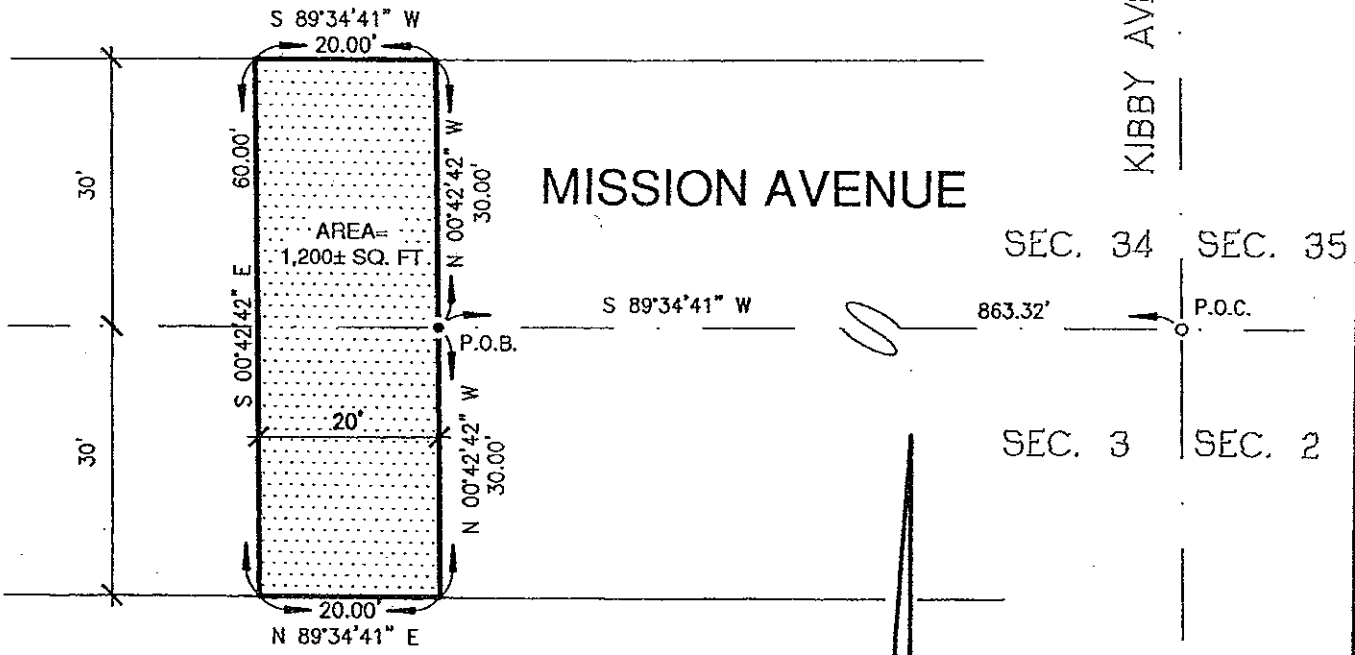
A strip of land 20.00 feet wide, for the purpose of an irrigation easement being a portion of a 60.00 foot county road as shown on that map filed for record in Volume 8 of Official Plats at Page 20, Merced County Records, situate in Section 34, Township 7 South, Range 14 East and Section 3, Township 8 South, Range 14 East, Mount Diablo Base and Meridian, Merced County, State of California, being more particular described as follows:

Commencing at the southeast corner of said Section 34 also being the northeast corner of said Section 3; thence along the south line of said of Section 34 also being the north line of said Section 3 South $89^{\circ}34'41''$ West 863.32 feet to the **Point of Beginning**; thence North $00^{\circ}42'42''$ West 30.00 feet to the north line of the 30.00 foot half width of Mission Avenue; thence along said north line South $89^{\circ}34'41''$ West 20.00 feet; thence South $00^{\circ}42'42''$ East 60.00 feet to the south line of the 30.00 foot half width of Mission Avenue; thence along said south line North $89^{\circ}34'41''$ East 20.00 feet; thence North $00^{\circ}42'42''$ West 30.00 feet to said section line and the Point of Beginning all as shown on the attached "EXHIBIT B" and made a part hereof and containing 1,200 square feet, more or less.

END DESCRIPTION



3-S-43
MCR



LOT 11
8-O.P.-20
MCR



SCALE:	1"=20'
DRAWN BY:	DREW A THOMPSON
FILE:	8911LEG_20' IRREASEMENT.dwg
DATE:	5/22/07

ODELL
ENGINEERING
1185 Scenic Drive, Suite A Modesto, CA 95350
Ph 209.571.1765 Fax 209.571.2468

EXHIBIT B

Attachment C: Merced Municipal Code 20

Title 20 Zoning

Chapter 20.36 I-H District

20.36.020 Permitted uses.

The following are principal permitted uses:

- A. Any manufacturing, processing, assembling, research, wholesale, or storage uses, provided they are not prohibited by law or ordinance, except that those uses listed in Section 20.36.040 of this chapter must comply with the required conditions;
- B. Railroad yards, trucks depots and service stations;
- C. Public utility uses, distribution and transmission substations, and communication equipment buildings;
- D. Signs appurtenant to any permitted use on the property, except billboards, not to exceed five hundred (500) square feet of total sign area per lot, except as provided under conditional uses. (Ord. 2270 § 4, 2006; Ord. 824 § 8.302, 1964).

20.36.030 Accessory uses.

The following are accessory uses:

- A. Incidental services, such as restaurants to serve employees when conducted in and entered from within the building group;
- B. Accessory buildings and uses customarily appurtenant to a permitted use, such as an incidental storage facility, garage, or off-street parking area. (Ord. 824 § 8.303, 1964).

20.36.040 Conditional uses.

The following are conditional uses:

- A. Any of the following manufacturing uses; provided, that when they are located within one hundred fifty feet of a residential district all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials may be opened to the sky, provided the storage area is enclosed with a solid wall or fence at least six feet high:
 - 1. Structural steel fabricating shops, forges, and foundries,
 - 2. Brewing or distilling of liquors, or perfume manufacturing,
 - 3. Poultry slaughterhouse and meat packing, but not other stockyards or slaughterhouses,
 - 4. Brick or pottery manufacturing, stone or monument works;
- B. Salvage and wrecking operations;
- C. Public and quasipublic uses appropriate in the I district;
- D. Retail commercial uses, such as restaurants and service stations;
- E. The following uses are prohibited, unless the applicant can demonstrate to the satisfaction of the planning commission that such uses do not create more vehicular or rail traffic, produce more odor, dust, fumes, smoke, noise, vibration, glare, heat or any other objectionable factor or create a greater hazard of fire or explosion than is normally

created by any of the permitted uses:

1. Asphalt, cement, charcoal and fuel briquettes,
 2. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric phosphoric, picric, and sulphuric acids,
 3. Coal, coke, and tar products, including use in other manufacturing; explosives, fertilizers, gelatin, animal glue and size,
 4. Turpentine, matches, paint,
 5. Rubber, soaps, including fat rendering,
 6. Flour mill,
 7. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins,
 8. Stockyards, slaughterhouses except for poultry, animal feed or sales yard, fertilizer yard; slag piles,
 9. Storage of fireworks or explosives, except where incidental to a permitted use,
 10. Any other use which is determined by the planning commission to be of the same general character as the above uses;
- F. Signs in excess of the allowable limit but not to exceed an additional five hundred square feet of sign area per lot. (Ord. 824 § 8.304, 1964).

Chapter 20.60 NONCONFORMITIES

20.60.050 Land uses.

Where, at the effective date of adoption or amendment of the ordinance codified in this title, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which the land is located. (Ord. 824 § 4.03, 1964).

20.60.060 Structures.

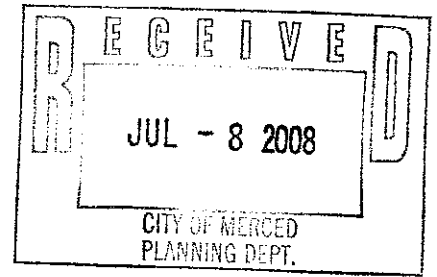
Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restriction on area, lot coverage, height, yards, or other characteristics of the

structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity;

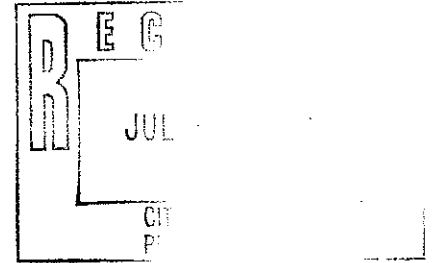
B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title;

C. Should such structure be moved for any reason for any distance, whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 824 § 4.04, 1964).



July 3, 2008

City Council
The Honorable John Carlisle
678 West 18th St.
Merced, California 95340



Members of the Council:

California Dairies, Inc. would like to ask for your support of the proposed Wal-Mart Distribution Center in Merced.

Who is California Dairies, Inc. and why do we care? CDI is the largest milk cooperative in California and the second largest in the United States. We handle over 50 million pounds of milk a day, much of which comes from Merced County. In fact our cooperative has been processing milk in Merced County since 1925. We have been a supplier to Wal-Mart for many years and many of the products we sell to Wal-Mart are produced and processed in Merced County.

A local distribution center makes sense not only for its job creation but for the environment as well. Many products we supply Wal-Mart are shipped out of state and then distributed back in state. A Merced distribution center would help reduce fuel consumption and emissions and would be good for our environment as well as our economy.

We see no downside to the project and request your support for the distribution center.

Sincerely,

California Dairies, Inc.

Richard L. Cotta
President and CEO

ARTESIA
11709 E. Artesia Blvd.
P.O. Box 6210
Artesia, CA 90702-6210
Telephone: 562-865-1291
FAX: 562-860-8633

FRESNO
755 "F" Street
P.O. Box 11865
Fresno, CA 93775-1865
Telephone: 559-233-5154
FAX: 559-268-5101

LOS BANOS
1155 Pacheco Blvd.
P.O. Box 2198
Los Banos, CA 93635-2198
Telephone: 209-826-4901
FAX: 209-826-6717

TIPTON
11894 Avenue 120
P.O. Box 837
Tipton, CA 93272-0837
Telephone: 559-752-5200
FAX: 559-752-5201

TURLOCK
475 South Tegner
Turlock, CA 95380
Telephone:
209-668-6150
FAX: 209-668-6162

**CORPORATE OFFICE
VISALIA**
2000 N. Plaza Drive
Visalia, CA 93291
Telephone:
559-625-2200
FAX: 559-625-5433

Espinosa, Kim

From: Bingaman, Jamie
Sent: Wednesday, June 25, 2008 1:54 PM
To: Espinosa, Kim
Subject: RE: for the record

I will continue to send them through interoffice since you have to print them out anyways!

Thanks!
Jamie

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

From: Espinosa, Kim
Sent: Wednesday, June 25, 2008 1:21 PM
To: Bingaman, Jamie
Subject: RE: for the record

Jamie,

Thanks, whatever is easier for you. I have to print them out and stick them in the file, so it works out either way. Thanks!

--Kim

Kim Espinosa
Planning Manager

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

From: **Bingaman, Jamie**
Sent: Wednesday, June 25, 2008 1:15 PM
To: Espinosa, Kim
Subject: for the record

Good Afternoon Kim!

Attached are 2 emails regarding the proposed Wal-Mart distribution Center.

Would you prefer that I forward emails for the Wal-Mart record to you? Or continue to send them via the inter-office mail?

Thanks,
Jamie Bingaman
(209) 388-7122

<< Message: FW: Walmart Distribution Center >> << Message: FW: Wal-Mart Distribution Center >>

Espinosa, Kim

From: Davidson, Dana
Sent: Wednesday, June 25, 2008 11:03 AM
To: Bingaman, Jamie
Subject: FW: Walmart Distribution Center

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Wednesday, June 25, 2008 8:45 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Quintero, Frank; Davidson, Dana
Subject: FW: Walmart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: JUDITHBCA@aol.com [mailto:JUDITHBCA@aol.com]
Sent: Tuesday, June 24, 2008 1:19 PM
To: city, council
Subject: Walmart Distribution Center

I am all for the proposed Walmart Distribution Center. I have read both sides of the argument and believe we should march forward and build it. Any complaints the people have now will be quickly forgotten once the center starts operation.

One of my concerns is that by rejecting the distribution center, it will give Merced a reputation of chasing away potential businesses (don't we already have that reputation?) If we turn them down and they build somewhere else, we will lose out big time and it will make us look stupid. If that happens, it may be a very long time before any other business or industry is brave enough to take us on. And the complaints about not enough jobs in Merced will continue for years to come. So I say, go for it! Opening the Walmart Distribution Center will likeley attract other businesses, which we desperately need!

Oh, and by the way, I've heard that businesses drive around checking out the condition of our roads before deciding whether or not to come here. It would help greatly if we made more of

an effort to make our roads smoother because it will attract big business. But that's another letter for another time....

Sincerely,
Judith Breckenridge
Atwater

Gas prices getting you down? Search AOL Autos for fuel-efficient [used cars](#).

Espinosa, Kim

From: Davidson, Dana
Sent: Wednesday, June 25, 2008 8:53 AM
To: Bingaman, Jamie
Subject: FW: Wal-Mart Distribution Center

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Wednesday, June 25, 2008 8:47 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Dawn Walker (E-mail); 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); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Quintero, Frank; Davidson, Dana
Subject: FW: Wal-Mart Distribution Center

From the website...

Dawn

Dawn Walker
Executive Secretary
City of Merced
678 West 18th Street
Merced, CA 95340
(209) 385-6834
Fax: (209) 723-1780

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

From: DAVID HOFFMAN [mailto:davelhoffman@sbcglobal.net]
Sent: Tuesday, June 24, 2008 2:17 PM
To: city, council
Subject: Wal-Mart Distribution Center

Dear Council Members,

I was born and raised here in Merced and love this town very much. Living here, I also know we have one of the **HIGHEST** unemployment rates in the US and it's not going to get better without bringing in more industry. In fact, we always have one of the highest unemployment rates in the US, even during good times.

As much as I HATE Wal-Mart and was originally against the center, I have changed my mind. I have been unemployed for over 9 months now and have not been able to find a job. I have a BS in Business Administration/HR Management and couldn't even get a cashier job, working for the new Target store in Atwater.

I realized just how bad our County's unemployment was, when I drove up to the Target "Cattle Call" and the line wrapped around and around forever. It looked like the line at the most popular ride in Disneyland. There had to be well over a thousand people that applied for those jobs and a

6/25/2008

lot of them were just like me, well educated, with college degrees, and no place to use them.

I've never quite understood why the City of Merced has not pursued big industry in this town over the last 20 years. They always seem to go to Modesto or Fresno and Merced is always left out in the cold.

Maybe it time for the City Council and the City of Merced to start offering **VERY BIG** tax break incentives, to lure corporations to our city. Maybe even think of giving the free lease on the land for 5 or 10 years. After all, which is better, large welfare and unemployment benefits paid out by the city and state or **tax and free property lease** incentives on new companies relocating to Merced? Until Merced starts getting more industry to create new jobs, we will always have a large unemployment rate.

So I say YES to Wal-Mart's Distribution Center. Just maybe I will be lucky enough to have a job with them some day. That is, if I'm not too old or dead before the break ground. 🌐

Sincerely,

David Hoffman

Espinosa, Kim

From: Merced CAN [info@mercedcan.com]
Sent: Tuesday, June 24, 2008 12:50 PM
To: Espinosa, Kim
Subject: Survey Shows Strong Support for Distribution Center

WAL*MART

*Saving people money
so they can live better*

Merced Customer Action Network

How Can I Help?

- [Become a Supercenter Supporter](#)
- [Write Your City Council Members](#)
- [Write a Letter to the Editor](#)
- [Download and Share Fact Sheets](#)
- [Visit the Customer Action Network](#)



Public Opinion Survey - Strong Community Support for Distribution Center

The Greater Merced Chamber of Commerce released a public opinion survey revealing that 81% of voters within the City of Merced support the proposed Wal-Mart distribution center!

"We at the Chamber promote a strong economy." stated Brian Wells, Past Chairman of the Board for the Greater Merced Chamber of Commerce. "We are happy to see that the voters of Merced overwhelmingly view the Wal-Mart distribution center as a solution to strengthening our fragile economy through expanding job opportunities and increasing our tax base."

Visit the Merced CAN website to view the survey, [click here](#).

Merced Customer Action Network Growing

To date, over 9,000 individuals have joined the Merced Customer Action Network (CAN), a grass-roots network of local supporters dedicated to bringing over 1,000 jobs to their community!

Action Items

- Only with the support of the Merced City Council can Wal-Mart bring over 1,000 quality jobs to Merced. To write your Council Members, [click here](#).
- To write a letter of support to your local newspaper, [click here](#).

Wal-Mart in the News

- Merced City officials got an "up close and personal" look at a Distribution Center when they toured Wal-Mart's Apple Valley facility. To read more, [click here](#).
- Now, over 92% of Wal-Mart associates have health care coverage! To read more, [click here](#).
- Wal-Mart's \$4 prescription drug program has saved customers more than \$1 billion since its launch in Sept. 2006. To read more, [click here](#).

[Forward email](#)

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Wal-Mart Customer Action Network | P.O. Box 8425 | Van Nuys | CA | 91499

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, June 24, 2008 9:47 AM
To: Bingaman, Jamie
Subject: RE: Public Records Request for "Project Whisper" and City Council Visit to Apple Valley

Yes, please. Thank you!!!!

--Kim

Kim Espinosa
Planning Manager

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

From: Bingaman, Jamie
Sent: Tuesday, June 24, 2008 9:17 AM
To: Espinosa, Kim
Subject: RE: Public Records Request for "Project Whisper" and City Council Visit to Apple Valley

Thank you Kim, I will wait to see what records are submitted by the other departments (City Manager/RDA/Finance). Would you like me to send you a copy of what is submitted?

Thanks,
Jamie Bingaman
ext. 7122

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

From: Espinosa, Kim
Sent: Tuesday, June 24, 2008 8:37 AM
To: Bingaman, Jamie
Cc: Lucas, Terri; Quintero, Frank; Lesch, Jack; Cahill, Bill
Subject: Public Records Request for "Project Whisper" and City Council Visit to Apple Valley

Jamie,

Per your 6/23/08 memos, the Planning Dept has no public records regarding "Project Whisper". I know that the Economic Development Dept often gives industrial prospects that wish to remain anonymous such names, but the Planning Dept does not maintain records on these projects since they are not official City applications for development. If "Project Whisper" was indeed Wal-Mart, than all public records that we have maintained have been made available to Mr. Robinson previously, but I do not know if that nickname referred to in Mr. Franck's email that was attached to Mr. Robinson's request was Wal-Mart or some other project. Perhaps Frank Quintero can shed some light on the subject and I have included him in this email since he did not receive your memo.

As for the City Council visit to Apple Valley, the Planning Dept has no public records relating to this request as the visit was arranged through

the City Manager's office. They should have all the records. I had requested a copy of these records after reading about the trip in the newspaper (the first I knew the trip had taken place) from Mr. Cahill, but have not received them yet. Let me know if you have any questions. Thanks!

--Kim

Kim Espinosa
Planning Manager

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, June 24, 2008 8:37 AM
To: Bingaman, Jamie
Cc: Lucas, Terri; Quintero, Frank; Lesch, Jack; Cahill, Bill
Subject: Public Records Request for "Project Whisper" and City Council Visit to Apple Valley

Jamie,

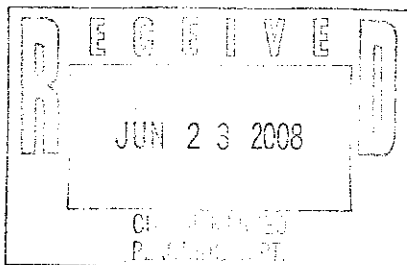
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--Kim

Kim Espinosa
Planning Manager

Memo



Date: June 23, 2008

To: James Marshall, City Manager; Bill Cahill, Assistant City Manager; Jack Lesch, Director of Development Services; Bradley Grant, Finance Officer

From: Jamie Bingaman, Records Clerk

Cc: Gregory Diaz, City Attorney; Kim Espinosa, Planning Manager

RE: Public Records Request Regarding the City Council visit to the Wal-Mart distribution center in Apple Valley, California

The City Clerk's Office received the attached public records request from Nick Robinson, on June 20, 2008 requesting documentation from any city department related to the Merced City Council member(s) visit to the Wal-Mart distribution center in Apple Valley, California on June 19, 2008. The request specifies copies of all applicable receipts, reimbursements, and related financial documents. Please refer to the attached request for a full description of records requested.

Please comply with the public records request and provide the necessary documentation to the City Clerk's Office no later than Friday, June 27, 2008. If more time is required to compile the documents, please inform the City Clerk's Office. Do not reconstruct a record to comply with the above request. The City only supplies available documents. Should you have any questions, please contact me at x.7122.

CITY OF MERCED

JUN20'08 PM4:15

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

FROM: Nick Robinson
1735 Canal St., Suite 13
Merced, CA 95340
ndrobinson@gmail.com

DATE: June 20, 2008

RE: Public Records Request

Pursuant to the California Public Records Act (CPRA), Sections 6250-6270 of the Government Code, I am writing to request the opportunity to inspect and copy specific public records.

In particular, I request the opportunity to inspect the following:


All written documents regarding a visit by members of the Merced City Council to the Wal-Mart distribution center facility in Apple Valley, California on June 19, 2008. This request includes copies of all applicable receipts, reimbursements and related financial documents.

The word "document" as used in this list includes but is not limited to forms, studies, applications, reports, analyses, memoranda, correspondence (including e-mails), notes and plans either received or generated by any City staff or elected officials. Furthermore, this request encompasses records maintained by **any** and **all** departments and offices of the City of Merced. Upon my inspection of these records, I will request copies of some or all of them. If any of these records exist and are available in electronic format, I may request that they be provided to me in that format as well, pursuant to Section 6253.9 of the CPRA.

If you decline to release any records, including any you allege to have not retained, please 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.

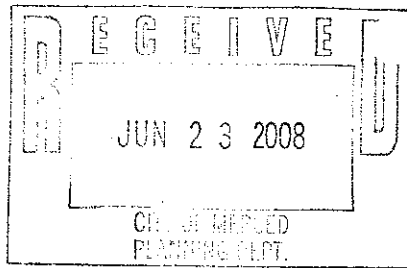
Thank you for your time and assistance. If you have questions or need additional information, please do not hesitate to contact me. I look forward to hearing from you.

Yours truly,



Nick Robinson

Memo



Date: June 23, 2008

To: James Marshall, City Manager; Bill Cahill, Assistant City Manager; Jack Lesch, Director of Development Services

From: Jamie Bingaman, Records Clerk

Cc: Gregory Diaz, City Attorney; Kim Espinosa, Planning Manager

RE: Public Records Request Regarding "Project Whisper" (Wal-Mart distribution center)

The City Clerk's Office received the attached public records request from Nick Robinson, on June 20, 2008 requesting any and all documentation from any city department related to "Project Whisper". According to the attached email correspondence "Project Whisper" is referenced as the Wal-Mart distribution center. Please refer to the attached request for a full description of records requested.

Please comply with the public records request and provide the necessary documentation to the City Clerk's Office no later than Friday, June 27, 2008. If more time is required to compile the documents, please inform the City Clerk's Office. Do not reconstruct a record to comply with the above request. The City only supplies available documents. Should you have any questions, please contact me at x.7122.

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

FROM: Nick Robinson
1735 Canal St., Suite 13
Merced, CA 95340
ndrobinson@gmail.com

DATE: June 20, 2008

RE: Public Records Request

Pursuant to the California Public Records Act (CPRA), Sections 6250-6270 of the Government Code, I am writing to request the opportunity to inspect and copy specific public records.

In particular, I request the opportunity to inspect the following:

All documents referencing "Project Whisper." Please see the attached correspondence for context.

The word "document" as used in this list includes but is not limited to forms, studies, applications, reports, analyses, memoranda, correspondence (including e-mails), notes and plans either received or generated by any City staff or elected officials. Furthermore, this request encompasses records maintained by **any** and **all** departments and offices of the City of Merced. Upon my inspection of these records, I will request copies of some or all of them. If any of these records exist and are available in electronic format, I may request that they be provided to me in that format as well, pursuant to Section 6253.9 of the CPRA.

If you decline to release any records, including any you allege to have not retained, please 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.

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.

Yours truly,

A handwritten signature in black ink, appearing to read "Nick Robinson", written over the typed name below.

Nick Robinson

Espinosa, Kim

From: Albrecht, Leslie - Merced [LAlbrecht@MercedSun-Star.com]
Sent: Wednesday, June 04, 2008 11:03 AM
To: Espinosa, Kim
Subject: RE: walmart eir

Excellent, thanks Kim!

Leslie Albrecht
Reporter
Merced Sun-Star
3033 North G Street
Merced, CA 95340

direct phone: (209) 385-2484
fax: (209) 385-2460
email: lalbrecht@mercedsun-star.com
web: <http://www.mercedsunstar.com/>

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, June 04, 2008 10:57 AM
To: Albrecht, Leslie - Merced
Subject: RE: walmart eir

Leslie,
My best guess at this point is no sooner than August/Sept. Thanks!
--Kim

Kim Espinosa
Planning Manager

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

From: Albrecht, Leslie - Merced [mailto:LAlbrecht@MercedSun-Star.com]
Sent: Wednesday, June 04, 2008 10:49 AM
To: Espinosa, Kim
Subject: walmart eir

Hi Kim -

I'm writing a story today about the Chamber of Commerce survey on the Wal-Mart distribution center.

I'd like to update readers on what the latest estimate is on when the EIR will be available. Can you tell me please?

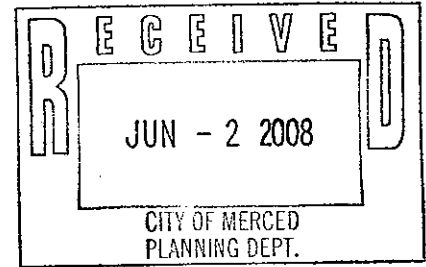
thanks,
Leslie Albrecht

Leslie Albrecht
Reporter
Merced Sun-Star
3033 North G Street
Merced, CA 95340

6/4/2008

direct phone: (209) 385-2484
fax: (209) 385-2460
email: lalbrecht@mercedsun-star.com
web: <http://www.mercedsunstar.com/>

MEMORANDUM



TO: Jack Lesch, Director of Development Services
Planning Division
City of Merced
678 West 18th Street
Merced, California 95340

CC: Mayor, City Council and Planning Commission members
Other interested parties

FROM: The Merced Stop Wal-Mart Action Team
1735 Canal St. Suite 13
Merced, CA 95340
swat@mercedstopwalmart.org

DATE: June 2, 2008

RE: Comments on University Industrial Park Vesting Tentative Subdivision Map #1299
Item 4.1 on June 4 City of Merced Planning Commission agenda

Mr. Lesch,

We are the Merced Stop Wal-Mart Action Team, a broad, grassroots coalition of community groups and thousands of Merced residents opposed to the construction of the proposed Wal-Mart distribution center in Southeast Merced. Many of our members and supporters live in South and Southeast Merced, meaning that our health and quality of life will be among those most affected by the proposed distribution center and nearby projects.

We appreciate the opportunity to comment on this project. The University Industrial Park Subdivision is located near the Campus Parkway and proposed Wal-Mart distribution center, two of the largest, most complex projects in the history of our city. It is essential that projects abutting the Parkway and distribution center site take into account the cumulative impacts of rapidly-shifting conditions on the ground in Southeast Merced, a fast-growing area that will "transform a sleepy corner of southeast Merced into a residential and commercial hub" (Merced Sun-Star, Aug. 22, 2007).

The studies for the Tentative Subdivision Map are outdated

Due to numerous changed circumstances in the past decade, some of the studies found in the University Industrial Park Subdivision Initial Study #98-06 – released to the public on May 21, 1998 and approved by the Planning Commission on July 8, 1998 – are out-dated and contradict other City statements and findings. Consequently, TSM #1299 should not be permitted to tier off of the Negative Declaration.

A “Negative Declaration” is a “written statement by the Lead Agency briefly describing the reasons that a proposed project...will not have a significant effect on the environment and therefore does not require the preparation of an EIR” (CEQA Guidelines, §15371). A negative declaration must be prepared when after completing an initial study, a lead agency determines that a project “would not have a significant effect on the environment” [Public Resources Code §21080 (c)]. This determination can only be made if there is “no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment” [Public Resources Code, §21080 (c)(1)].

The “fair argument” standard under CEQA applies when a lead agency decides whether to issue a negative declaration. This standard places a greater burden of proof on the project proponent to demonstrate that it cannot be “fairly argued” that a project could result in a significant impact. Additionally, “the existence of serious public controversy in itself indicates that preparation of an EIR is desirable” [*No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68*]. The intent is to err towards a broad application of CEQA that protects the right of the public to participate in decisions that may worsen the environment and their own health and quality of life.

The Negative Declaration should be withdrawn. A full Environmental Impact Report needs to be prepared to correct factual errors in previous studies, evaluate cumulative impacts and determine alternatives to the project. The City can no longer certify that this proposed project “could not have a significant effect on this environment” or that no “serious public controversy” exists.

We also want to remind the Planning Commission and City Council of the various duties and obligations of the Developer as detailed in the 32 conditions found in the Staff Report for this item, some of which are required before issuance of the final map when prepared. Additionally, we urge City staff to re-examine the appropriateness of these conditions after over ten years’ time.

Comments on Initial Study #98-06 Environmental Evaluation

B.) Air

Since 1998, the scientific and medical communities’ understanding of the health impacts of non-attainment of ozone and particulate standards has improved dramatically. We live in a terrible air quality public health crisis where, according to a report released by the California Air Resources Board on May 22, over 2,900 Valley residents die prematurely every year from exposure to fine particulate. New projects must take the health and quality of life of most affected Merced residents into account in every step of the permitting process.

The Applicant should communicate with the San Joaquin Valley Air Pollution Control District to determine whether new standard requirements have taken effect since 1998. For the tentative map phase, the Air District suggests a variety of mitigations, including:

- Contribute to Local Air Quality Mitigation Fee Fund
- Energy conservation measures above and beyond requirements
- Pay for fleet vehicle conversions to alternative fuels

There is an inadequate discussion of how the Applicant plans to mitigate localized toxic air emissions that will likely come from industrial use.

The City of Merced is currently updating its General Plan. The Applicant should communicate with City staff to create an updated list of roadway and intersection improvements in the vicinity of the site.

C.) Water

The years of study used to determine the City's peak water capacity – 1990-1994 – are outdated and inadequate to understand how this project will impact City water supply. Subdivision of the project may result in greater-than-anticipated water usage when compared to other types of industrial usage. The intervening years have been some of the driest on record; the City needs the latest analysis possible to make wise decisions about our limited groundwater supply.

I.) Traffic

The traffic study upon which the mitigated negative declaration was based is flawed and must be conducted again.

The study estimates 9 Average Daily Trips (ADT) per 1,000 square feet and estimates that this project will generate 3,880 ADT at full build-out. The study does not, however, describe how many of those trips will be cars or trucks, or how that traffic will interact with current traffic levels and circulation.

The study assumes:

- 50% of the traffic uses Kibby Road north to Highway 140 (75% will go west, 20% will go east and 5% will continue north)
- 35% use Childs Avenue West to Highway 99
- 10% use Kibby Road south to Highway 99
- 5% use Childs Avenue eastbound (or other miscellaneous local needs)

Since 1998, Wal-Mart purchased the parcel to the south of this project, subdivided it, and proposed to amend the City's General Plan to abandon build-out of Kibby Road south to Highway 99. It is our contention in a letter dated April 25, 2008 and attached for your convenience, that the abandonment of Kibby Road violates numerous adopted City plans and mitigation measures and contradicts the advice of City staff. In addition to the points raised in this April 2008 letter, we now add that Vesting Tentative Subdivision Map #1299 would also preclude the abandonment of Kibby Road as proposed by Wal-Mart. In any case, the City must clearly state its intentions with regard to the proposed abandonment of Kibby Road before this project can move forward as proposed.

A document entitled "Weaver Conditions," last updated June 15, 1995, includes binding mitigation measures for the Plum-Sutter-Vierra annexation. Condition 03.01 (c) states: