

Whenever practical construction-related truck traffic should be prohibited from using adjacent arterial and collector streets, and all truck traffic should be directed to State Highway 140 via Childs Avenue or Gerard Avenue to Kibby Road.

This binding mitigation measure is currently violated on a daily basis as any Southeast Merced resident can attest. The City is obligated to post relevant signage in and around the project site and work with users of the industrial park to educate drivers about where they can park and drive their trucks. Perhaps the added truck traffic through Kibby to SR 140 with the enforcement of City code would impact improvements necessary to Kibby Road and circulation in the area. Without a new traffic study, we will not know.

MEMORANDUM

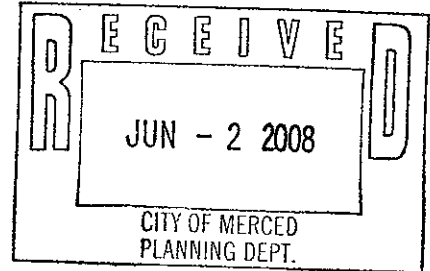
TO: Kim Espinosa, Planning Manager
City of Merced
678 West 18th Street
Merced, California 95340

CC: Mayor and City Council Members
Jack Lesch, Development Services Department
Frank Quintero, Development Manager

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

DATE: April 25, 2008

RE: Proposed Kibby Road Abandonment for Wal-Mart Distribution Center Violates
Adopted Mitigation Measures, Other Regulations



In the past two years, the Merced Stop Wal-Mart Action Team has conducted several California Public Records Act requests. As a result of reading these thousands of pages of documents, it has come to our attention that the site plan for the proposed Wal-Mart Distribution Center in Merced, if approved, would be in violation of a number of binding restrictions and regulations on the use of the site.

We write this letter to protect the public's right to participate in development review and the broader planning process, and ensure those concerns are enforced by City staff as is their legal obligation. Merced residents depend on City staff to enforce binding mitigation measures in development agreements. To ignore or alter these measures behind closed doors represents a betrayal of the public trust.

One problem with the Site Plan which has come to our attention centers on the proposed abandonment of the Kibby Road right-of-way between Childs and Gerard Avenues. This abandonment is key to the configuration of the Distribution Center as currently proposed.

I. The proposed abandonment of Kibby Road would violate adopted mitigation Measures.

In 1998, the City annexed an area which contained the majority of the site on which the Distribution Center is now proposed to be located (the "Lyons Annexation"). At the time, the City's Planning Division produced an "Expanded Initial Study #97-22 for Lyons Annexation to the City of Merced." This Expanded Initial Study formed the basis for a Mitigated Negative Declaration, and both documents were adopted by the City. The City then proceeded with the Lyons Annexation and accompanying project approvals.

The Mitigation Measures adopted by the City with the Expanded Initial Study and Mitigated Negative Declaration include the following:

The developer shall construct all collector, local, or cul-de-sac streets within the Project boundaries to their ultimate right-of-way with full frontage improvements . . . This includes Kibby Road, Gerard Avenue, Tower Road, and any new interior streets within the Project boundaries. . . .

Kibby Road's right-of-way is fully or partially "within the Project boundaries" of the Lyons Annexation between Childs Avenue and Mission Avenue, and it is classified as a "collector" in the City's General Plan throughout this segment. The City may believe that the proposed General Plan amendment eliminating this segment of Kibby Road from the General Plan relieves the developer from constructing Kibby in conformance with this adopted Mitigation Measure. This is not the case. Removing Kibby's General Plan designation as a "collector" cannot obscure the fact that it is named specifically in the adopted Mitigation Measures as a street which the developer must construct "to its ultimate right-of-way." Thus, even with an appropriately approved General Plan amendment, approving the Site Plan as proposed would produce a clear violation of this adopted Mitigation Measure.

It should be noted that the requirement for the developer to construct Kibby Road between Childs and Mission Avenues was based in part on the need for acceptable traffic routes between this industrial area and Highway 99. The Expanded Initial Study makes this clear:

[T]here will be three possible major routes in and out of the Project area. Route 1 would be Kibby Road to Highway 140, Route 2 would be Childs Avenue to Highway 99, and Route 3 would be Kibby Road to Mission Avenue to Highway 99. . . . Some vehicle trips would also be routed to Gerard Avenue and the Eastern Beltway/Campus Parkway but these trips are not projected to be as significant in number.

Specifically, the Study projected that only 10% of trips would use the Gerard Avenue/Campus Parkway route. In contrast, the plan proposed by Wal-Mart for its Distribution Center involves eliminating Kibby Road and placing no entrance on Childs Avenue, thus putting all trips onto Gerard Avenue. In fact, Wal-Mart proposes routing all truck traffic to Highway 99 via the Gerard Avenue/Campus Parkway route—virtually the only route available given the proposed site configuration. This would fly in the face of the projections relied upon in the Expanded Initial Study.

II. The proposed abandonment of Kibby Road violates the City's Storm Drain Master Plan.

The City's adopted Storm Drain Master Plan includes a storm drain running along part of the Kibby Road right-of-way between Childs and Gerard Avenues. In fact, it is our understanding that this storm drain is already constructed. General Plan Implementing Action P-1.1.d directs the City as follows:

Construct a stormwater drainage system, water system, and sewer system in accordance with master plans.

The vacation of the segment of Kibby Road at issue and the construction of the Wal-Mart Distribution Center as proposed would necessitate removal or re-routing of the storm drain in the

Kibby Road right-of-way, in contravention of the adopted Storm Drain Master Plan and the City's General Plan.

III. The proposed abandonment of Kibby Road violates the conditions of approval of the 2005 subdivision of the site.

In December 2005, the Merced City Minor Subdivision Committee approved a Minor Subdivision of the proposed Wal-Mart Distribution Center site (Lot Split Application #05-15). Resolution #871, passed by the Committee, approved the Minor Subdivision with the following condition of approval:

Prior to the issuance of an occupancy permit on any parcel, the street frontages (except Campus Parkway which is addressed under Condition #7) shall be improved to full City standards. Improvements shall include, but not be limited to, curb, gutter, fire hydrants, paving, street trees, street lights, under grounding of utilities and canals, and traffic control devices. . . .

As there is no exception made for Kibby Road, this condition of approval requires Kibby to be constructed between Childs and Gerard Avenues.

Another condition of approval contained within Resolution #871 requires compliance with the City's Storm Drain Master Plan:

Before issuance of a building permit, subdivider shall demonstrate, to the satisfaction of the City Engineer, that storm drainage is designed to function as an integral part of a larger system. . . . This shall include compatibility with the City's Storm Drain Master Plan.

As described above, the proposed abandonment of Kibby Road would inevitably result in non-compliance with this Master Plan. Thus, the proposed abandonment would result in the violation of two of the conditions of approval of this Minor Subdivision.

IV. The proposed abandonment of Kibby Road would result in violations of the General Plan's policies on industrial traffic.

The General Plan's Implementing Action T-1.1.b directs the City as follows:

Whenever feasible implement a system of arterials and higher order streets in new growth areas based on the adopted concept of arterials/expressways.

The description of the Implementing Action specifies further:

Arterials and higher order streets will carry the higher-speed traffic to adjacent commercial, industrial, and other major destinations. Collectors and local streets will be designed for local, neighborhood traffic . . .

The plan outlined in the Lyons Annexation Expanded Initial Study and Mitigation Measures would have largely conformed to these policies: For example, Kibby Road was to be used to access the industrial area to and from Mission Avenue (an arterial), which would provide access to Highway 99. This plan is consistent with the current General Plan and remains feasible. However, the abandonment of Kibby Road, along with other aspects of the proposed Site Plan for the Wal-Mart Distribution Center, would instead result in a street system and traffic pattern

that violates the General Plan by funneling all of Wal-Mart's industrial traffic onto Gerard Avenue (a collector). As the General Plan recognizes, collector streets like Gerard Avenue are simply not designed to handle this kind of high-volume, high-speed industrial traffic. Maybe these issues are being addressed in the current General Plan update process; maybe not. The City must rely on the existing General Plan until the update process is completed and a new document is approved.

V. The City and Wal-Mart have recognized the necessity of constructing this segment of Kibby Road since the beginning of planning for this project.

In 2003, before making a final decision to pursue a Distribution Center in Merced, Wal-Mart submitted a number of questions regarding the currently proposed Distribution Center site to Frank Quintero, the City's Economic Development Manager. In his response, Mr. Quintero clearly indicated that Kibby Road had to be constructed between Childs and Gerard Avenues. He stated in part:

Right of Way for Kibby Road extended may be moved; however, Kibby Road must go through from Childs Avenue to Mission Avenue for public safety access.

He further stated:

Kibby Road, Tower Road, Mission Avenue, Gerard Avenue and Childs Avenue would have to be improved to City Standards.

It is unclear to us why Wal-Mart and the City have proceeded so far with the review of Wal-Mart's proposed Site Plan and Kibby Road abandonment, despite apparently recognizing at the beginning that this segment of Kibby Road could not be abandoned. Regardless, the information outlined herein (which only recently came to our attention) must serve to remind the City and Wal-Mart of the impossibility of the proposed Kibby Road abandonment.

The Mitigation Monitoring Program adopted by the City along with the Lyons Annexation Mitigation Measures states in part:

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the City Planner in written form providing specific information on the asserted violation. The City Planner shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the City Planner shall cause appropriate actions to remedy any violation.

It has been clearly demonstrated herein that the proposed abandonment of Kibby Road would result in violation of the adopted Lyons Annexation Mitigation Measures as well as several other applicable rules and restrictions. The City's planning staff must investigate and take appropriate steps to ensure that this does not occur. In other words, if Wal-Mart wishes to build a Distribution Center on the currently proposed site in Merced, it must discard the idea of abandoning Kibby Road and re-design its Site Plan around the Kibby Road right-of-way. It is the City's duty to ensure that this occurs by enforcing its own regulations governing development of the site.

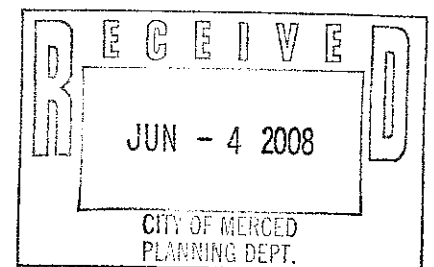
Proctor, Deneen

From: Marshall, Jim
Sent: Friday, May 30, 2008 4:32 PM
To: Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail); Michelle Gabriault-Acosta (E-mail); Noah Lor (E-mail); Sanders, Jim; Spriggs, Bill; Wooten, Ellie; Cahill, Bill; Childress, Kathy; Diaz, Gregory; Gonzalves, David; Grant, Brad; Hall, Alexander; Lesch, Jack; Lewis, Jeff; Mitten, Kenneth; Proctor, Deneen; Raggio, John; Thomas, Russ; Tucker, David; Walker, Dawn
Cc: Conway, Mike; Quintero, Frank
Subject: FW: Chamber Views Wal-Mart as Solution to Voters Concern over Economy

FYI

City Clerk - for the record

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



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

From: 4krumms@clearwire.net [mailto:4krumms@clearwire.net]
Sent: Friday, May 30, 2008 4:18 PM
To: Undisclosed-Recipient;;
Subject: Chamber Views Wal-Mart as Solution to Voters Concern over Economy

FOR IMMEDIATE RELEASE
CONTACT: Jennifer Krumm

May 30, 2008
Phone Number: (209) 384-7092

Survey Shows Overwhelming Support for Wal-Mart Distribution Center

Chamber Views Wal-Mart as Solution to Voters Concern over Economy

Merced, CA -The Greater Merced Chamber of Commerce released today a public opinion survey revealing that 81% of voters within the City of Merced support the proposed Wal-Mart distribution center with 78% believing the City Council should approve the proposal.

"We at the Chamber promote a strong economy." stated Brian Wells, 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."

6/2/2008

The survey also reflected high numbers of Merced voters who are extremely concerned with the state of the local economy and the number of home foreclosures. Ninety-two percent (92%) of voters believe the city should be encouraging new business in Merced thereby bringing new jobs to the community. Further, the survey reflects that voters believe Wal-Mart is the company to accomplish this. Seventy-five percent (75%) of respondents stating they have a favorable impression of the company.

"Voters are very concerned with the state of the local economy and the number of home foreclosures," said Wells. "Inviting Wal-Mart to build a distribution center in Merced is viewed as a solution to problems concerning us all, namely the lack of good paying local jobs with health insurance and benefits as well as much needed new revenue for our local economy."

According to Aaron Rios, Senior Manager of Public Affairs for Wal-Mart, the company is committed to building an environmentally friendly distribution center. "Wal-Mart is incorporating renewable fuels into their fleet of trucks to reduce emissions, support farmers, and reduce the United States dependence on foreign oil," stated Rios.

The Chamber supports companies such as Wal-Mart that advocate strong environmental programs and sustainable practices." said Wells.

Local Concerns

- Jobs and unemployment are the top concerns in Merced, followed by crime, the economy, and the rise in home foreclosures.

Support for Wal-Mart Distribution Project

- Wal-Mart, the company, has a favorable image with 74% of Merced voters.
- Awareness of the proposed Wal-Mart distribution center is at 92% of voters.
- Support is also very high with 81% of voters supporting the distribution center.
 - Nearly 2/3rds of voters (64%) strongly support the distribution center and only 14% strongly oppose it.
- 78% of voters believe the City Council should vote to approve the project.

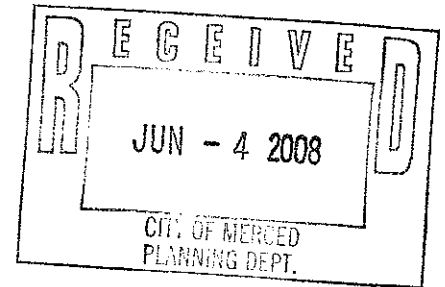
Wal-Mart has proposed building a distribution center in Merced that at full operation would employ approximately 1,200 employees, 900 of which will be full-time jobs. The project is also expected to create approximately 600 construction related jobs.

From May 7-8, Voter Consumer Research conducted a public opinion survey of 300 City of Merced registered voters, with a +/- 5.7 margin of error. The survey was paid for by Wal-Mart Stores, Inc.

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Shuping, Emily

From: Davidson, Dana
Sent: Tuesday, May 06, 2008 9:30 AM
To: Shuping, Emily
Cc: Bingaman, Jamie
Subject: FW: WAL-MART ****
Follow Up Flag: Follow up
Due By: Tuesday, May 13, 2008 8:00 AM
Flag Status: Flagged



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

From: Marshall, Jim
Sent: Tuesday, May 06, 2008 8:20 AM
To: Davidson, Dana; Proctor, Deneen
Subject: FW: WAL-MART ****

For the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Tuesday, May 06, 2008 8:18 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
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: A Waymaker [mailto:a.waymaker@yahoo.com]

Sent: Tuesday, May 06, 2008 7:38 AM

To: city, council

Subject: WAL-MART ****

Dear Sir:

The issue is Wal _ Mart Distribution Center. Try to make your job easy. Allow the Center. see how easy that was?

Now change the Issue to when, where, and how. Write up the rules for Them to follow and get moving forward.

One thing about progress in the United States, Progress is when things are moving forward, not standing still. your job for the community is to keep it moving.

You do not need to tell everyone what your doing just get it done. our children will be graduating from school and need these jobs 10 years form now.

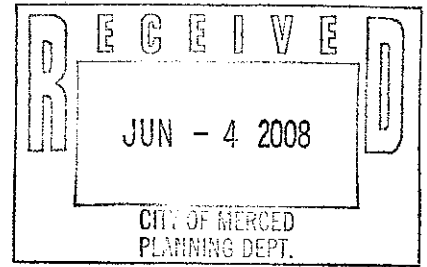
We would not have a Hy-Way system in this country if the President did not order route 66 to be built.

Why set around and fight about things when you are paid to move forward. Mistakes who cares fix it.

There I am done.

John Thompson

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Proposed changes and additions to the air quality section of the City of Merced General Plan

Key

Bold: Existing language in the air quality section of Sustainable Development Chapter of the Merced Vision 2015 General Plan

Italics: Suggested language to be added to the General Plan. This language is meant to be inclusive towards creating a more health-protective General Plan.

Plain text: Discussion and 'best practice' examples from other cities.

[Some of the proposed language may overlap with other General Plan chapters.]

Policy SD-1.1 Accurately Determine and Fairly Mitigate the Local and Regional Air Quality Impacts of Projects Proposed in the City of Merced

1.1.a – Develop uniform standards that for mitigating air quality impacts resulting from development.

Example of a uniform standard:

Corcoran:

-Establish buffer zones (setbacks and landscaping) within residential and other sensitive receptor site plans to separate those uses from highways, arterials, hazardous material locations and other sources of air pollution and odor.

This could be modified to read:

Establish health-protective buffer zones (setbacks and landscaping) within all projects to separate highways, arterials, hazardous material locations and other sources of air pollution and odor from residential and sensitive receptor sites.

OR;

Establish health-protective buffer zones (setbacks and landscaping) within projects that create or improve highways, arterials, hazardous material locations, and sources of air pollution and odor to separate those uses from residential and other sensitive receptor sites.

For specific buffer distances, the City will defer to the California Air Resources Board's 2005 "Air Quality and Land Use Handbook."

Additionally, Merced is, in the words of the City Office of Economic Development, "strategically located at the juncture of three major highways." Due to our location, Merced is poised to attract an increasing amount of distribution-related development. In order to prevent incompatible land use, we recommend that the City adopt added language:

The City of Merced forbids approval of facilities generating more than 100 trucks (200 truck trips) per 24-hour period from locating within 1,000 feet of a school or residential area (defined as a cluster of 5 or more residences)

The City of Merced forbids approval of facilities that will rely on roadways within 1,000 feet of residential areas and/or a school as the primary access point for more than 100 trucks (200 truck trips) per 24-hour period

The South Coast Air Quality Management District's 2003 Mira Loma Specific Air Quality Study finds 500 meters (1,500 feet) to be a relatively health-protective buffer zone from concentrations of diesel exhaust and other toxic air contaminants.

The City of Merced Municipal code 20.90.030.B mandates that adult entertainment businesses "may not be established or located within one thousand (1,000) feet from any existing residential zone or use (exclusive of street and creek rights-of-way), park, church, or school" to protect the safety and quality of life of children and residents.

1.1.b – Ensure that significant air quality impacts identified during CEQA review are consistently and fairly mitigated with strict enforceability.

Examples of ways to more strictly enforce mitigation:

Hughson:

-Developers are referred to the SJVAPCD to discuss entering into an Air Quality Mitigation Agreement directly with the District to help reduce and mitigate emissions generated from future developments.

This could be re-written as such:

Developers must enter into an Air Quality Mitigation Agreement with the City and SJVAPCD outlining feasible and real actions for the reduction and mitigation of emissions from their proposed development.

Riverbank:

-The City of Riverbank will develop a program to reduce daily emissions of nitrogen oxides. Under this program, the City would require an air quality/transportation design analysis for projects exceeding Air District CEQA significance thresholds. The analysis will be prepared by an air quality specialist familiar with design measures that can reduce vehicle trips. The analysis will provide simple analysis of the daily emissions based only on the project's land use and size. The analysis would then propose measures which would reduce operational emissions of nitrogen oxides (NOx) from the project by one third (33.3%) compared to this basic emissions profile.

This can be reworked to be mandatory of all projects, or all industrial projects

The City of Merced will create a program to be applicable to all new development projects to require the developer to pay for an air quality/transportation design analysis. This analysis must be prepared by a City selected consultant (the EIR Consultant is acceptable) who is familiar with design measure for the reduction of vehicle trips. The analysis will include an examination of the daily emissions generated by the project's land use and size and must include measures to reduce by 33.3% the emissions of NO_x, PM₁₀, PM_{2.5}, and CO₂ from all activities associated with the development from construction to operation compared to the basic emissions profile in the analysis.

1.1.c – All air quality mitigation measures should be feasible, implementable, and cost effective, but must recognize the full range of health impacts, including hospitalization and absenteeism from work/school.

Examples of Project Specific Mitigation Measures:

Corcoran:

- The use of best available control technology for stationary industrial sources
- Clean Fuel Compatible new and replacement fuel storage tanks
- Energy efficient designs – including solar access, building siting for max heating and cooling, and landscaping to aid passive cooling and protection from winter winds.

These could be re-written as such:

All industrial projects shall use the best available control technology for stationary sources. The cost of such sources shall be determined after a cost benefit analysis is conducted which includes the cost of the technologies, their overall reduction in air pollution, and the reduction in hospitalizations and absenteeism from work/school from the use of such technologies.

Although it is known that energy efficient designs may have a higher initial overhead cost, a cost-benefit analysis shall be conducted on the applicability of these designs for all projects and must include the cost of the design, their overall reduction in air pollution, and the reduction in hospitalizations and absenteeism from work/school from the use of such designs.

Hughson:

- Implement an air quality impact fee program as recommended by SJVAPCD to provide for partial mitigation of adverse environmental effects and establish a formalized process to assess air quality impacts of new development.

This could be rewritten as such:

The City of Merced will implement an Air Quality impact fee program as recommended by SJVAPCD but altered to consider the overall public cost of poor air quality in regards to the full range of health impacts on the residents of the City of Merced.

1.1.d – Work with the SJVUAPCD to identify regional cumulative transportation and air quality impacts while recognizing the local air quality impacts due to City planning of truck routes and the location of polluters near sensitive receptors.

Examples of implementation strategies:

Corcoran:

- Locate Manufacturing and extracting facilities separate from residential uses and sensitive receptors
- Mixed-Use development through land-use and zoning to reduce length and frequency of vehicle trips. Locate residences within ½ mile of at least 4 non-residential uses which serve residential uses.
- Encourage small neighborhood-serving commercial uses within or adjacent to residential uses.
- Encourage commercial uses with a neighborhood market scale rather than a community wide market area.
- Provide pedestrian connection to reduce walking distance to ¼ mile or less
- Locate public facilities with consideration of transit and transportation opportunities.
- New developments must be designed to promote pedestrian and bicycle access based on USGBC LEED Guidelines
- New developments must include safe and secure bicycle parking facilities
- Infrastructure must be developed to with right-of-way requirements for bike lanes on new arterial and collector streets – this includes during street improvement projects.

These could be re-written as:

The City of Merced will not locate manufacturing, extracting and other industrial facilities known to have an adverse impact on Air Quality within one quarter mile of residential uses and other concentrations of sensitive receptors.

The City of Merced will establish mixed-use development through land-use and zoning to reduce the length and frequency of vehicle trips. This will include locating residences within ½ mile of at least 4 non-residential uses which serve residential uses. However Merced will ensure that none of the residential components of the mixed-use developments are located within ¼ mile to truck routes and known polluters.

Merced will encourage commercial uses to have a neighborhood market scale rather than a community wide market area, as to assist in avoiding the creation of congested arterial and collector roadways and truck routes within close proximity to residential uses.

Merced will locate public facilities near easily accessible public transportation hubs (i.e bus depots and train stations) while simultaneously working to make more public facilities and other uses which serve residential uses available within ¼ mile walking distance.

1.1.e – Reduce the air quality impacts of development projects that may be insignificant by themselves, but cumulatively are significant.

Examples to further reduce insignificant air quality impacts for a significant effect:

Newman:

-Design new intersections to function in a manner that reduces air pollutant emissions from stop and start and idling traffic conditions. Include the use of roundabouts and/or using integrated signalization to improve traffic flow.

-Require features in new development that would reduce the reliance on gas-powered landscape equipment.

1.1.f – Encourage innovative measures to reduce air quality impacts.

Corcoran:

- Project Sponsorship of van pools and club buses
- On site employee services and day care at commercial and industrial projects
- Incentives for use of alternative transportation
- Expansion and improvement of public transit services and facilities

These could be re-written as such:

Merced will offer incentives to local residents for the use of alternative transportation (i.e. public transit vouchers, tax reductions for bicycle and/or car pool use).

Merced will offer additional incentives to developers and polluting industries for mitigation controls that exceed SJVAPCD suggested measures.

1.1.g – Incorporate and promote environmental justice principles in all levels of City planning and decision-making.

The State of California (Government Code section 65040.12.e) defines environmental justice as:

“The fair treatment of all races, cultures and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations and policies.”

From the Air District’s Environmental Justice Strategy document:

“The San Joaquin Valley Air Pollution Control District (the District), a public-health agency protecting the health of all San Joaquin Valley residents, is committed to the fair treatment and meaningful involvement of all people regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of air pollution control laws, regulations and policies. The District will continue to incorporate Environmental Justice (EJ) principles in its decision-making processes, programs, permitting, and rule making, as well as provide timely and complete access to information.”

This could be re-written as:

“The City of Merced intends on protecting the health of all residents to the best of its ability. The City is committed to the fair treatment and meaningful involvement of all residents regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of its laws, regulations and policies. The City will incorporate Environmental Justice principles in its decision-making processes, programs, permitting and rule-making, as well as provide timely and complete access to information.”

From the Air District’s Environmental Justice Strategy, which can be adapted for City use:

1. Provide effective tools, resources and opportunities for Valley residents and community based organizations to identify issues of interest and concern.
2. Provide accessible venues for Valley residents to receive education and information about air-quality challenges and current District air quality actions while facilitating the active and meaningful participation of individuals and communities in the decision-making process and in the implementation of effective solutions.
3. Take a proactive role in providing guidance to local land-use decision-making agencies to implement reasonably feasible measures to prevent disparate environmental impacts to local communities, and minimize the impacts from existing and new sources.
4. Work to quantify and pursue reasonable regulatory and incentive based-programs that mitigate toxic emissions on those communities disproportionately impacted by multiple sources. Initially these efforts will be focused on low income and ethnic communities as those communities have historically been the focus of EJ. Identify and address those communities that may be disproportionately impacted by air pollution, and work to develop reasonable strategies to address this disparity.
5. Provide public notification to impacted communities when exposure to significant air-toxics events occurs, and work to eliminate risk associated with these events.
6. To increase environmental justice awareness and understanding, District staff will be provided training on Environmental Justice.

Policy SD-1.2 Coordinate Local Air Quality Programs with Regional Programs and Those of Neighboring Jurisdictions

1.2.a Work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

Riverside:

- Cooperate with local, regional, State and Federal jurisdictions to better manage transportation facilities and fleets.

- Consult with the California Air Resources Board to identify ways that it may assist the City (e.g., providing funding, sponsoring programs) with its goal to reduce air pollution by reducing emissions from mobile sources.

- Support legislation or other negotiations which would prevent the idling of trains within the City's boundaries.

- Support the reduction of all particulates potential sources.

- Support programs that reduce emissions from building materials and methods that generate excessive pollutants through incentives and/or regulations.

- Promote and participate with regional and local agencies, both public and private, to protect and improve air quality.

- Establish a level playing field by working with local jurisdictions to simultaneously adopt policies similar to those in this Air Quality Element.

- Support legislation that promotes cleaner industry, clean fuel vehicles and more efficient burning engines and fuels.

- Support the introduction of Federal, State or regional enabling legislation to promote inventive air quality programs which otherwise could not be implemented.

- Seek opportunities to pool AB 2766 (Motor Vehicle Fee Program) funds with neighboring cities to fund programs (e.g., traffic synchronization, fueling station infrastructure, etc.) that will mitigate mobile source emissions.

1.2.b Consult with the SJVUAPCD during CEQA review for discretionary projects.

Riverside:

- Adhere with Federal, State and regional air quality laws, specifically with Government Code Section 65850.2, which requires that each owner or authorized agent of a project indicate, on the development or building permit for the project, whether he/she will need to comply with the requirements for a permit for construction or modification from the SCAQMD.

1.2.c Coordinate with other jurisdictions and other regional agencies in the San Joaquin Valley to establish consistent and uniform implementation measures (trip reduction ordinances, indirect source programs, etc.)

Riverside:

- Cooperate and participate in regional air quality management plans, programs and enforcement measures.
- Cooperate with local, regional, State and Federal jurisdictions to better control particulate matter.
- Support SCAQMD's efforts to require stationary air pollution sources, such as gasoline stations, restaurants with charbroilers and deep fat fryers, to comply with or exceed applicable SCAQMD rules and control measures.
- Cooperate with local, regional, State and Federal jurisdictions to reduce vehicle miles traveled (VMT) and motor vehicle emissions through job creation in job-poor areas.
- Cooperate with local, regional, State and Federal jurisdictions to better control particulate matter.
- Participate in the development and update of those regional air quality management plans required under Federal and State law to meet all standards established for clean air in these plans.
- Coordinate with the SCAQMD to ensure that the City's air quality plans regarding reduction of air pollutant emissions are being enforced.
- Establish and implement air quality, land use and circulation measures that improve not only the City's environment but that of the entire region.

1.2.d Support cost-effective multi-use modeling and geographic information system (GIS) technology.

The City of Merced seeks to equitably distribute public amenities and prevent the inequitable accumulation of toxic-emitting facilities. The City will use geographic information system (GIS) technology to maintain and update a database of residents' exposure to environmental hazards.

Policy SD-1.3 Integrate Land Use, Transportation, and Air Quality Planning for the Most Efficient Use of Public Resources and for a Healthier Environment

1.3.a The City of Merced will consider air quality when planning the land uses and transportation systems to accommodate the expected growth in this community.

Riverside:

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

-Consider potential environmental justice issues in reviewing impacts (including cumulative impacts for each project proposed).

-Establish land use patterns that reduce the number and length of motor vehicle trips and promote alternative modes of travel.

-Separate, buffer and protect sensitive receptors from significant sources of pollution to the greatest extent feasible.

-Facilitate communication between residents and businesses on nuisance issues related to air quality.

-Encourage job creation in job-poor areas as a means of reducing vehicle miles traveled.

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

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

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

-Increase residential and commercial densities around rail and bus transit stations.

1.3.b Transportation improvement should be consistent with the air quality goals and policies of the General Plan.

Riverside:

-Adhere to the adopted Master Plan for open spaces, trails and bikeways.

-Locate public facilities and services so that they further enhance job creation opportunities.

-Establish land use patterns that reduce the number and length of vehicle trips and promote alternative modes of travel.

-Create the maximum possible opportunities for bicycles as an alternative work transportation mode.

-Require future commercial areas to foster pedestrian circulation through the land use entitlement process and/or business regulation.

-New residential subdivisions shall be designed to encourage "walkable" neighborhoods with pedestrian walkways and bicycle paths to facilitate pedestrian travel.

-Require neighborhoods parks and community centers near concentrations of residential areas to include pedestrian walkways and bicycle paths to encourage non-motorized travel.

1.3.c The City of Merced will consult with transit providers to determine project impacts on long range transit plans and ensure that impacts are mitigated.

Riverside:

-Design safe and efficient vehicular access to commercial land uses from arterial streets to ensure vehicular ingress and egress.

-Manage traffic flow through signal synchronization, while coordinating with and permitting the free flow of mass transit vehicles, as a way to achieve mobility.

-Minimize traffic hazards and delays through highway maintenance, rapid emergency response, debris removal and elimination of at-grade railroad crossings.

-Encourage, and to the extent feasible, require through the land use entitlement or business regulation process, business owners to schedule deliveries at off-peak traffic periods.

1.3.d Encourage the construction of low income housing developments that use transit-oriented and pedestrian-oriented design principles.

Riverside:

-Encourage infill development projects within urbanized areas, which include job centers and transportation nodes.

-Provide a mechanism to create opportunities for mixed-use development that allows the integration of retail, office, institutional and residential uses for the purpose of reducing costs of infrastructure construction and maximizing the use of land.

-Support appropriate planned residential developments and infill housing, which reduce vehicle trips.

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

1.3.e The City of Merced will work with Caltrans and MCAG the Regional Transportation Planning Agency to minimize the air quality, and mobility impacts of large scale transportation projects on existing neighborhoods.

Riverside:

-Serve as an advocate for the City's residents regarding location/expansion of facilities/uses (e.g., freeways, busy roadways), which are not within the City's authority to regulate, to ensure that the health impacts of such projects are thoroughly investigated and mitigated.

-Advocate to the State and Federal governments the need for increased regulation of diesel vehicles (e.g. trucks, trains and ships), an expedited schedule for fuel improvement and exhaust filtering and other emission standards.

-Advocate to the State for the use of smog checks for diesel vehicles similar to those required of gas powered vehicles.

Policy SD-1.4 Educate the Public on the Impact of Individual Transportation, Lifestyle, and Land Use Decisions on Air Quality.

1.4.a Work to improve the public's understanding of the land use, transportation, and air quality link.

Riverside:

-Support programs and educate employers about employee rideshare and transit incentives for employers with more than 250 employees at a single location. The City will provide incentives and programs to encourage alternative methods of transit.

-Provide air quality information through the City's website, including links to AQMD, CARB and other environmental-based sites.

-Work with school districts to develop air quality curriculum for students, and continue Riverside Public Utilities' Energy Education Program.

-Provide public education to encourage use of low- or zero-emission vehicles.

-Provide public education to encourage ecologic responsibility in consumers when purchasing products for home improvement, household and personal care.

1.4.b Support SJVUAPCD efforts to encourage formation of local groups that provide air quality education programs.

Riverside:

-Organize a City-sponsored event on a topic that improves air quality, including alternative fuel vehicle forums and clean household product events.

-Encourage, publicly recognize and reward innovative approaches that improve air quality.

-Involve environmental groups, the business community, special interests and the general public in the formulation and implementation of programs that effectively reduce airborne pollutants.

Policy SD-1.5 Provide Public Facilities and Operations that can Serve as a Model for the Private Sector in Implementation of Air Quality Programs

1.5.a Study implementing innovative employer-based trip reduction programs for their employees.

Riverside:

- Support Transportation Management Associations between large employers and commercial/industrial complexes.

- Monitor and strive to achieve performance goals and/or VMT reduction which are consistent with SCAG's goals.

- Develop trip reduction plans that promote alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education and preferential parking.

- Work with Riverside Transit Authority (RTA) to establish mass transit mechanisms for the reduction of work-related and non-work related vehicle trips.

- Encourage local transit agencies to promote ridership through careful planning of routes, headways, origins and destinations, types of vehicles.

- Identify and develop non-motorized transportation corridors.

1.5.b Fleet vehicle operators should evaluate alternatives which include replacing or converting conventional fuel vehicles with clean fuel vehicles

Riverside:

- Manage the City's transportation fleet fueling standards to achieve the best alternate fuel fleet mix possible.

- Support full compliance with the SCAQMD's Clean Fleet Rules

- Support the development of alternative fuel infrastructure that is publicly accessible.

- Allow or encourage programs for priority parking or free parking in City parking lots for alternative fuel vehicles, especially zero and super ultra low emission vehicles (ZEVs and SELEVs).

1.5.c Support the use of teleconferencing in lieu of employee travel to conferences and meetings when possible.

1.5.d Make use of telecommuting programs as part of their trip reduction strategies.

Riverside:

- Encourage community work centers, telecommuting and home-based businesses.

1.5.e Encourage the development of state of the art communication infrastructure linked to the rest of the world.

Policy SD-1.6 To Reduce Emissions of PM₁₀ and Other Particulates With Local Control Potential.

1.6.a Work with the SJVUAPCD to reduce the maximum extent feasible particulate emissions from construction, grading, excavation, and demolition.

Riverside:

- Require projects to mitigate, to the extent feasible, anticipated emission which exceed AQMP Guidelines.

- Consider ordinances and/or voluntary incentive programs that encourage residential builders to go above and beyond State codes to conserve energy and reduce air pollution.

- Support "green" building codes that require air conditioning/filtration installation, upgrades or improvements for all buildings, but particularly for those associated with sensitive receptors.

- Require use of pollution control measures for stationary and area sources through the use of best available control activities, fuel/material substitution, cleaner fuel alternatives, product reformulation, change in work practices and of control measures identified in the latest AQMP.

1.6.b Reduce PM₁₀ emissions from City maintained roads to the maximum extent feasible.

Riverside:

- Identify and monitor sources, enforce existing regulations and promote stronger controls to reduce particulate matter (e.g., require clean fuels for street sweepers and trash trucks, exceed the AQMD requirements for fleet rules).

- Reduce particulate matter from agriculture (e.g. require use of clean non-diesel equipment and particulate traps), construction, demolition, debris hauling, street cleaning, utility maintenance, railroad rights-of-way and off-road vehicles to the extent possible, as provided in SCAQMD Rule 403.

- Require the suspension of all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.

We suggest the following addition:

-The scientific and medical communities' understanding of the health impacts of air pollution is constantly changing and improving. The City of Merced General Plan air quality element will be updated every three years in order to reflect the latest knowledge and adopt the most health protective measures possible.

1735 Canal St. Suite 13
Merced, CA 95340

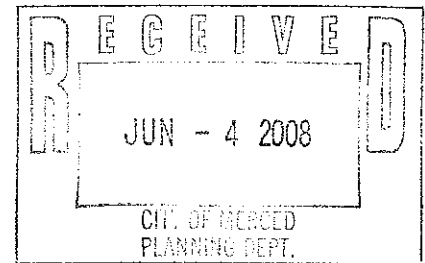


Ellie Wooten
Mayor, City of Merced
678 W. 18th St.
Merced, CA 95340

SWAT - 95340

Proctor, Deneen

From: Marshall, Jim
Sent: Wednesday, March 26, 2008 10:11 AM
To: Proctor, Deneen
Subject: FW: Wal Mart Benefits



For the record

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

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

From: Walker, Dawn On Behalf Of city, council
Sent: Wednesday, March 26, 2008 10:09 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
Subject: FW: Wal Mart Benefits

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@yahoo.com]
Sent: Wednesday, March 26, 2008 9:56 AM
To: city, council
Subject: Wal Mart Benefits

Wow, did you read this? And you think THIS company cares about its employees?

<http://sunspot.mercedsunstar.com/?q=node/4114>

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now. http://mobile.yahoo.com/_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ



Wal-Mart sues brain-damaged ex-employee for \$\$

Submitted by [juanitatorres](#) on Tue, 2008-03-25 08:57.



Wal-Mart sues so now taxpayers have to pay for her health care!

<http://blogs.wsj.com/health/2008/03/18/wal-mart-prevails-in-case-to-recover-health-costs>

March 18, 2008, 4:28 pm

Wal-Mart Prevails in Case to Recover Health Costs

Posted by Vanessa Fuhrmans

The family of Deborah Shank has lost its last chance to stop Wal-Mart Stores from recouping hundreds of thousands of dollars in medical expenses from an accident settlement the Shanks hoped to use for her future care in a nursing home.

Last November, the *WSJ* reported in a front-page story how the retail giant had sued Deborah Shank—a 52-year-old former Wal-Mart employee left permanently brain damaged from a car accident nearly eight years ago—for the money and won. Like most employee health plans, Wal-Mart's gives it the right to recover medical expenses for accident-related care if a worker also collects damages in an injury suit.

After losing in federal court and again on appeal, the Shanks' last legal hope was a bid to the U.S. Supreme Court. Yesterday, though, the court announced it wouldn't take up the case, bringing the matter to a close.

More companies see such recoveries as a way to make a dent in soaring health care costs. Daphne Moore, a Wal-Mart spokeswoman, said, "It's a very sad case, and we understand that people have a very emotional and sympathetic reaction." But the plan, she said, is obligated to act in the interest of the health benefits of its employees as a whole. The benefits are designed so that when an employee does have an accident, "the plan steps in and covers those medical expenses so our associates don't have to worry about them

being covered," and then later to reimburse the plan if and when they receive funds for the accident from a third party, she said.

Wal-Mart originally sued for nearly \$470,000 in medical expenses after the May 2000 accident, charging that the Shanks had violated the terms of the health plan by not reimbursing it. But after legal fees and some medical expenses, only \$417,000 of the \$700,000 that Mrs. Shank was awarded remained in a special trust set up specifically for her care.

Though the case was long shot, some health plan law specialists hoped the U.S. Supreme Court would tackle it to resolve a still murky question in the courts over the extent to which company health plans can recover from employees' accident settlements. Many plans use language like Wal-Mart's, which dictates that it is to be paid first out of any settlement, regardless of what remains for the injured person. Moreover, the victim is responsible for all legal costs in pursuing the suit.

shanksAs for Deborah Shank, her husband (pictured with her at right) says the family still has some of the roughly \$10,000 in donations it received last fall after a flurry of media attention to supplement her care in a Jackson, Mo., nursing home. When it runs out, she may have to be moved from a private to a semi-private room. "I was ready for the worse, but I'm still disappointed," he says. "Now the government will be all that's left to take care of her."

Wal-Mart photo by code poet via Flickr

Posted in [general debate](#) | [juanitatorres's blog](#) · [email this page](#) · [printer friendly version](#)
»

NO, the government doesn't

#12112 On Tue, 2008 03 25 09:13 [Smithology](#) said,



NO, the government doesn't HAVE to- her husband and family should...

Would you rather Wal-mart not have ponied up the initial 400k, and she died?

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That's a sad story, but it's

#12114 On Tue, 2008 03 25 10:28 [mercedisawesome](#) said,



That's a sad story, but it's life.

Like the article said, MOST employee health plans are set up that way - not just WalMart.

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What did Wal-mart do wrong?

#12116 On Tue, 2008 03 25 10:33 [Pupsland2](#) said,



What did Wal-mart do wrong?

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Wal-Mart did everything

#12121 On Tue, 2008 03 25 11:35 [Will Rogers](#) said,



Wal-Mart did everything legally, where the problem lies is their captive customer (a employee) must sign a waiver on their Medical Insurance. I don't see much freedom of choice as to attaining affordable Health Insurance that she might have liked to have, when you're decision has been taken over for you by your employer.

So now her husband has divorced her, so that she can get the needed benefits for her Extended care, and paid for by guess who?? The Taxpayer will now take over her care for the next 10, 20, 30 + + + Years ????????

Don't complain about those taxes now that you'll be asked to pony-up!!!

Wait 'til your Car Insurance with a limit of \$500,000.00 is needed and your Hospital bills mount up even higher. You as the not-at-fault victim, won't be able to sue for the difference as the Insurance Co. might start suing you for their reimbursement too.

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I wasn't justifying what

#12122 On Tue, 2008 03 25 11:40 [Pupsland2](#) said,



I wasn't justifying what Wal-mart did or what many other big business have been foreced to do to provide some form of health care, given the ever-rising cost of medical care...let's not forget that...

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Another good reason to do

#12126 On Tue, 2008 03 25 11:54 [Will Rogers](#) said,



Another good reason to do what all businesses do. Look for and cut out the middleman in your chain of supply that costs you an extra commission and takes a cut to supply what you can buy directly.

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Wait, are you saying big

#12134 On Tue, 2008 03 25 15:45 [Pupsland2](#) said,



Wait, are you saying big corporations should create their own medical departments and provide on site doctors, nurses, dentists and optomitrists? Naw...you're not saying that!

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Not at all, that's what

#12137 On Tue, 2008 03 25 16:22 [Will Rogers](#) said,



Not at all, that's what Wal-Mart has already started, On-site Medical care!!

I'd rather pick my own doctor, and not from an approved limited list. I'd want to have my money used to pay him/her direct from a single pool.

If I need a medical procedure, I'd like my Doctor to make that decision and not a third party who's attempting to maximize their profit by limiting my care whenever they think they can. Or refuse me Medical care even if I was a millionaire capable of paying a reasonable premium.

I'd Like the procedures to be kept in ONE Database so the pricing can be reviewed in a across the board manner that would spotlight the "Nails that stick up" and which could then be hammered down, rather than have 2,000 little databases kept by different non communicating companies throughout the country, which is now done by all the individual third party payees who have no way to compare whether they are paying more than their other competitors. etc., etc., etc., etc.

California SB840 does just that, and needs thoughtful consideration in light of the uncontrolled runaway pricing that is unchecked by the middlemen that falsely claim they provide a SERVICE to us.

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Right, like when you

#12148 On Wed, 2008 03 26 07:51 [Smithology](#) said,



Right, like when you imported all those cars and sold them for a hefty profit here in the US, Will...you provided a "service" that anyone with some dilligence probably could have done themselves, but the convenience of you doing it made them go to you.

If you argue that middle men are evil, then your former profession you stated on your profile is exactly that. Without you driving up the cost of those cars, think of how many other people could have drove them, but you CHOSE to make a profit! HOW DARE YOU!

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Like most employee health

#12155 On Wed, 2008 03 26 08:57 [Jared in San Diego](#) said,



Like most employee health plans, Wal-Mart's gives it the right to recover medical expenses for accident-related care if a worker also collects damages in an injury suit.

If the family had ponied up the money in the first place instead of fighting it then they wouldn't be out the 400,000 in attorney's fees.

They should've spent 100 bucks, got DECENT LEGAL ADVICE and then chosen whether to fight it or not.

Why does everybody make Wal-Mart out to be so evil? Why not Jack in the Box, McDonalds, or other fast food entities who make way more money and pay their employees WAY, WAY LESS.

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@Smithology Those customers

#12160 On Wed, 2008 03 26 10:35 [Will Rogers](#) said,



@Smithology

Those customers I had, were Garages and Dealerships. None of my customers died from my refusal to sell them. None who had a need, were denied any sale at wholesale prices. None needed authorization by me before they were able to install a part on their vehicles, the mechanics diagnosed the problem and determined what was best and needed only the customer's approval. None were sent lists by me to inform them of what was approved to buy, nor which they weren't able to buy. None were forced into bankruptcy by the prices I charged. And I required No Lobbyist to pay a legislator to maintain my profession's singular dominance in a market, (which never relied solely on my service or product anyway, my customers had alternatives, that could vie with my pricing to obtain

their needs). I had to compete for my customers.

Because I sold Independently, I could buy directly from the same Original Manufacturers or the Car Manufacturer in foreign countries as would the Original Car Distributor there or here, and I exported 40' containers of parts (none of my customers cared to buy container quantities, so I was more than a convenient procurer of what they could have done themselves) and I paid for the cost of Sea Shipments, Import duties, and Port to warehouse shipping, then the costs of warehousing and the distribution of those goods to customers here, and still sold profitably to those garages and dealerships, yet at prices far below the cost of what Mercedes or BMW wanted you to pay for them. If you drive one, You can thank me for keeping the prices lower for you, not driving them higher.

A Evil Middleman is one who embeds himself where he interferes with free trade, who is NOT necessary, who acts as a gatekeeper to reduce his costs and who drives the prices higher than they would otherwise be. It's those who pay a lobbyist millions to see to it that his dominate middleman position is NOT challenged by either the supplier of goods and services or the customers who would want to purchase directly those goods and services from the supplier thus avoiding the extra costs and conditions placed on the consumer by that Evil middleman who stands blocking the customer's way to the product and services needed.

You need to buy a new "Unabridged" Dictionary, one that has the correct definition of "Free Trade". You must have an "Abridged" Dictionary, handed out by the Medical Insurance Industry as a "Complimentary" present. OR you're employed by the Medical Insurance Industry and wonder and worry how long you can rip your clientèle, before they get wise to your un-needed services.

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Ah, Will seeks the

#12162 On Wed, 2008 03 26 11:36 [Pupsland2](#) said,



Ah, Will seeks the ever-elusive utopia of health care. Military health care was the best. Maybe we should have the DOD take over national health care. Then there would be no profit motive. Oops..wait, I have to choose how much care I want to pay for, how big my co-pays are and what primary care doctors I can see. That's a bad thing isn't it Will?

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The profit AS WITH ALL

#12164 On Wed, 2008 03 26 12:04 Will Rogers said,



The profit AS WITH ALL services and commodities, lies with the service and commodity provider e.g. Doctor, Clinic or hospitals, and who's services I'd like to obtain, without paying an inflated extra cost. I want NO! Medical service from my Government, They can't diagnose nor can they treat a disease. Nor can the Insurance companies, but Insurance companies do it anyway and from a distance, by reviewing your Doctor's diagnosis and authorizing what Medical care and what procedures the Doctor may or may not do on your behalf.

This phenomena of Private Insurance as presently structured is a recent development, in 1972 Nixon and Haldeman talked of creating the present form of "Less for More" insurance as a way to provide Medical care more economically. It's FAILED!!!

You have a twisted and convoluted idea of "Free Trade" if you think a large industry has the right to pay lobbyists millions to ensure that all Medical customers must use their services (to avoid bankruptcy) in order to obtain a product or service that otherwise could be obtained much cheaper and without their discriminatory and denial of care RULES. Being able to deal directly in a co-operative fashion as do so many other industries when seeking the best for the least. Not the least QUANTITY of care for the most profit!!

That's what Lobbyists have done for education, (paid their way into Government to ensure no one up-sets their apple cart). And, it is what the Medical Insurance Companies do as the Largest Lobbying group in Congress, ensure their imposed position in the chain, and reap profitability at your and my expense.

I need no utopia of health care, I'd just like to get out of the hell hole, that is the overwhelming Main reason for the 14 fold increase in the benefits we now pay for Government Employees and retirees. I'll settle for having the same regular 'ole problems that other countries have found half as expensive as we have.

The Overwhelming power of Money used by lobbyists, are NOT there to represent or benefit you or to be considered your friend!!! They have specific customers that expect their dollars to bear fruit on THEIR behalf, NOT YOURS OR MINE. The lobbyists that can benefit you and I have NO DEEP POCKETS, they present their views for

consideration and hope with their nominal contributions, their needs will be heard.

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You know, the answer to this

#12169 On Wed, 2008 03 26 14:46 [Pups1and2](#) said,



You know, the answer to this might be for all of us to stay a lot healthier than we are and not run to the doctor everytime we get a sniffle. Boycot the doctors and med facilities. Even better let's boycott Kaiser P. or who ever it is getting rich off the colds and flue of government employees and retirees.

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Do you know and can you name

#12178 On Wed, 2008 03 26 21:05 [Will Rogers](#) said,



Do you know and can you name an Insurance company that ever had a BAD year in posting Profits??? Even with disasters like "Katrina", Insurance Companies were still posting Record Profits!!! They pay Engineers to submit damage reports and return them if NOT Phrased in words that releases them from paying, or they inform those engineers that future damage report business will be sent elsewhere. So Flooding is stated as putting house debris 20' into the trees, when the flood waters were only 10' high. Or two houses on the same block were blown away by hurricane winds, All the rest on the block were pushed and swept away by water. So Like a good neighbor, your in GOOD hands alright, but only if you don't need their services.

I can only name ONE (& it's not a company pre se) who had a rocky year in profits, "Lloyd's of London" who re-insures Insurance Companies from catastrophic loss. They had to pony up during during the late 1980s and early 1990s, when Lloyd's had some rough years in its history. Unexpectedly large legal awards in US courts for punitive damages (that means Punishment for a couple posters here that need the help) led to large claims by insureds, especially on APH (asbestos, pollution and health hazard) policies. Lloyd's withheld their knowledge of asbestosis and pollution claims until they could recruit more

investors to take on these liabilities that were unknown to investors prior to investing in Lloyd's. Nice ethics Huh?

Have you seen the Doctors raising their prices??

The next time you see your Doctor ask him/her how much his/her Medical Malpractice Insurance Premiums are per month, and those Premium costs are set by WHO???, "The same Insurance Companies" who pay the now inflated prices of your Doctor's now higher cost and your Medical Care. And unlike your good driving record that gets you low rates, those prices aren't set by the personal good or bad record of the Doctor.

Of course they'll claim it's because of losses in Malpractice lawsuits, but how many of those convicted Doctors have the AMA removed from practice, (You'd be surprised) or how many were penalized for records that show repeated complaints and convictions by patients???? (You'd be surprised again)

Courts can and do refuse frivolous lawsuits, and Lawyers won't take a case where they believe there is no merit or they have no chance on winning, as they get paid only when they can get a favorable judgment !!! Meaning you need enough proof to force a settlement or convince a Judge or Jury that you have the proof on your side to win. Lose and the Judge might award the Attorney's fees to the Doctor's lawyers, if it's shown you had feeble case.

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The real travesty with HMOs

#12182 On Thu, 2008 03 27 07:45 [Jared in San Diego](#) said,



The real travesty with HMOs and health insurers is that the free market disposition of it, i.e. profits and losses, trivializes the people and the illnesses that those "profits" and "losses" represent.

Profit lies in reduced or the most minimal of treatment not more or necessarily a proper amount.

The 1000-pound gorilla in the room is the cost of indigent care. As a former nurse I can tell you first hand how much we spent on people who were here illegally. You can't really

debate the morality of treating people who are sick, but you can acknowledge that it has a tremendous cost that most hospitals simply cant afford. We've closed 2 already here in Diego and the same is true elsewhere like LA where they're about to shutter MLK for good.

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It's ok, Medicare will go

#12188 On Thu, 2008 03 27 08:50 [Smithology](#) said,



It's ok, Medicare will go bankrupt in 2019 anyway. The report was yesterday.

Let's put all the healthcare in those same hands, right Will?

I'd rather know that there were companies making obscene profit, and remain in business to provide some care for me, than have the whole thing go belly-up under the government's hands.

Once the money runs out, there's three options- cut care, raise costs to end customers, or tell the medical provider that they must charge less.

Cutting care and raising prices would be screamed down from the rooftops, so the only thing they would be able to do is regulate how much these people can charge. Once that happens, and there's no profit in being a Doctor anymore, all those bright minds that would have become medical professionals say "Hell with this, I'm going to go run a hedge fund!", and never go into medicine.

It's like we're living in the book "Atlas Shrugged", and there's no John Galt to be found anywhere....

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What Can You Do?

Contact City Council and tell them to protect the health of Merced residents and say 'no' to Wal-Mart's high-polluting distribution center!

Mayor Ellie Wooten wootene@cityofmerced.org
Mayor Pro Tempore John Carlisle carlislej@cityofmerced.org
Councilmember Jim Sanders sandersj@cityofmerced.org
Councilmember Bill Spriggs spriggsb@cityofmerced.org
Councilmember Noah Lor lorn@cityofmerced.org
Councilmember Joe Cortez cortezj@cityofmerced.org
Councilmember Michele Gabriault-Acosta gabriaultm@cityofmerced.org

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

Phone: (209) 385-6834
Fax: (209) 723-1780
Meetings on 1st and 3rd Tuesday at 7 pm

- Educate your friends and neighbors by talking about the issues and/or writing a letter to the Merced Sun-Star: jkietta@mercedsun-star.com

The Merced Stop Wal-Mart Action Team is a proud member of the Central Valley Air Quality Coalition. To learn more and get involved in cleaning up the Valley's air, visit www.calcleanair.org.

Merced SWAT

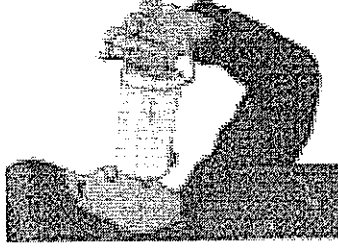
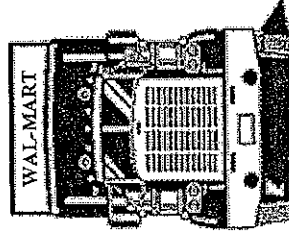
The Merced Stop Wal-Mart Action Team

E-mail: swat@mercedalliance.org Phone: (209) 723-9458
Office: 1735 Canal St. Suite 13, Merced, CA 95340

An unnatural disaster

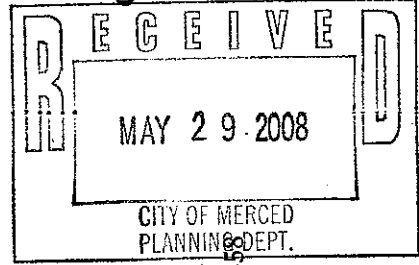
Wal-Mart's proposed distribution center and the health of Merced

Air pollution is a public health crisis for Merced residents. Wal-Mart's proposed high-polluting distribution center will make a terrible situation much worse.



Read on to learn more about how you can help protect the health of Merced's most vulnerable residents...

A factsheet from the Merced Stop Wal-Mart Action Team



Facts about the health impacts of breathing polluted air

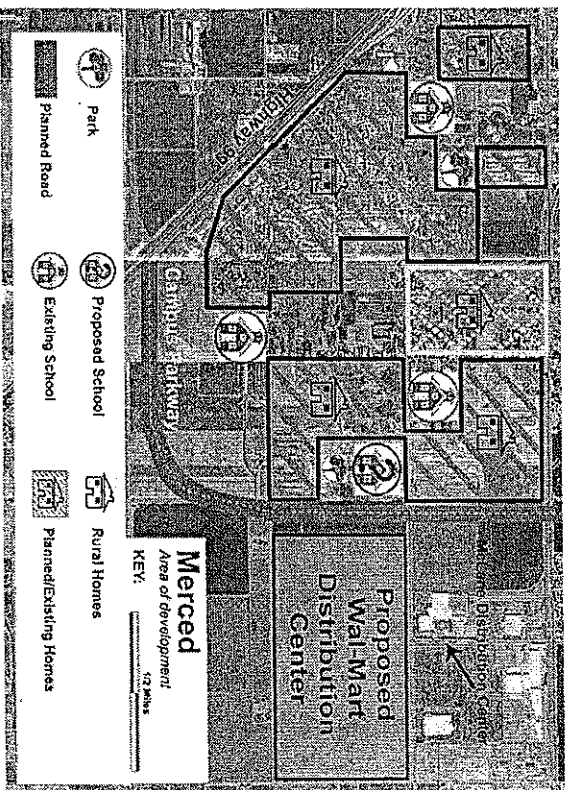
- Merced has the 6th worst ozone air pollution in the U.S.¹
- Merced children are already twice as likely to be diagnosed with asthma than the national average.² One in five children in the San Joaquin Valley (22%) have been diagnosed with asthma.³
- Diesel particulate causes an estimated 3,000 premature deaths in California each year – more than homicides.⁴
- Studies show a direct link between childhood asthma and a child's proximity to high volumes of traffic and trucks.⁵ Respiratory symptoms including permanent lung damage are worst among children attending school and/or living within 1,500 feet from roads (like the Campus Parkway) with significant traffic or large numbers of diesel trucks.⁶
- Agencies such as the California Air Resources Board and cities including Riverside restrict high-polluting industry from existing next to homes and schools. This project would violate the planning code of many other cities in California.

Merced's City Council needs to protect our health by rejecting Wal-Mart's distribution center as proposed. We can create living wage jobs without sacrificing our health and quality of life.

Wal-Mart's plan: We suffer, they profit

The proposed Wal-Mart distribution center would generate 900 truck trips per day within a mile of three Merced schools. The trucks would dump 2.4 tons of diesel particulate and 83 tons of nitrogen oxides into our polluted Valley air every year.⁷

Below is a map of Southeast Merced. The area will soon be filled with new residential development as well as 6 million square feet of commercial space.



Wal-Mart wants to use the new Campus Parkway for its 900 truck and 2,150 car trips per day. The Parkway will be built approximately 500 feet from the nearest homes and another new elementary school.

Wal-Mart's distribution center would bring more illness and even death to Merced's most vulnerable residents: children, elders, and low-income community members.

¹ American Lung Association, 2007.

²Rondero Hernandez, et al. "Struggling to breathe: The epidemic of asthma among children and adolescents in the San Joaquin Valley." *Central California Children's Institute*, California State University, Fresno. 2004 page 4.

³ California Health Interview Study, 2005.

⁴ Union of Concerned Scientists. "Sick of Soot: Reducing the Health Impacts of Diesel Pollution in California." http://www.ucsusa.org/clean_vehicles/big_rig_cleannysick-of-soot-solutions-to-california-diesel-pollution.html

⁵ Lin S. et al. "Childhood asthma hospitalization and residential exposure to state route traffic." *Environ*

Res. 2002; 88:73-81

⁶ Gauderman, W. et al. "Effect of exposure to traffic on lung development from 10 to 18 years of age." *The Lancet* Vol. 359, Issue 9561 p.571-577. 2007.

⁷ Merced Stop Wal-Mart Action Team, "The Weight of the Air" report, Nov. 2006.

<http://www.mercedalliance.org/airpollutionpapermerced.pdf>

MEMORANDUM

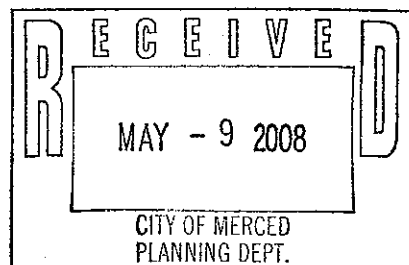
TO: Kim Espinosa, Planning Manager
Planning Division
City of Merced
678 West 18th Street
Merced, California 95340

CC: Mayor and City Council Members
Office of the California Attorney General
Other interested parties

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

DATE: May 8, 2008

RE: Comments on City of Merced General Plan Update



Ms. Espinosa,

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. Put simply, we're tired of watching our neighbors and loved ones become sick and die because of the polluted air we breathe.

Guidance from Riverside

Our comments are inspired in part by the city of Riverside, an example which was first suggested by former City Councilman Rick Osorio. Riverside has an established UC presence with over 17,000 students, and was ranked by *Inc.* magazine in 2004 as the second most business-friendly city in the U.S. At the same time, Riverside's 2025 general plan, adopted in November 2007, contains strong language meant to prevent incompatible land use by taking significant air quality impacts seriously and providing an appropriate buffer between sensitive receptors and concentrations of pollution.

Riverside's lesson for Merced is that we can both attract quality jobs and protect the health and quality of life of our residents. Considering the magnitude of the impacts to Merced residents' health and quality of life, all levels of San Joaquin Valley jurisdictions must adopt and enforce innovative best practices from around the state and the country, including Riverside's air quality element.

Merced residents need an updated, health-protective General Plan

Merced residents' concerns about the proposed distribution center are deeply-held, wide-ranging, and a matter of public record. Since the Merced Vision 2015 General Plan was adopted in April

1997, much has changed in the medical and scientific communities' understanding of air pollution and climate change. In order to ensure that local plans are up-to-date, Government Code section 65040.5(b) requires the Office of Planning and Research to notify the Attorney General if a City or County General Plan has not been revised after ten years.

As it exists now, our City's guidance document is both out of touch with reality on the ground and factually inaccurate in its understanding and measurement of Merced's – and the San Joaquin Valley's – air quality public health crisis. We urge the City to write and adopt a specific Air Quality element in order to specify in better detail how the City plans to improve air quality locally and regionally. The scientific and medical communities' understanding of how pollutants damage our bodies is rapidly advancing. Our guidance document needs to evolve to accommodate those changes.

Environmental justice

In California, youth, low-income residents and communities of color are most affected by the health impacts of air pollution.

- Particulate pollution is estimated to be 36% higher in mainly Latino areas than mainly Anglo areas and 17% higher in areas with more low-income residents than average. Premature deaths related to particulate matter are almost twice as high in predominately non-Anglo neighborhoods (Environmental Working Group, 2002).
- More than one in five San Joaquin Valley children has been diagnosed with asthma. (Children's Health Study)

In order to ensure that no neighborhood or community experiences a disproportionate burden in dealing with the effects of environmental hazards, numerous municipalities and regional and state agencies have adopted environmental justice language in their guidance documents. The intent of many of these strategies is to integrate environmental justice into all areas of work, including outreach to communities who are too often excluded and marginalized from the City's decision-making processes. We urge the City of Merced to begin a thorough, ongoing dialogue with residents and stakeholders to formally incorporate environmental justice principles into the City's policies and procedures, per the Office of Planning and Research's 2003 General Plan Guidelines.

Addressing Climate Change

Although the State has not yet established guidelines for cities and counties to address climate change in their General Plans, the Attorney General's office has made its intentions clear through comments on various projects including City General Plans. The Governor has repeatedly expressed his concern about air quality in the San Joaquin Valley. Executive Order S-3-05 found that "increased temperatures also threaten to further exacerbate California's air quality problems and adversely impact human health by increasing...the risk of asthma, respiratory and other health problems." A June 2007 statement by Gov. Schwarzenegger clearly showed the State's interest: "when...one in five children carry an inhaler to school, it is a call to action."

The urgency of climate change compelled the Attorney General's office to comment on the 2007 Merced County Regional Transportation Plan. In that letter, the Attorney General notes that construction of \$1.44 billion in roadway improvements "will result in a significant cumulative

contribution to the GHG [Greenhouse Gas] load." Since that Plan's 2004 Environmental Impact Report did not analyze global warming impacts, the Attorney General writes that "pursuant to Public Resources Code §§ 21166 and 21094(b)(3), the Association cannot rely on the 2004 EIR with respect to global warming impacts." The intent of the Governor and Attorney General is clear. Unless the City of Merced analyzes the global warming impacts of its updated General Plan, other projects cannot tier off of the Plan, and the health of Valley residents may worsen.

As always, our leadership is available to meet at your convenience to further discuss implementing our vision and ideas as detailed in the attached document. We look forward to continuing to participate in the General Plan Update process.

Yours truly,

The Merced Stop Wal-Mart Action Team



Attachments:

Brown, Edmund G. "RE: Merced County Regional Transportation Plan -Expanded Initial Study and Proposed CEQA Determination for the 2007 Regional Transportation Plan for Merced County (State Clearinghouse No. 2007031076)" April 18, 2007. Online:
http://mercedstopwalmart.org/images/SWAT_PDFS/2007-regional-transportation-plan-for-merced-county-attorney.pdf

City of Riverside General Plan 2025 Air Quality Element. Adopted November, 2007. Online:
<http://aquarius.riversideca.gov/plnimage7/ElectronicFile.aspx?docid=26655&dbid=2>

Letter from the Stop Wal-Mart Action Team to Rick Osorio. August 6, 2007. Online:
http://mercedstopwalmart.org/images/SWAT_PDFS/riverside%20letter.pdf

Proposed changes and additions to the air quality section of the City of
Merced General Plan

Key

Bold: Existing language in the air quality section of Sustainable Development Chapter of the Merced Vision 2015 General Plan

Italics: Suggested language to be added to the General Plan. This language is meant to be inclusive towards creating a more health-protective General Plan.

Plain text: Discussion and 'best practice' examples from other cities.

[Some of the proposed language may overlap with other General Plan chapters.]

Policy SD-1.1 Accurately Determine and Fairly Mitigate the Local and Regional Air Quality Impacts of Projects Proposed in the City of Merced

1.1.a – Develop uniform standards that for mitigating air quality impacts resulting from development.

Example of a uniform standard:

Corcoran:

-Establish buffer zones (setbacks and landscaping) within residential and other sensitive receptor site plans to separate those uses from highways, arterials, hazardous material locations and other sources of air pollution and odor.

This could be modified to read:

Establish health-protective buffer zones (setbacks and landscaping) within all projects to separate highways, arterials, hazardous material locations and other sources of air pollution and odor from residential and sensitive receptor sites.

OR;

Establish health-protective buffer zones (setbacks and landscaping) within projects that create or improve highways, arterials, hazardous material locations, and sources of air pollution and odor to separate those uses from residential and other sensitive receptor sites.

For specific buffer distances, the City will defer to the California Air Resources Board's 2005 "Air Quality and Land Use Handbook."

Additionally, Merced is, in the words of the City Office of Economic Development, "strategically located at the juncture of three major highways." Due to our location, Merced is poised to attract an increasing amount of distribution-related development. In order to prevent incompatible land use, we recommend that the City adopt added language:

The City of Merced forbids approval of facilities generating more than 100 trucks (200 truck trips) per 24-hour period from locating within 1,000 feet of a school or residential area (defined as a cluster of 5 or more residences)

The City of Merced forbids approval of facilities that will rely on roadways within 1,000 feet of residential areas and/or a school as the primary access point for more than 100 trucks (200 truck trips) per 24-hour period

The South Coast Air Quality Management District's 2003 Mira Loma Specific Air Quality Study finds 500 meters (1,500 feet) to be a relatively health-protective buffer zone from concentrations of diesel exhaust and other toxic air contaminants.

The City of Merced Municipal code 20.90.030.B mandates that adult entertainment businesses "may not be established or located within one thousand (1,000) feet from any existing residential zone or use (exclusive of street and creek rights-of-way), park, church, or school" to protect the safety and quality of life of children and residents.

1.1.b – Ensure that significant air quality impacts identified during CEQA review are consistently and fairly mitigated with strict enforceability.

Examples of ways to more strictly enforce mitigation:

Hughson:

-Developers are referred to the SJVAPCD to discuss entering into an Air Quality Mitigation Agreement directly with the District to help reduce and mitigate emissions generated from future developments.

This could be re-written as such:

Developers must enter into an Air Quality Mitigation Agreement with the City and SJVAPCD outlining feasible and real actions for the reduction and mitigation of emissions from their proposed development.

Riverbank:

-The City of Riverbank will develop a program to reduce daily emissions of nitrogen oxides. Under this program, the City would require an air quality/transportation design analysis for projects exceeding Air District CEQA significance thresholds. The analysis will be prepared by an air quality specialist familiar with design measures that can reduce vehicle trips. The analysis will provide simple analysis of the daily emissions based only on the project's land use and size. The analysis would then propose measures which would reduce operational emissions of nitrogen oxides (NO_x) from the project by one third (33.3%) compared to this basic emissions profile.

This can be reworked to be mandatory of all projects, or all industrial projects

The City of Merced will create a program to be applicable to all new development projects to require the developer to pay for an air quality/transportation design analysis. This analysis must be prepared by a City selected consultant (the EIR Consultant is acceptable) who is familiar with design measure for the reduction of vehicle trips. The analysis will include an examination of the daily emissions generated by the project's land use and size and must include measures to reduce by 33.3% the emissions of NOx, PM10, PM 2.5, and CO2 from all activities associated with the development from construction to operation compared to the basic emissions profile in the analysis.

1.1.c – All air quality mitigation measures should be feasible, implementable, and cost effective, but must recognize the full range of health impacts, including hospitalization and absenteeism from work/school.

Examples of Project Specific Mitigation Measures:

Corcoran:

- The use of best available control technology for stationary industrial sources
- Clean Fuel Compatible new and replacement fuel storage tanks
- Energy efficient designs – including solar access, building siting for max heating and cooling, and landscaping to aid passive cooling and protection from winter winds.

These could be re-written as such:

All industrial projects shall use the best available control technology for stationary sources. The cost of such sources shall be determined after a cost benefit analysis is conducted which includes the cost of the technologies, their overall reduction in air pollution, and the reduction in hospitalizations and absenteeism from work/school from the use of such technologies.

Although it is known that energy efficient designs may have a higher initial overhead cost, a cost-benefit analysis shall be conducted on the applicability of these designs for all projects and must include the cost of the design, their overall reduction in air pollution, and the reduction in hospitalizations and absenteeism from work/school from the use of such designs.

Hughson:

- Implement an air quality impact fee program as recommended by SJVAPCD to provide for partial mitigation of adverse environmental effects and establish a formalized process to assess air quality impacts of new development.

This could be rewritten as such:

The City of Merced will implement an Air Quality impact fee program as recommended by SJVAPCD but altered to consider the overall public cost of poor air quality in regards to the full range of health impacts on the residents of the City of Merced.

1.1.d – Work with the SJVUAPCD to identify regional cumulative transportation and air quality impacts while recognizing the local air quality impacts due to City planning of truck routes and the location of polluters near sensitive receptors.

Examples of implementation strategies:

Corcoran:

- Locate Manufacturing and extracting facilities separate from residential uses and sensitive receptors
- Mixed-Use development through land-use and zoning to reduce length and frequency of vehicle trips. Locate residences within ½ mile of at least 4 non-residential uses which serve residential uses.
- Encourage small neighborhood-serving commercial uses within or adjacent to residential uses.
- Encourage commercial uses with a neighborhood market scale rather than a community wide market area.
- Provide pedestrian connection to reduce walking distance to ¼ mile or less
- Locate public facilities with consideration of transit and transportation opportunities.
- New developments must be designed to promote pedestrian and bicycle access based on USGBC LEED Guidelines
- New developments must include safe and secure bicycle parking facilities
- Infrastructure must be developed to with right-of-way requirements for bike lanes on new arterial and collector streets – this includes during street improvement projects.

These could be re-written as:

The City of Merced will not locate manufacturing, extracting and other industrial facilities known to have an adverse impact on Air Quality within one quarter mile of residential uses and other concentrations of sensitive receptors.

The City of Merced will establish mixed-use development through land-use and zoning to reduce the length and frequency of vehicle trips. This will include locating residences within ½ mile of at least 4 non-residential uses which serve residential uses. However Merced will ensure that none of the residential components of the mixed-use developments are located within ¼ mile to truck routes and known polluters.

Merced will encourage commercial uses to have a neighborhood market scale rather than a community wide market area, as to assist in avoiding the creation of congested arterial and collector roadways and truck routes within close proximity to residential uses.

Merced will locate public facilities near easily accessible public transportation hubs (i.e bus depots and train stations) while simultaneously working to make more public facilities and other uses which serve residential uses available within ¼ mile walking distance.

1.1.e – Reduce the air quality impacts of development projects that may be insignificant by themselves, but cumulatively are significant.

Examples to further reduce insignificant air quality impacts for a significant effect:

Newman:

-Design new intersections to function in a manner that reduces air pollutant emissions from stop and start and idling traffic conditions. Include the use of roundabouts and/or using integrated signalization to improve traffic flow.

-Require features in new development that would reduce the reliance on gas-powered landscape equipment.

1.1.f – Encourage innovative measures to reduce air quality impacts.

Corcoran:

- Project Sponsorship of van pools and club buses
- On site employee services and day care at commercial and industrial projects
- Incentives for use of alternative transportation
- Expansion and improvement of public transit services and facilities

These could be re-written as such:

Merced will offer incentives to local residents for the use of alternative transportation (i.e. public transit vouchers, tax reductions for bicycle and/or car pool use).

Merced will offer additional incentives to developers and polluting industries for mitigation controls that exceed SJV/APCD suggested measures.

1.1.g – Incorporate and promote environmental justice principles in all levels of City planning and decision-making.

The State of California (Government Code section 65040.12.e) defines environmental justice as:

“The fair treatment of all races, cultures and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations and policies.”

From the Air District’s Environmental Justice Strategy document:

“The San Joaquin Valley Air Pollution Control District (the District), a public-health agency protecting the health of all San Joaquin Valley residents, is committed to the fair treatment and meaningful involvement of all people regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of air pollution control laws, regulations and policies. The District will continue to incorporate Environmental Justice (EJ) principles in its decision-making processes, programs, permitting, and rule making, as well as provide timely and complete access to information.”

This could be re-written as:

"The City of Merced intends on protecting the health of all residents to the best of its ability. The City is committed to the fair treatment and meaningful involvement of all residents regardless of race, color, gender, national origin, or income with respect to the development, implementation and enforcement of its laws, regulations and policies. The City will incorporate Environmental Justice principles in its decision-making processes, programs, permitting and rule-making, as well as provide timely and complete access to information."

From the Air District's Environmental Justice Strategy, which can be adapted for City use:

1. Provide effective tools, resources and opportunities for Valley residents and community based organizations to identify issues of interest and concern.
2. Provide accessible venues for Valley residents to receive education and information about air-quality challenges and current District air quality actions while facilitating the active and meaningful participation of individuals and communities in the decision-making process and in the implementation of effective solutions.
3. Take a proactive role in providing guidance to local land-use decision-making agencies to implement reasonably feasible measures to prevent disparate environmental impacts to local communities, and minimize the impacts from existing and new sources.
4. Work to quantify and pursue reasonable regulatory and incentive based-programs that mitigate toxic emissions on those communities disproportionately impacted by multiple sources. Initially these efforts will be focused on low income and ethnic communities as those communities have historically been the focus of EJ. Identify and address those communities that may be disproportionately impacted by air pollution, and work to develop reasonable strategies to address this disparity.
5. Provide public notification to impacted communities when exposure to significant air-toxics events occurs, and work to eliminate risk associated with these events.
6. To increase environmental justice awareness and understanding, District staff will be provided training on Environmental Justice.

Policy SD-1.2 Coordinate Local Air Quality Programs with Regional Programs and Those of Neighboring Jurisdictions

1.2.a Work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

Riverside:

- Cooperate with local, regional, State and Federal jurisdictions to better manage transportation facilities and fleets.
- Consult with the California Air Resources Board to identify ways that it may assist the City (e.g., providing funding, sponsoring programs) with its goal to reduce air pollution by reducing emissions from mobile sources.
- Support legislation or other negotiations which would prevent the idling of trains within the City's boundaries.
- Support the reduction of all particulates potential sources.
- Support programs that reduce emissions from building materials and methods that generate excessive pollutants through incentives and/or regulations.
- Promote and participate with regional and local agencies, both public and private, to protect and improve air quality.
- Establish a level playing field by working with local jurisdictions to simultaneously adopt policies similar to those in this Air Quality Element.
- Support legislation that promotes cleaner industry, clean fuel vehicles and more efficient burning engines and fuels.
- Support the introduction of Federal, State or regional enabling legislation to promote inventive air quality programs which otherwise could not be implemented.
- Seek opportunities to pool AB 2766 (Motor Vehicle Fee Program) funds with neighboring cities to fund programs (e.g., traffic synchronization, fueling station infrastructure, etc.) that will mitigate mobile source emissions.

1.2.b Consult with the SJVUAPCD during CEQA review for discretionary projects.

Riverside:

- Adhere with Federal, State and regional air quality laws, specifically with Government Code Section 65850.2, which requires that each owner or authorized agent of a project indicate, on the development or building permit for the project, whether he/she will need to comply with the requirements for a permit for construction or modification from the SCAQMD.

1.2.c Coordinate with other jurisdictions and other regional agencies in the San Joaquin Valley to establish consistent and uniform implementation measures (trip reduction ordinances, indirect source programs, etc.)

Riverside:

- Cooperate and participate in regional air quality management plans, programs and enforcement measures.

- Cooperate with local, regional, State and Federal jurisdictions to better control particulate matter.

- Support SCAQMD's efforts to require stationary air pollution sources, such as gasoline stations, restaurants with charbroilers and deep fat fryers, to comply with or exceed applicable SCAQMD rules and control measures.

- Cooperate with local, regional, State and Federal jurisdictions to reduce vehicle miles traveled (VMT) and motor vehicle emissions through job creation in job-poor areas.

- Cooperate with local, regional, State and Federal jurisdictions to better control particulate matter.

- Participate in the development and update of those regional air quality management plans required under Federal and State law to meet all standards established for clean air in these plans.

- Coordinate with the SCAQMD to ensure that the City's air quality plans regarding reduction of air pollutant emissions are being enforced.

- Establish and implement air quality, land use and circulation measures that improve not only the City's environment but that of the entire region.

1.2.d Support cost-effective multi-use modeling and geographic information system (GIS) technology.

The City of Merced seeks to equitably distribute public amenities and prevent the inequitable accumulation of toxic-emitting facilities. The City will use geographic information system (GIS) technology to maintain and update a database of residents' exposure to environmental hazards.

Policy SD-1.3 Integrate Land Use, Transportation, and Air Quality Planning for the Most Efficient Use of Public Resources and for a Healthier Environment

1.3.a The City of Merced will consider air quality when planning the land uses and transportation systems to accommodate the expected growth in this community.

Riverside:

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

-Consider potential environmental justice issues in reviewing impacts (including cumulative impacts for each project proposed).

-Establish land use patterns that reduce the number and length of motor vehicle trips and promote alternative modes of travel.

-Separate, buffer and protect sensitive receptors from significant sources of pollution to the greatest extent feasible.

-Facilitate communication between residents and businesses on nuisance issues related to air quality.

-Encourage job creation in job-poor areas as a means of reducing vehicle miles traveled.

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

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

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

-Increase residential and commercial densities around rail and bus transit stations.

1.3.b Transportation improvement should be consistent with the air quality goals and policies of the General Plan.

Riverside:

-Adhere to the adopted Master Plan for open spaces, trails and bikeways.

-Locate public facilities and services so that they further enhance job creation opportunities.

-Establish land use patterns that reduce the number and length of vehicle trips and promote alternative modes of travel.

-Create the maximum possible opportunities for bicycles as an alternative work transportation mode.

-Require future commercial areas to foster pedestrian circulation through the land use entitlement process and/or business regulation.

-New residential subdivisions shall be designed to encourage "walkable" neighborhoods with pedestrian walkways and bicycle paths to facilitate pedestrian travel.

-Require neighborhoods parks and community centers near concentrations of residential areas to include pedestrian walkways and bicycle paths to encourage non-motorized travel.

1.3.c The City of Merced will consult with transit providers to determine project impacts on long range transit plans and ensure that impacts are mitigated.

Riverside:

-Design safe and efficient vehicular access to commercial land uses from arterial streets to ensure vehicular ingress and egress.

-Manage traffic flow through signal synchronization, while coordinating with and permitting the free flow of mass transit vehicles, as a way to achieve mobility.

-Minimize traffic hazards and delays through highway maintenance, rapid emergency response, debris removal and elimination of at-grade railroad crossings.

-Encourage, and to the extent feasible, require through the land use entitlement or business regulation process, business owners to schedule deliveries at off-peak traffic periods.

1.3.d Encourage the construction of low income housing developments that use transit-oriented and pedestrian-oriented design principles.

Riverside:

-Encourage infill development projects within urbanized areas, which include job centers and transportation nodes.

-Provide a mechanism to create opportunities for mixed-use development that allows the integration of retail, office, institutional and residential uses for the purpose of reducing costs of infrastructure construction and maximizing the use of land.

-Support appropriate planned residential developments and infill housing, which reduce vehicle trips.

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

1.3.e The City of Merced will work with Caltrans and MCAG the Regional Transportation Planning Agency to minimize the air quality, and mobility impacts of large scale transportation projects on existing neighborhoods.

Riverside:

-Serve as an advocate for the City's residents regarding location/expansion of facilities/uses (e.g., freeways, busy roadways), which are not within the City's authority to regulate, to ensure that the health impacts of such projects are thoroughly investigated and mitigated.

-Advocate to the State and Federal governments the need for increased regulation of diesel vehicles (e.g. trucks, trains and ships), an expedited schedule for fuel improvement and exhaust filtering and other emission standards.

-Advocate to the State for the use of smog checks for diesel vehicles similar to those required of gas powered vehicles.

Policy SD-1.4 Educate the Public on the Impact of Individual Transportation, Lifestyle, and Land Use Decisions on Air Quality.

1.4.a Work to improve the public's understanding of the land use, transportation, and air quality link.

Riverside:

-Support programs and educate employers about employee rideshare and transit incentives for employers with more than 250 employees at a single location. The City will provide incentives and programs to encourage alternative methods of transit.

-Provide air quality information through the City's website, including links to AQMD, CARB and other environmental-based sites.

-Work with school districts to develop air quality curriculum for students, and continue Riverside Public Utilities' Energy Education Program.

-Provide public education to encourage use of low- or zero-emission vehicles.

-Provide public education to encourage ecologic responsibility in consumers when purchasing products for home improvement, household and personal care.

1.4.b Support SJVUAPCD efforts to encourage formation of local groups that provide air quality education programs.

Riverside:

-Organize a City-sponsored event on a topic that improves air quality, including alternative fuel vehicle forums and clean household product events.

-Encourage, publicly recognize and reward innovative approaches that improve air quality.

-Involve environmental groups, the business community, special interests and the general public in the formulation and implementation of programs that effectively reduce airborne pollutants.

Policy SD-1.5 Provide Public Facilities and Operations that can Serve as a Model for the Private Sector in Implementation of Air Quality Programs

1.5.a Study implementing innovative employer-based trip reduction programs for their employees.

Riverside:

- Support Transportation Management Associations between large employers and commercial/industrial complexes.
- Monitor and strive to achieve performance goals and/or VMT reduction which are consistent with SCAG's goals.
- Develop trip reduction plans that promote alternative work schedules, ridesharing, telecommuting and work-at-home programs, employee education and preferential parking.
- Work with Riverside Transit Authority (RTA) to establish mass transit mechanisms for the reduction of work-related and non-work related vehicle trips.
- Encourage local transit agencies to promote ridership through careful planning of routes, headways, origins and destinations, types of vehicles.
- Identify and develop non-motorized transportation corridors.

1.5.b Fleet vehicle operators should evaluate alternatives which include replacing or converting conventional fuel vehicles with clean fuel vehicles

Riverside:

- Manage the City's transportation fleet fueling standards to achieve the best alternate fuel fleet mix possible.
- Support full compliance with the SCAQMD's Clean Fleet Rules
- Support the development of alternative fuel infrastructure that is publicly accessible.
- Allow or encourage programs for priority parking or free parking in City parking lots for alternative fuel vehicles, especially zero and super ultra low emission vehicles (ZEVs and SELEVs).

1.5.c Support the use of teleconferencing in lieu of employee travel to conferences and meetings when possible.

1.5.d Make use of telecommuting programs as part of their trip reduction strategies.

Riverside:

- Encourage community work centers, telecommuting and home-based businesses.

1.5.e Encourage the development of state of the art communication infrastructure linked to the rest of the world.

Policy SD-1.6 To Reduce Emissions of PM₁₀ and Other Particulates With Local Control Potential.

1.6.a Work with the SJVUAPCD to reduce the maximum extent feasible particulate emissions from construction, grading, excavation, and demolition.

Riverside:

- Require projects to mitigate, to the extent feasible, anticipated emission which exceed AQMP Guidelines.

- Consider ordinances and/or voluntary incentive programs that encourage residential builders to go above and beyond State codes to conserve energy and reduce air pollution.

- Support “green” building codes that require air conditioning/filtration installation, upgrades or improvements for all buildings, but particularly for those associated with sensitive receptors.

- Require use of pollution control measures for stationary and area sources through the use of best available control activities, fuel/material substitution, cleaner fuel alternatives, product reformulation, change in work practices and of control measures identified in the latest AQMP.

1.6.b Reduce PM₁₀ emissions from City maintained roads to the maximum extent feasible.

Riverside:

- Identify and monitor sources, enforce existing regulations and promote stronger controls to reduce particulate matter (e.g., require clean fuels for street sweepers and trash trucks, exceed the AQMD requirements for fleet rules).

- Reduce particulate matter from agriculture (e.g. require use of clean non-diesel equipment and particulate traps), construction, demolition, debris hauling, street cleaning, utility maintenance, railroad rights-of-way and off-road vehicles to the extent possible, as provided in SCAQMD Rule 403.

- Require the suspension of all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.

We suggest the following addition:

-The scientific and medical communities' understanding of the health impacts of air pollution is constantly changing and improving. The City of Merced General Plan air quality element will be updated every three years in order to reflect the latest knowledge and adopt the most health protective measures possible.

The Honorable Dennis Cardoza
2222 M Street, Suite 305
Merced, CA 95340
Fax: (209) 726-1065

Senator Dianne Feinstein
2500 Tulare Street, Suite 4290
Fresno, CA 93721
Fax: (559) 485-9689

Senator Barbara Boxer
2500 Tulare Street, Suite 5290
Fresno, CA 93721
Fax: (559) 497-5111

Fred Abousleman
1666 Connecticut Avenue, NW Suite 300
Washington, DC 20009
Fax: (202) 986-1038

Matt Chase
400 North Capitol Street, NW, Suite 390
Washington, DC 20001
Fax: (202) 624-8813

Mary Beth Sullivan
1608 Rhode Island Avenue, NW, Suite 213
Washington, DC 20036-3206
Fax: 202-223-2330

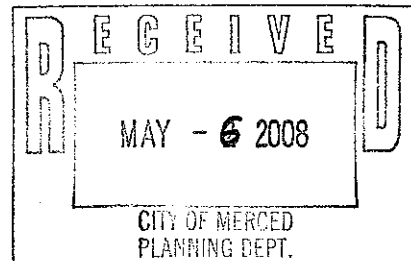
To whom it may concern,

April 18, 2008

I am writing as Education Representative of the Merced County Association of Governments' Citizens Advisory Committee to raise concerns regarding the 2008 Merced County One Voice delegation's legislative priorities.

The County of Merced and the San Joaquin Valley as a whole are in the midst of an air quality public health crisis. The human and economic toll is staggering, and felt throughout our communities. Every year, as many as 1,200 Valley residents die prematurely because of our non-attainment of particulate standards, according to the California Air Resources Board. One in five children in the Valley has asthma; in Fresno, the number is as high as 29%. Put simply, living near a goods movement corridor is killing us, and this must be recognized at all levels of transportation funding and planning.

As an agency charged with Clean Air Act emissions conformity oversight, MCAG should not put itself in a position of advocacy for a project such as the proposed Wal-Mart distribution center in Southeast Merced. This incompatible land use will bring at least 900 truck trips per day as close as 600 feet to a neighborhood with hundreds of new homes and two schools. Converting Merced from an agricultural and university



community to a logistics hub for high-polluting diesel trucks will further delay ozone and particulate attainment in the Valley and worsen the health of our children and elders.

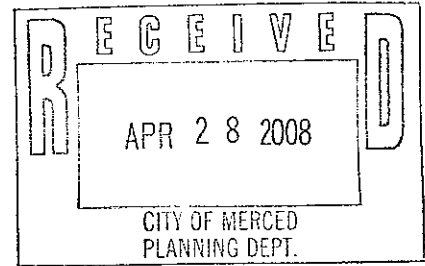
I am disappointed that once again, this year's One Voice delegation does not include a representative from agriculture. Agriculture is the economic engine of our region, and growth-inducing sprawl and transportation infrastructure continually pave over some of the most productive farmland in the world. Additionally, numerous stakeholders in Merced have registered their opposition to the proposed Wal-Mart distribution center in Southeast Merced, including thousands of Merced residents who have signed petitions opposing the project. This delegation simply does not speak for large segments of our community.

I urge you to take these points into consideration as you meet with the 2008 "One Voice" delegation.

Yours truly,

Thomas Grave
3425 Sueno Ct.
Merced, CA 95348

MEMORANDUM



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

CC: Mayor and City Council Members
Jack Lesch, Development Services Department
Frank Quintero, Development Manager

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

DATE: April 25, 2008

RE: Proposed Kibby Road Abandonment for Wal-Mart Distribution Center Violates Adopted Mitigation Measures, Other Regulations

In the past two years, the Merced Stop Wal-Mart Action Team has conducted several California Public Records Act requests. As a result of reading these thousands of pages of documents, it has come to our attention that the site plan for the proposed Wal-Mart Distribution Center in Merced, if approved, would be in violation of a number of binding restrictions and regulations on the use of the site.

We write this letter to protect the public's right to participate in development review and the broader planning process, and ensure those concerns are enforced by City staff as is their legal obligation. Merced residents depend on City staff to enforce binding mitigation measures in development agreements. To ignore or alter these measures behind closed doors represents a betrayal of the public trust.

One problem with the Site Plan which has come to our attention centers on the proposed abandonment of the Kibby Road right-of-way between Childs and Gerard Avenues. This abandonment is key to the configuration of the Distribution Center as currently proposed.

I. The proposed abandonment of Kibby Road would violate adopted mitigation Measures.

In 1998, the City annexed an area which contained the majority of the site on which the Distribution Center is now proposed to be located (the "Lyons Annexation"). At the time, the City's Planning Division produced an "Expanded Initial Study #97-22 for Lyons Annexation to the City of Merced." This Expanded Initial Study formed the basis for a Mitigated Negative Declaration, and both documents were adopted by the City. The City then proceeded with the Lyons Annexation and accompanying project approvals.

The Mitigation Measures adopted by the City with the Expanded Initial Study and Mitigated Negative Declaration include the following:

The developer shall construct all collector, local, or cul-de-sac streets within the Project boundaries to their ultimate right-of-way with full frontage improvements . . . This includes Kibby Road, Gerard Avenue, Tower Road, and any new interior streets within the Project boundaries. . . .

Kibby Road's right-of-way is fully or partially "within the Project boundaries" of the Lyons Annexation between Childs Avenue and Mission Avenue, and it is classified as a "collector" in the City's General Plan throughout this segment. The City may believe that the proposed General Plan amendment eliminating this segment of Kibby Road from the General Plan relieves the developer from constructing Kibby in conformance with this adopted Mitigation Measure. This is not the case. Removing Kibby's General Plan designation as a "collector" cannot obscure the fact that it is named specifically in the adopted Mitigation Measures as a street which the developer must construct "to its ultimate right-of-way." Thus, even with an appropriately approved General Plan amendment, approving the Site Plan as proposed would produce a clear violation of this adopted Mitigation Measure.

It should be noted that the requirement for the developer to construct Kibby Road between Childs and Mission Avenues was based in part on the need for acceptable traffic routes between this industrial area and Highway 99. The Expanded Initial Study makes this clear:

[T]here will be three possible major routes in and out of the Project area. Route 1 would be Kibby Road to Highway 140, Route 2 would be Childs Avenue to Highway 99, and Route 3 would be Kibby Road to Mission Avenue to Highway 99. . . . Some vehicle trips would also be routed to Gerard Avenue and the Eastern Beltway/Campus Parkway but these trips are not projected to be as significant in number.

Specifically, the Study projected that only 10% of trips would use the Gerard Avenue/Campus Parkway route. In contrast, the plan proposed by Wal-Mart for its Distribution Center involves eliminating Kibby Road and placing no entrance on Childs Avenue, thus putting all trips onto Gerard Avenue. In fact, Wal-Mart proposes routing all truck traffic to Highway 99 via the Gerard Avenue/Campus Parkway route—virtually the only route available given the proposed site configuration. This would fly in the face of the projections relied upon in the Expanded Initial Study.

II. The proposed abandonment of Kibby Road violates the City's Storm Drain Master Plan.

The City's adopted Storm Drain Master Plan includes a storm drain running along part of the Kibby Road right-of-way between Childs and Gerard Avenues. In fact, it is our understanding that this storm drain is already constructed. General Plan Implementing Action P-1.1.d directs the City as follows:

Construct a stormwater drainage system, water system, and sewer system in accordance with master plans.

The vacation of the segment of Kibby Road at issue and the construction of the Wal-Mart Distribution Center as proposed would necessitate removal or re-routing of the storm drain in the

Kibby Road right-of-way, in contravention of the adopted Storm Drain Master Plan and the City's General Plan.

III. The proposed abandonment of Kibby Road violates the conditions of approval of the 2005 subdivision of the site.

In December 2005, the Merced City Minor Subdivision Committee approved a Minor Subdivision of the proposed Wal-Mart Distribution Center site (Lot Split Application #05-15). Resolution #871, passed by the Committee, approved the Minor Subdivision with the following condition of approval:

Prior to the issuance of an occupancy permit on any parcel, the street frontages (except Campus Parkway which is addressed under Condition #7) shall be improved to full City standards. Improvements shall include, but not be limited to, curb, gutter, fire hydrants, paving, street trees, street lights, under grounding of utilities and canals, and traffic control devices. . . .

As there is no exception made for Kibby Road, this condition of approval requires Kibby to be constructed between Childs and Gerard Avenues.

Another condition of approval contained within Resolution #871 requires compliance with the City's Storm Drain Master Plan:

Before issuance of a building permit, subdivider shall demonstrate, to the satisfaction of the City Engineer, that storm drainage is designed to function as an integral part of a larger system. . . . This shall include compatibility with the City's Storm Drain Master Plan.

As described above, the proposed abandonment of Kibby Road would inevitably result in non-compliance with this Master Plan. Thus, the proposed abandonment would result in the violation of two of the conditions of approval of this Minor Subdivision.

IV. The proposed abandonment of Kibby Road would result in violations of the General Plan's policies on industrial traffic.

The General Plan's Implementing Action T-1.1.b directs the City as follows:

Whenever feasible implement a system of arterials and higher order streets in new growth areas based on the adopted concept of arterials/expressways.

The description of the Implementing Action specifies further:

Arterials and higher order streets will carry the higher-speed traffic to adjacent commercial, industrial, and other major destinations. Collectors and local streets will be designed for local, neighborhood traffic . . .

The plan outlined in the Lyons Annexation Expanded Initial Study and Mitigation Measures would have largely conformed to these policies: For example, Kibby Road was to be used to access the industrial area to and from Mission Avenue (an arterial), which would provide access to Highway 99. This plan is consistent with the current General Plan and remains feasible. However, the abandonment of Kibby Road, along with other aspects of the proposed Site Plan for the Wal-Mart Distribution Center, would instead result in a street system and traffic pattern

that violates the General Plan by funneling all of Wal-Mart's industrial traffic onto Gerard Avenue (a collector). As the General Plan recognizes, collector streets like Gerard Avenue are simply not designed to handle this kind of high-volume, high-speed industrial traffic. Maybe these issues are being addressed in the current General Plan update process; maybe not. The City must rely on the existing General Plan until the update process is completed and a new document is approved.

V. The City and Wal-Mart have recognized the necessity of constructing this segment of Kibby Road since the beginning of planning for this project.

In 2003, before making a final decision to pursue a Distribution Center in Merced, Wal-Mart submitted a number of questions regarding the currently proposed Distribution Center site to Frank Quintero, the City's Economic Development Manager. In his response, Mr. Quintero clearly indicated that Kibby Road had to be constructed between Childs and Gerard Avenues. He stated in part:

Right of Way for Kibby Road extended may be moved; however, Kibby Road must go through from Childs Avenue to Mission Avenue for public safety access.

He further stated:

Kibby Road, Tower Road, Mission Avenue, Gerard Avenue and Childs Avenue would have to be improved to City Standards.

It is unclear to us why Wal-Mart and the City have proceeded so far with the review of Wal-Mart's proposed Site Plan and Kibby Road abandonment, despite apparently recognizing at the beginning that this segment of Kibby Road could not be abandoned. Regardless, the information outlined herein (which only recently came to our attention) must serve to remind the City and Wal-Mart of the impossibility of the proposed Kibby Road abandonment.

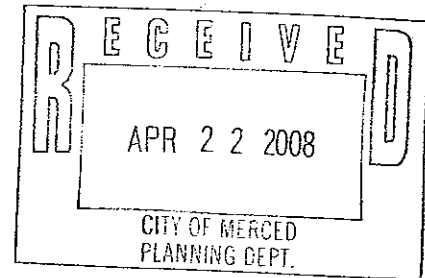
The Mitigation Monitoring Program adopted by the City along with the Lyons Annexation Mitigation Measures states in part:

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the City Planner in written form providing specific information on the asserted violation. The City Planner shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the City Planner shall cause appropriate actions to remedy any violation.

It has been clearly demonstrated herein that the proposed abandonment of Kibby Road would result in violation of the adopted Lyons Annexation Mitigation Measures as well as several other applicable rules and restrictions. The City's planning staff must investigate and take appropriate steps to ensure that this does not occur. In other words, if Wal-Mart wishes to build a Distribution Center on the currently proposed site in Merced, it must discard the idea of abandoning Kibby Road and re-design its Site Plan around the Kibby Road right-of-way. It is the City's duty to ensure that this occurs by enforcing its own regulations governing development of the site.

To: Kim Espinosa, Planning Manager
City Planning Department
City of Merced
678 W. 18th Street
Merced, California 95340

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



Date: April 21, 2008

Re: Addendum to 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:

- Any ordinance, resolution, or motion passed by the City Council or other City commission, board, or committee authorizing or adopting the Merced County Critical Area Flooding and Drainage Plan.
- Any ordinance, resolution, or motion passed by the City Council or other City commission, board, or committee authorizing or adopting the Merced County Hazardous Waste Management Plan.
- Any ordinance, resolution, or motion passed by the City Council or other City commission, board, or committee authorizing or adopting the City of Merced Standard Urban Stormwater Mitigation Plan.
- Any ordinance, resolution, or motion passed by the City Council or other City commission, board, or committee authorizing or adopting the City of Merced Storm Drain Master Plan.
- Any wastewater master plan for the City or County.
- Any ordinance, resolution, or motion passed by the City Council or other City commission, board, or committee authorizing or adopting any wastewater master plan.
- On- and off-site truck route info as submitted by Wal-Mart for the distribution center project
- City of Merced Parking Lot Landscape Standards, 1985 Edition
- Significant violators of pretreatment standards from the Merced Wastewater Treatment Plant in the past 5 years.

This request is meant to include 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/appointed officials. Furthermore, this request encompasses all records listed above, whether or not they are maintained by the Planning Department. In other words, this request pertains to all records maintain 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 form, 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 again 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 a horizontal line.

Nick Robinson

Espinosa, Kim

From: Albrecht, Leslie - Merced [LAlbrecht@MercedSun-Star.com]
Sent: Wednesday, April 23, 2008 9:56 AM
To: Espinosa, Kim
Subject: RE: Wal-Mart EIR

Thanks, just trying to do some long-range planning.

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

From: Espinosa, Kim [mailto:ESPINOSAK@cityofmerced.org]
Sent: Wednesday, April 23, 2008 9:54 AM
To: Albrecht, Leslie - Merced
Subject: RE: Wal-Mart EIR

Leslie,
We received the confidential peer review comments on April 10 and after City staff review, I sent them along to EDAW yesterday (April 22). After they have had a chance to review and determine how much additional work is involved, I'll have a better idea about the schedule. By next week, I hope to have a revised schedule, but is unlikely that the Draft EIR will be out for public review any earlier than late May. Thanks!
--Kim

Kim Espinosa
Planning Manager

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

From: Albrecht, Leslie - Merced [mailto:LAlbrecht@MercedSun-Star.com]
Sent: Wednesday, April 23, 2008 9:32 AM
To: Espinosa, Kim
Subject: Wal-Mart EIR

Hi Kim:

Just checking in on the ETD for the Wal-Mart EIR. Is it going to be available within the next few days, weeks, etc?

thanks,

Leslie A.

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

Espinosa, Kim

From: Espinosa, Kim
Sent: Wednesday, April 16, 2008 11:31 AM
To: 'zaidee@radiobilingue.org'
Subject: RE: EIR Walmart Distribution Center

Zaidee,
I will add you to our mailing list for the project. Thanks!
--Kim

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

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

From: Lucas, Terri **On Behalf Of** planningweb
Sent: Tuesday, April 15, 2008 5:03 PM
To: Espinosa, Kim
Subject: FW: EIR Walmart Distribution Center

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

From: Zaidee Stavely [<mailto:zaidee@radiobilingue.org>]
Sent: Tuesday, April 15, 2008 12:46 PM
To: planningweb
Subject: EIR Walmart Distribution Center

I would like to be added to the mailing list for the Wal-Mart Distribution Center Environmental Impact Report project. Thank you!

Zaidee Stavely
Associate Producer and Reporter
Satelite Radio Bilingue
5005 E. Belmont Ave
Fresno, CA 93728
(559) 455-5785
zaidee@radiobilingue.org
www.radiobilingue.org

Espinosa, Kim

From: Quintero, Frank
Sent: Tuesday, April 01, 2008 8:44 AM
To: Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

FYI

Frank Quintero
Development Manager
City of Merced
678 W. 18th Street
Merced, CA 95340

1-800-723-4788
(209) 385-6827
(209) 723-1780 F

www.cityofmerced.org

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Tuesday, April 01, 2008 8:28 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: Marshall, Jim; Davidson, Dana; Quintero, Frank
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: Todd Chrisman [mailto:tfc4444@gmail.com]
Sent: Monday, March 31, 2008 10:15 PM
To: city, council
Subject: Wal-Mart Distribution Center

Hello

I don't understand Merced We need jobs and when we don't get the jobs come in the

4/1/2008

town we don't get the taxes

If we don't let it come into town they will just go somewhere else and they will just
drive right by someone else will get the tax money and will be out in
the cold

Hello People wake up we need the jobs

Thanks Todd Chrisman Merced,ca 95348

Proctor, Deneen

From: Marshall, Jim
Sent: Thursday, March 27, 2008 10:16 AM
To: Proctor, Deneen
Subject: FW: Wal-Mart Distribution Center

for the record

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

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

From: Walker, Dawn
Sent: Thursday, March 27, 2008 10:16 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
Subject: Wal-Mart Distribution Center

I received a telephone call from Anne Xiong (724-9139) in opposition to the Wal-Mart Distribution Center.

Thank you,

Dawn

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

Proctor, Deneen

From: Marshall, Jim
Sent: Wednesday, March 26, 2008 10:11 AM
To: Proctor, Deneen
Subject: FW: Wal Mart Benefits

For the record

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

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

From: Walker, Dawn On Behalf Of city, council
Sent: Wednesday, March 26, 2008 10:09 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
Subject: FW: Wal Mart Benefits

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@yahoo.com]
Sent: Wednesday, March 26, 2008 9:56 AM
To: city, council
Subject: Wal Mart Benefits

Wow, did you read this? And you think THIS company cares about its employees?

<http://sunspot.mercedsunstar.com/?q=node/4114>

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now. [http://mobile.yahoo.com/;](http://mobile.yahoo.com/_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)
[_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ](http://mobile.yahoo.com/_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)



Wal-Mart sues brain-damaged ex-employee for \$\$

Submitted by [juanitorres](#) on Tue, 2008-03-25 08:57.



Wal-Mart sues so now taxpayers have to pay for her health care!

<http://blogs.wsj.com/health/2008/03/18/wal-mart-prevails-in-case-to-recover-health-costs>

March 18, 2008, 4:28 pm

Wal-Mart Prevails in Case to Recover Health Costs

Posted by Vanessa Fuhrmans

The family of Deborah Shank has lost its last chance to stop Wal-Mart Stores from recouping hundreds of thousands of dollars in medical expenses from an accident settlement the Shanks hoped to use for her future care in a nursing home.

Last November, the WSJ reported in a front-page story how the retail giant had sued Deborah Shank—a 52-year-old former Wal-Mart employee left permanently brain damaged from a car accident nearly eight years ago—for the money and won. Like most employee health plans, Wal-Mart's gives it the right to recover medical expenses for accident-related care if a worker also collects damages in an injury suit.

After losing in federal court and again on appeal, the Shanks' last legal hope was a bid to the U.S. Supreme Court. Yesterday, though, the court announced it wouldn't take up the case, bringing the matter to a close.

More companies see such recoveries as a way to make a dent in soaring health care costs. Daphne Moore, a Wal-Mart spokeswoman, said, "It's a very sad case, and we understand that people have a very emotional and sympathetic reaction." But the plan, she said, is obligated to act in the interest of the health benefits of its employees as a whole. The benefits are designed so that when an employee does have an accident, "the plan steps in and covers those medical expenses so our associates don't have to worry about them

being covered," and then later to reimburse the plan if and when they receive funds for the accident from a third party, she said.

Wal-Mart originally sued for nearly \$470,000 in medical expenses after the May 2000 accident, charging that the Shanks had violated the terms of the health plan by not reimbursing it. But after legal fees and some medical expenses, only \$417,000 of the \$700,000 that Mrs. Shank was awarded remained in a special trust set up specifically for her care.

Though the case was long shot, some health plan law specialists hoped the U.S. Supreme Court would tackle it to resolve a still murky question in the courts over the extent to which company health plans can recover from employees' accident settlements. Many plans use language like Wal-Mart's, which dictates that it is to be paid first out of any settlement, regardless of what remains for the injured person. Moreover, the victim is responsible for all legal costs in pursuing the suit.

shanksAs for Deborah Shank, her husband (pictured with her at right) says the family still has some of the roughly \$10,000 in donations it received last fall after a flurry of media attention to supplement her care in a Jackson, Mo., nursing home. When it runs out, she may have to be moved from a private to a semi-private room. "I was ready for the worse, but I'm still disappointed," he says. "Now the government will be all that's left to take care of her."

Wal-Mart photo by code poet via Flickr

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»

NO, the government doesn't

#12112 On Tue, 2008 03 25 09:13 [Smithology](#) said,



NO, the government doesn't HAVE to- her husband and family should...

Would you rather Wal-mart not have ponied up the initial 400k, and she died?

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That's a sad story, but it's

#12114 On Tue, 2008 03 25 10:28 [mercedisawesome](#) said,



That's a sad story, but it's life.

Like the article said, MOST employee health plans are set up that way - not just WalMart.

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What did Wal-mart do wrong?

#12116 On Tue, 2008 03 25 10:33 [Pupsland2](#) said,



What did Wal-mart do wrong?

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Wal-Mart did everything

#12121 On Tue, 2008 03 25 11:35 [Will Rogers](#) said,



Wal-Mart did everything legally, where the problem lies is their captive customer (a employee) must sign a waiver on their Medical Insurance. I don't see much freedom of choice as to attaining affordable Health Insurance that she might have liked to have, when you're decision has been taken over for you by your employer.

So now her husband has divorced her, so that she can get the needed benefits for her Extended care, and paid for by guess who?? The Taxpayer will now take over her care for the next 10, 20, 30 + + + Years ????????

Don't complain about those taxes now that you'll be asked to pony-up!!!

Wait 'til your Car Insurance with a limit of \$500,000.00 is needed and your Hospital bills mount up even higher. You as the not-at-fault victim, won't be able to sue for the difference as the Insurance Co. might start suing you for their reimbursement too.

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I wasn't justifying what

#12122 On Tue, 2008 03 25 11:40 [Pups1and2](#) said,



I wasn't justifying what Wal-mart did or what many other big business have been foreced to do to provide some form of health care, given the ever-rising cost of medical care...let's not forget that...

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Another good reason to do

#12126 On Tue, 2008 03 25 11:54 [Will Rogers](#) said,



Another good reason to do what all businesses do. Look for and cut out the middleman in your chain of supply that costs you an extra commission and takes a cut to supply what you can buy directly.

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Wait, are you saying big

#12134 On Tue, 2008 03 25 15:45 [Pups1and2](#) said,



Wait, are you saying big corporations should create their own medical departments and provide on site doctors, nurses, dentists and optomitrists? Naw...you're not saying that!

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Not at all, that's what

#12137 On Tue, 2008 03 25 16:22 [Will Rogers](#) said,



Not at all, that's what Wal-Mart has already started, On-site Medical care!!

I'd rather pick my own doctor, and not from an approved limited list. I'd want to have my money used to pay him/her direct from a single pool.

If I need a medical procedure, I'd like my Doctor to make that decision and not a third party who's attempting to maximize their profit by limiting my care whenever they think they can. Or refuse me Medical care even if I was a millionaire capable of paying a reasonable premium.

I'd Like the procedures to be kept in ONE Database so the pricing can be reviewed in a across the board manner that would spotlight the "Nails that stick up" and which could then be hammered down, rather than have 2,000 little databases kept by different non communicating companies throughout the country, which is now done by all the individual third party payees who have no way to compare whether they are paying more than their other competitors. etc., etc., etc., etc.

California SB840 does just that, and needs thoughtful consideration in light of the uncontrolled runaway pricing that is unchecked by the middlemen that falsely claim they provide a SERVICE to us.

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Right, like when you

#12148 On Wed, 2008 03 26 07:51 [Smithology](#) said,



Right, like when you imported all those cars and sold them for a hefty profit here in the US, Will...you provided a "service" that anyone with some dilligence probably could have done themselves, but the convenience of you doing it made them go to you.

If you argue that middle men are evil, then your former profession you stated on your profile is exactly that. Without you driving up the cost of those cars, think of how many other people could have drove them, but you *CHOSE* to make a profit! HOW DARE YOU!

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Like most employee health

#12155 On Wed, 2008 03 26 08:57 [Jared in San Diego](#) said,



Like most employee health plans, Wal-Mart's gives it the right to recover medical expenses for accident-related care if a worker also collects damages in an injury suit.

If the family had ponied up the money in the first place instead of fighting it then they wouldn't be out the 400,000 in attorney's fees.

They should've spent 100 bucks, got DECENT LEGAL ADVICE and then chosen whether to fight it or not.

Why does everybody make Wal-Mart out to be so evil? Why not Jack in the Box, McDonalds, or other fast food entities who make way more money and pay their employees WAY, WAY LESS.

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@Smithology Those customers

#12160 On Wed, 2008 03 26 10:35 [Will Rogers](#) said,



@Smithology

Those customers I had, were Garages and Dealerships. None of my customers died from my refusal to sell them. None who had a need, were denied any sale at wholesale prices. None needed authorization by me before they were able to install a part on their vehicles, the mechanics diagnosed the problem and determined what was best and needed only the customer's approval. None were sent lists by me to inform them of what was approved to buy, nor which they weren't able to buy. None were forced into bankruptcy by the prices I charged. And I required No Lobbyist to pay a legislator to maintain my profession's singular dominance in a market, (which never relied solely on my service or product anyway, my customers had alternatives, that could vie with my pricing to obtain

their needs). I had to compete for my customers.

Because I sold Independently, I could buy directly from the same Original Manufacturers or the Car Manufacturer in foreign countries as would the Original Car Distributor there or here, and I exported 40' containers of parts (none of my customers cared to buy container quantities, so I was more than a convenient procurer of what they could have done themselves) and I paid for the cost of Sea Shipments, Import duties, and Port to warehouse shipping, then the costs of warehousing and the distribution of those goods to customers here, and still sold profitably to those garages and dealerships, yet at prices far below the cost of what Mercedes or BMW wanted you to pay for them. If you drive one, You can thank me for keeping the prices lower for you, not driving them higher.

A Evil Middleman is one who embeds himself where he interferes with free trade, who is NOT necessary, who acts as a gatekeeper to reduce his costs and who drives the prices higher than they would otherwise be. It's those who pay a lobbyist millions to see to it that his dominate middleman position is NOT challenged by either the supplier of goods and services or the customers who would want to purchase directly those goods and services from the supplier thus avoiding the extra costs and conditions placed on the consumer by that Evil middleman who stands blocking the customer's way to the product and services needed.

You need to buy a new "Unabridged" Dictionary, one that has the correct definition of "Free Trade". You must have an "Abridged" Dictionary, handed out by the Medical Insurance Industry as a "Complimentary" present. OR you're employed by the Medical Insurance Industry and wonder and worry how long you can rip your clientèle, before they get wise to your un-needed services.

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Ah, Will seeks the

#12162 On Wed, 2008 03 26 11:36 [Pups1and2](#) said,



Ah, Will seeks the ever-elusive utopia of health care. Military health care was the best. Maybe we should have the DOD take over national health care. Then there would be no profit motive. Oops..wait, I have to choose how much care I want to pay for, how big my co-pays are and what primary care doctors I can see. That's a bad thing isn't it Will?

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The profit AS WITH ALL

#12164 On Wed, 2008 03 26 12:04 Will Rogers said,



The profit AS WITH ALL services and commodities, lies with the service and commodity provider e.g. Doctor, Clinic or hospitals, and who's services I'd like to obtain, without paying an inflated extra cost. I want NO! Medical service from my Government, They can't diagnose nor can they treat a disease. Nor can the Insurance companies, but Insurance companies do it anyway and from a distance, by reviewing your Doctor's diagnosis and authorizing what Medical care and what procedures the Doctor may or may not do on your behalf.

This phenomena of Private Insurance as presently structured is a recent development, in 1972 Nixon and Haldeman talked of creating the present form of "Less for More" insurance as a way to provide Medical care more economically. It's FAILED!!!

You have a twisted and convoluted idea of "Free Trade" if you think a large industry has the right to pay lobbyists millions to ensure that all Medical customers must use their services (to avoid bankruptcy) in order to obtain a product or service that otherwise could be obtained much cheaper and without their discriminatory and denial of care RULES. Being able to deal directly in a co-operative fashion as do so many other industries when seeking the best for the least. Not the least QUANTITY of care for the most profit!!

That's what Lobbyists have done for education, (paid their way into Government to ensure no one up-sets their apple cart). And, it is what the Medical Insurance Companies do as the Largest Lobbying group in Congress, ensure their imposed position in the chain, and reap profitability at your and my expense.

I need no utopia of health care, I'd just like to get out of the hell hole, that is the overwhelming Main reason for the 14 fold increase in the benefits we now pay for Government Employees and retirees. I'll settle for having the same regular 'ole problems that other countries have found half as expensive as we have.

The Overwhelming power of Money used by lobbyists, are NOT there to represent or benefit you or to be considered your friend!!! They have specific customers that expect their dollars to bear fruit on THEIR behalf, NOT YOURS OR MINE. The lobbyists that can benefit you and I have NO DEEP POCKETS, they present their views for

consideration and hope with their nominal contributions, their needs will be heard.

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You know, the answer to this

#12169 On Wed, 2008 03 26 14:46 [Pups1and2](#) said,



You know, the answer to this might be for all of us to stay a lot healthier than we are and not run to the doctor everytime we get a sniffle. Boycot the doctors and med facilities. Even better let's boycott Kaiser P. or who ever it is getting rich off the colds and flue of government employees and retirees.

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Do you know and can you name

#12178 On Wed, 2008 03 26 21:05 [Will Rogers](#) said,



Do you know and can you name an Insurance company that ever had a BAD year in posting Profits??? Even with disasters like "Katrina", Insurance Companies were still posting Record Profits!!! They pay Engineers to submit damage reports and return them if NOT Phrased in words that releases them from paying, or they inform those engineers that future damage report business will be sent elsewhere. So Flooding is stated as putting house debris 20' into the trees, when the flood waters were only 10' high. Or two houses on the same block were blown away by hurricane winds, All the rest on the block were pushed and swept away by water. So Like a good neighbor, your in GOOD hands alright, but only if you don't need their services.

I can only name ONE (& it's not a company pre se) who had a rocky year in profits, "Lloyd's of London" who re-insures Insurance Companies from catastrophic loss. They had to pony up during during the late 1980s and early 1990s, when Lloyd's had some rough years in its history. Unexpectedly large legal awards in US courts for punitive damages (that means Punishment for a couple posters here that need the help) led to large claims by insureds, especially on APH (asbestos, pollution and health hazard) policies. Lloyd's withheld their knowledge of asbestosis and pollution claims until they could recruit more

investors to take on these liabilities that were unknown to investors prior to investing in Lloyd's. Nice ethics Huh?

Have you seen the Doctors raising their prices??

The next time you see your Doctor ask him/her how much his/her Medical Malpractice Insurance Premiums are per month, and those Premium costs are set by WHO???, "The same Insurance Companies" who pay the now inflated prices of your Doctor's now higher cost and your Medical Care. And unlike your good driving record that gets you low rates, those prices aren't set by the personal good or bad record of the Doctor.

Of course they'll claim it's because of losses in Malpractice lawsuits, but how many of those convicted Doctors have the AMA removed from practice, (You'd be surprised) or how many were penalized for records that show repeated complaints and convictions by patients???? (You'd be surprised again)

Courts can and do refuse frivolous lawsuits, and Lawyers won't take a case where they believe there is no merit or they have no chance on winning, as they get paid only when they can get a favorable judgment !!! Meaning you need enough proof to force a settlement or convince a Judge or Jury that you have the proof on your side to win. Lose and the Judge might award the Attorney's fees to the Doctor's lawyers, if it's shown you had feeble case.

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The real travesty with HMOs

#12182 On Thu, 2008 03 27 07:45 [Jared in San Diego](#) said,



The real travesty with HMOs and health insurers is that the free market disposition of it, i.e. profits and losses, trivializes the people and the illnesses that those "profits" and "losses" represent.

Profit lies in reduced or the most minimal of treatment not more or necessarily a proper amount.

The 1000-pound gorilla in the room is the cost of indigent care. As a former nurse I can tell you first hand how much we spent on people who were here illegally. You can't really

debate the morality of treating people who are sick, but you can acknowledge that it has a tremendous cost that most hospitals simply cant afford. We've closed 2 already here in Diego and the same is true elsewhere like LA where they're about to shutter MLK for good.

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It's ok, Medicare will go

#12188 On Thu, 2008 03 27 08:50 [Smithology](#) said,



It's ok, Medicare will go bankrupt in 2019 anyway. The report was yesterday.

Let's put all the healthcare in those same hands, right Will?

I'd rather know that there were companies making obscene profit, and remain in business to provide some care for me, than have the whole thing go belly-up under the government's hands.

Once the money runs out, there's three options- cut care, raise costs to end customers, or tell the medical provider that they must charge less.

Cutting care and raising prices would be screamed down from the rooftops, so the only thing they would be able to do is regulate how much these people can charge. Once that happens, and there's no profit in being a Doctor anymore, all those bright minds that would have become medical professionals say "Hell with this, I'm going to go run a hedge fund!", and never go into medicine.

It's like we're living in the book "Atlas Shrugged", and there's no John Galt to be found anywhere....

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MERCED/ MARIPOSA COUNTY ASTHMA COALITION
Golden Valley Health Centers - Classroom
737 W. Childs Ave
Merced, CA 95341

Tuesday, February 19, 2008
12:00 pm - 1:00 p.m.
MINUTES

Present: Allyson Holman, Mary-Michal Rawling, Mariana Marin, Paul Labrecque, Cesar Garcia, Francisco Mendoza, Jessica Casey, Rosa Camacho, Adam Gintz, Colleen Trieweiler, Veronica Carlisle, John Carlisle, Jaime Ortega, Nick Robinson, Robert Mansfield, Nancy Tapia, Mike Baldwin, Ter Yang, Pia Moua, Melissa Kelly-Ortega, Ken Leap, Rod Webster, Tom Grave, Kara Middlebrooks, Jose Soto, Elenore Bettencourt, Mark Andrade, Lori Ferriera, Joan Porter, Darcy Matlock, David Alvarez, Haley Grant, Lisa Kayser-Grant, John Grant, Christina Hill, Noemi Flores, Alicia Bohlke

I. INTRODUCTIONS

Allyson Holman chaired the meeting. Allyson called the meeting to order at 12:07pm. She welcomed everyone and had attendees introduce themselves.

II. APPROVAL OF MINUTES

Lori Ferriera motioned to approve the minutes. Rod Webster seconded the motion. Minutes were approved.

III. MEMBER/ORGANIZATION ANNOUNCEMENTS & SUGGESTIONS FOR FUTURE AGENDA ITEMS

Rod Webster announced a Sierra Club meeting to be held at Golden Valley Health Centers' Classroom on Thursday, February 21st from 7:00-9:00p.m. The County and City General Plans will be discussed. Speakers: Bill Nicholson from Merced County and Kim Espinoza from the City of Merced

Lisa Kayser-Grant announced the "Citizens United to Save Our Oldest Sanctuary" meeting at Trevino's Restaurant at 6:00p.m. tonight [Tuesday, Feb. 19th]. Discussion will be about saving the oldest sanctuary in town.

Mary-Michal announced World Asthma Day will be held on May 6th this year - "Mark your calendars." The Merced County Asthma Report Card will be released along with holding press conferences.

Christina Hill announced on Saturday, March 1st, Castle Family Health Centers will host a fair 10:00-1:30 at Castle Family Health Centers. Health screenings will be provided.

Pia Moua announced there will be Car Seat Check Up/Inspection for the community from 10:00a.m.-1:00p.m., February 23rd. It is open to the public at the Merced County Public Health Department Parking Lot.

IV. BUDGET REPORT

Mary-Michal reported there will be no budget report this month. By March, the financial process between the Asthma Coalition and Golden Valley Health Centers will be streamlined.

V. NEW BUSINESS

A. Clinical Minute – “Clinical Response to Respiratory Distress”

Lori Ferreira reviewed key points for asthma attack emergency procedures:

1. Always make sure the person is sitting up – it is easier to get air to the lungs.
2. Ask what you can do to help (check the Asthma Action Plan) and initiate the action plan
3. Help the person use their rescue inhaler (medication) – this relaxes and opens up the airway
4. If someone is really in trouble and does not have an inhaler (but someone else does) they could use that inhaler if it is truly an emergency
5. Take two to four puffs depending on how urgent it is and if they do not get better, give two – four more puffs.
6. Use a spacer – it makes the medicine 70% more effective
7. If you don't have a spacer, you can even use a toilet paper roll (cardboard part) or paper cup
8. Watch for improvement in the patient
9. If no improvement or if patient begins to turn blue – CALL 911 right away.
10. Stay calm in order to calm patient down

*If you want more information on specific asthma education for the clinical minute, let Mary-Michal / Melissa know.

Allyson reminded everyone that there is a “First Air for Asthma” hand-out. If anyone wants it emailed or mailed to them, contact the office (385-5490).

B. Action Item: Bylaws Amendment

Allyson reported on the bylaws amendment. In order to have a process to take action between meetings, there needs to be an amendment to the bylaws. The proposed bylaws language was handed out. The new language stated that ideally, if possible, any decision should be brought to the

coalition, but when there is an immediate action to be taken, the steering committee could make that decision either at the regularly scheduled steering committee meeting or by email.

Lori suggested that all members be notified ASAP via email on any vote or decisions made.

Mary-Michal explained another change to the by-laws regarding Article X stating program staff is recruited by the steering committee as well as adding language detailing current practices of program staff in regard to participation in public meetings, events, etc. This language is consistent with bylaws of other asthma coalitions.

Lori suggested the language be non-restrictive to include health fairs.

Lisa suggested changing the unanimous language to 2/3 vote by the steering committee. After discussion of the issue, there was a motion to keep the vote unanimous by the steering committee.

37 attendees / 31 voting members (20 "ayes" would be 2/3 of voting members)

Motion Fails: Yes - 17 and No- 9

Another motion was made to change the steering committee vote to a 2/3 vote. This vote would mean "Yes" vote = agree with the 2/3 vote, a "No" vote = no process in-between meetings. (20 votes needed to reach 2/3 majority)

Motion Passes: Yes- 21

C. Policy Report –

- a. SB 719 Appointments – Mary-Michal reported on the SB 719 appointments. City seats – Dr. Susan Eggman from the city of Stockton. She is a professor of psychology. Mr. Ray Lerma is a teacher in Corcoran. The League of Cities makes the appointment to the board. Public seats – we voted to support Dr. David Grantz of the Kearney Ag Center and Dr. Henry Forman of UC Merced for the Scientist position. The governor received the letter of support for Dr. Digges.
- b. Diesel Truck Rule – Mary-Michal reported on the proposed Diesel Truck Regulation that will help us meet our ozone and PM 2.5 plan. Mary-Michal and Melissa attended the CARB public hearing on this rule in Fresno. Tom Grave reported there are presentations pointing out diesel engines will have to be replaced twice. Staff can send out CARB's PowerPoint and fact sheets to anyone who is interested.
- c. PM 2.5 Report – Melissa reported the Air District's next two public hearings will be held on February 25th at 2:00p.m. and February 26th at 6:00p.m. at the Valley Air District Office in Fresno.

- d. The Mariposa Safe at Home Fair is happening Saturday, April 19th from 10:00-1:30 at Mariposa Elementary School. Interested volunteers, please contact staff.

VI. OLD BUSINESS

- A. Stop Wal-Mart Action Team (SWAT) Update** – Nick reported that the City of Merced will approve funds for a peer review draft of the proposed Wal-Mart Distribution Center. This will add another month or more to the project. In the past month, Wal-Mart launched its new customer action network. It hired a marketing firm from Sacramento. SWAT has been active in the community building support: presentations to various community groups. Ways to get involved: SWAT is willing to present to any interested groups about the air and health impacts of the proposed Wal-Mart distribution center. SWAT is canvassing in the Southeast Merced neighborhood. There will be a general plan update meeting at a study session with the city council. There is an air quality element that needs to be added. There is an existing air quality section that needs to be updated to include the extreme nonattainment of ozone. SWAT is also working on an alternative air quality element version which is 90% complete.
- B. Case Confirmation Update** - Melissa reported on the Judy Case confirmation to CARB. Mark Osborne traveled to Sacramento with staff to testify. Judy Case's nomination to CARB was rejected by the committee as well as on the floor of the Senate.
- C. CEQA Workshop** – Melissa reported that over 40 people attended the CEQA workshop held at Sierra Presbyterian Church on January 26th. It was hosted by Moms Clean Air Network and SWAT. Many other groups donated money for people to attend. Collette Alvarez wrote up an excellent article in the Merced County Farm Bureau news which can be found at:
<http://www.mercedfarmbureau.com/pdf/February%202008%20Issue.pdf>

VII. PROGRAM REPORT

- A. Tobacco Cessation Program Update** – Mary-Michal reported on the Freedom from Smoking Facilitators training that will take place next week. Jose Soto reported there are many representatives from agencies around town who are signed up. Eleven scholarships have been offered and the next training will be held in June.

B. Tools for Schools Update– Mary-Michal thanked Lisa Kayser-Grant and Haley Grant for the collaborative work between Roots and Shoots and Merced River School District to excavate bats from one of the buildings at the school. Lisa reported that the boxes are ready to go up, the bats are coming back, and Merced River is working closely with Roots and Shoots to get everything up in time.

C. Flag Program Update – Due to a shortage of time, the flag program update was postponed.

VIII. SPEAKER

Nancy Tapia from the Merced County Public Health Department. Tobacco Use Prevention Program was started with the Prop 99 funds from 1988. Money was given to hospitals, schools, and public health departments. The Tobacco Use Prevention Program's mission is to "promote a tobacco-free lifestyle within the environment of Merced County through education, prevention, and advocacy".

The objectives the Tobacco Use Prevention will be working on include:

1. **Smoking Cessation Classes** – In collaboration with the Asthma Coalition and Mercy Medical Center, Nancy will assist the facilitators with getting the word out about the classes in the community and set up.
2. **College Campus Work** – focusing on youth and "The best way to stop is to not start." Work at the colleges to get policies or designated areas at the colleges.
3. **Reducing Secondhand Smoke** – Working with large apartment complexes to provide smoke-free common areas (laundry areas / pool areas)
4. **Reduce Availability of Tobacco Products** to those under 18 – TUPP will operate a "sting" with adults who look under the age of 18 and then educate the merchants on selling to minors.
5. **Youth Activism** – Educating youth to talk with peers about not
6. **Cultural Competency** – Coalition meetings are open to everyone. Coalition was recently renamed ACT.

Next meeting is April 9th from Noon to 1:00p.m. Everyone is welcome and lunch is provided.

If help is needed for obtaining the patch or for counseling, call: 1-800-No-Butts. In January, there were 42 calls from Merced County.

IX. ADJOURNMENT - Alicia adjourned the meeting at 1:16p.m.

NEXT MEETING

Tuesday, March 18, 2008

12:00 – 1:00 p.m.

Golden Valley Health Centers - Classroom
737 W. Childs Ave.

Bingaman, Jamie

From: Davidson, Dana
Sent: Friday, February 29, 2008 1:37 PM
To: Bingaman, Jamie
Subject: FW: Wal-Mart Distribution Center

For the record.

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Thursday, February 28, 2008 8:05 AM
To: Marshall, Jim; Davidson, Dana
Subject: FW: Wal-Mart Distribution Center

The Mayor's response on 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: Wooten, Ellie
Sent: Wednesday, February 27, 2008 8:27 AM
To: city, council
Subject: RE: Wal-Mart Distribution Center

Thank you Kevin. We are keeping a file on all the emails and letters regarding the Wal Mart distribution center. I want all the input I can get from the public.

I Remain,

Ellie Wooten

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Wednesday, February 27, 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: Marshall, Jim; 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: Kelley, Kevin F [mailto:Kevin.Kelley@berliner.com]
Sent: Tuesday, February 26, 2008 4:11 PM
To: city, council
Subject: Wal-Mart Distribution Center

Honorable Members of the City Council:

I would like to submit this e-mail to become part of the record in support of the proposed Wal-Mart Distribution Center that you will consider later this Spring, 2008. I understand that there are some in our community that have voiced their opposition to this Center, citing traffic, noise, pollution, and similar concerns. No doubt that every project and use of land in such a significant manner as proposed for the Center will have some adverse environmental impact on the proposed site, but this impact needs to be considered in light of what the community will gain, which quite simply in this case is over 1000 jobs, paying wages and offering health and other benefits that are desperately needed in our community. In addition, the location of this proposed Center is an ideal use of the land, considering its proximity to the freeway and proposed surrounding land uses. While there will be many trucks coming and going from the Center, these trucks will be traveling up and down highway 99 whether the Center is approved or not, contributing to the traffic and other adverse environmental affects in the Valley in any event. There is no reason not to have the trucks travel less than a mile off the freeway and provide much needed jobs and revenue to our City. This type of opportunity for a community the size of Merced does not come along very often and in deciding the future of this project I urge you not to be swayed by what may be a vocal minority, organized and financed in large part I understand by professional lobbyists outside of our area. Instead think of the jobs and revenue that will help lessen the impact of other businesses who have recently left our community. As the current President of the Merced Boosters organization, I am planning on having the Boosters attend both the Planning Department and City Council Meetings when the Wal-Mart project will be considered so you can see that there is broad based support from the business community.

Respectfully Submitted,

Kevin Kelley

Kevin F. Kelley
Berliner Cohen
2844 Park Avenue
Merced, CA 95348
Telephone: (209) 385-0700
Facsimile: (209) 385-3789
e-mail: kevin.kelley@berliner.com

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 29, 2008 8:57 AM
To: Proctor, Deneen
Subject: FW: Support of Wal Mart

For the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 29, 2008 8:15 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: Support of 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: scott hunter [mailto:hunterfarms32@yahoo.com]
Sent: Thursday, February 28, 2008 10:01 PM
To: city, council
Subject: Support of Wal Mart

I would like to take a few moments to voice my strong support for the Wal Mart Distribution Center.

2/29/2008

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 29, 2008 8:58 AM
To: Proctor, Deneen
Subject: FW: Wal-Mart Distribution Center

For the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 29, 2008 8:12 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: George & Jo Ann Chester [mailto:gmchester@comcast.net]
Sent: Thursday, February 28, 2008 2:41 PM
To: city, council
Subject: Fw: Wal-Mart Distribution Center

Honorable Members of the City Council:

2/29/2008

I would like to submit this e-mail to become part of the record in support of the proposed Wal-Mart Distribution Center that you will consider in the Spring , 2008. No doubt that this project will have some adverse environmental impact, but this impact needs to be considered in light of what the community will gain. Over 100 jobs, good salaries, and health benefits. I ask for your support for this project.

Respectfully,

George Chester

George Chester
333 St Lawrence Dr.
Merced, Ca. 95348

2/29/2008

Bingaman, Jamie

From: Davidson, Dana
Sent: Monday, January 28, 2008 2:02 PM
To: Bingaman, Jamie
Cc: Espinosa, Kim
Subject: FW: Wal-Mart Distrubution Center

For the record.

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

From: city, council
Sent: Monday, January 28, 2008 1:36 PM
To: Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill; Walker, Dawn
Cc: Davidson, Dana
Subject: FW: Wal-Mart Distrubution Center

From the web site.

Nobie

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

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

From: MIKE DELACRUZ [mailto:jmcruzer@sbcglobal.net]
Sent: Monday, January 28, 2008 7:38 AM
To: city, council
Subject: Wal-Mart Distrubution Center

To Whom It May Concern,

My friend and I found out about the Wal-Mart Distrubution Center a while ago and are so disappointed that the council is actually thinking about allowing the center to come into Merced. My friend and I are both juniors at Atwater High School and as students and teenagers we want to tell you that this Distrubution Center will come of no good. Our air quailty is already really bad (number 2 in California, behind L.A.) and is only going to get worse if the Distrubution Center does come in. Another thing is traffic. A couple of years ago people could get to Merced by 10 minutes but now it almost takes 30 minutes. With the Wal-Mart Distrubution Center disel trucks and more people are going to come to Merced for jobs making more traffic and most importantly, more accidents. I also fear that putting the Distrubution Center so close to elementary schools is not safe to the children. Disels

1/28/2008

coming in and out of the Center is only causing danger for those that walk home from and to school, exspecially little kids who are no as mature.

If you could just listen to us and see what we see, as citizens and people, than you would understand. Just take into consideration that students also stress the new Center and think that it will not fit into all of Merced's and Atwater's life style. Thank you for listening to our concerns. If you would like to write back this address is fine. Thank you again.

Sincerely,
Stefanie DeLaCruz and Ryan Kelley

Proctor, Deneen

From: Marshall, Jim
Sent: Monday, March 17, 2008 9:17 AM
To: Proctor, Deneen
Subject: FW: Walmart Distribution Center Merced

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Monday, March 17, 2008 8:33 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
Subject: FW: Walmart Distribution Center Merced

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: Joe Proietti [mailto:joepromerced@yahoo.com]
Sent: Sunday, March 16, 2008 5:20 PM
To: city, council
Subject: Walmart Distribution Center Merced

We fully support the creation and arrival of more jobs and financial benefits for the citizens of Merced and immediate surrounding area with the arrival of the Walmart

3/17/2008

Distribution Center. Please give this project every consideration and unbiased due diligence.. This request is from Joseph A. and Dorothy M Proietti, Merced City residents.

Never miss a thing. Make Yahoo your homepage.

Proctor, Deneen

From: Marshall, Jim
Sent: Monday, March 17, 2008 9:18 AM
To: Proctor, Deneen
Subject: FW: Wal Mart Distribution Center

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Monday, March 17, 2008 8:33 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); Gabrielault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabrielault-Acosta (E-mail 2); Michele Gabrielault-Acosta (E-mail); Noah Lor (E-mail); Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; 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: virginia ochoa [mailto:vochoa683@yahoo.com]
Sent: Sunday, March 16, 2008 7:21 PM
To: city, council
Subject: Wal Mart Distribution Center

Dear Members of Merced City Council,

3/17/2008

I would like to take this opportunity to voice my support for the Wal Mart Distribution Center.

I live in Merced and my husband works at a Wal Mart Distribution center in Nevada delivering product in California and Nevada. Having a distribution center nearby would not only help my family personally, but help this community tremendously.

We live one block from Golden Valley High School and am not worried about more pollution. Not only do Wal Mart trucks have APU's (auxiliary power units-no idling) but this year the law changed outlawing any trucks from idling in California.

Virginia Ochoa

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Espinosa, Kim

From: Espinosa, Kim
Sent: Monday, March 10, 2008 8:58 AM
To: Lee, Nancy; Lucas, Terri
Cc: Lane, Victoria
Subject: RE: Records Request

Yes, thanks!
--Kim

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

From: Lee, Nancy
Sent: Friday, March 07, 2008 4:53 PM
To: Lucas, Terri
Cc: Lane, Victoria; Espinosa, Kim
Subject: RE: Records Request

You're welcome. Did you want me to let you or Vicci know when he's here?

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

From: Lucas, Terri
Sent: Friday, March 07, 2008 4:42 PM
To: Lane, Victoria; Lee, Nancy; Espinosa, Kim
Subject: Records Request

Thanks for all your help with getting this records request completed in time. I really appreciate it. Nick Robinson will probably come in sometime Monday to view the files. I'll know more once he confirms with the clerk's office. The clerk's office will probably do any of the necessary copying.

Terri

CITY OF MERCED
PLANNING AND PERMITTING

DATE: March 7, 2008

TO: Jamie Bingaman, Records Clerk

FROM: Jack D. Lesch, Director of Development Services *JDL*

SUBJECT: February 28, 2008 Public Records Request by Nick Robinson

Regarding the above records request, the following items are available for review by Mr. Robinson (the bullet points correspond with his request):

- The Merced County Critical Area Flooding and Drainage Plan is a Merced County Association of Government document. MCAG can be contacted at 209-723-3153.
- The Merced County Hazardous Waste Management Plan was prepared by the County of Merced.
- The County of Merced prepared the Storm Water Management Plan, with cities participating. For the full document, contact the County of Merced.
- Wal-Mart Distribution Center off-site civil plans are available in Planning for review.
- Hazardous Material Management and Business Plan submitted by Wal-Mart: None available.
- Any Agreement between Wal-Mart and Merced Irrigation District: contact the Merced Irrigation District.
- Any Surface Hydrology Water Quality Analyses for proposed Wal-Mart Distribution Center: None available.
- Any documents regarding City's assessment of the adequacy of existing wastewater, etc: None available.
- Any documents related to City's assessment of adequacy of existing stormwater drainage, etc: None available.
- Any documents pertaining to any determination of security for the installation of a traffic signal at Childs and Kibby: None.

Nick Robinson Records Request

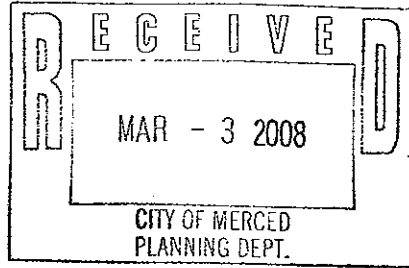
March 7, 2008

Page 2

- EIRs, Neg Decs, etc., regarding 1978 East Merced Industrial Park Area #3 annexation: documents available in Planning for review.
- Any Development Agreements, etc., regarding above: Any applicable documents are available in Planning for review as part of the annexation file.
- Items relating to annexation of other parts of the East Merced Industrial Park Area are available in Planning for review, including files related to McLane Distribution Center.
- Same as previous item.
- Plum-Sutter-Vierra Properties annexation documents are available in Planning for review.
- Merced Sandcastle LP project files are available in Planning for review.

Once Mr. Robinson has reviewed the documents and advised if he would like copies, we will provide the files to the Clerk's Office for photocopying.

Memo



Date: March 3, 2008

To: James Marshall, City Manager; Bill Cahill, Assistant City Manager; Russ Thomas, Chief of Police; Dave Gonzalves, Chief Building Official; Bradley Grant, Finance Officer; Alexander Hall, Director of Parks and Community Services; Jack Lesch, Director of Development Services; Jeff Lewis, Director of Information Technology; Kenneth Mitten, Fire Chief; Deneen Proctor, Director of Support Services; John Raggio, Director of Public Works; Dave Tucker, City Engineer

From: Jamie Bingaman, Records Clerk

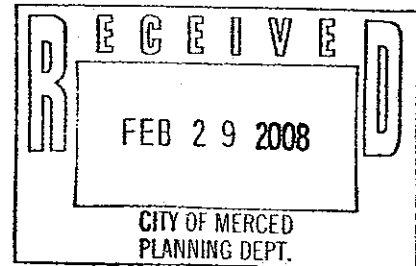
Cc: Gregory Diaz, City Attorney; Kim Espinosa, Planning Manager

RE: Public Records Request Regarding the proposed Wal-Mart Distribution Center

The City Clerk's Office received the attached public records request from Nick Robinson, city resident, on February 29, 2008 requesting documentation from any city department related to the proposed Wal-Mart Distribution Center. Please review the attached letter for a full description of documents requested to see if the request pertains to your department.

Please comply with the public records request and provide the necessary documentation to the City Clerk's Office no later than Friday, March 7, 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.6866.

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



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

CITY OF MERCED

DATE: February 28, 2008

FEB29'08PM2:29

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:

- The current or most recent Merced County Critical Area Flooding and Drainage Plan;
- The current or most recent Merced County Hazardous Waste Management Plan;
- The current or most recent City of Merced Standard Urban Stormwater Mitigation Plan;
- Any existing off-site civil plans for the proposed Wal-Mart Distribution Center in Merced;
- Off-site and on-site truck route diagrams and information for the proposed Wal-Mart Distribution Center in Merced;
- Any Hazardous Material Management and Business Plan submitted by the applicant for the proposed Wal-Mart Distribution Center in Merced;
- Any agreement between Wal-Mart and the Merced Irrigation District pertaining to stormwater runoff, drainage, or discharge from the proposed Wal-Mart Distribution Center in Merced;
- Any Surface Hydrology Water Quality Analyses submitted by the applicant for the proposed Wal-Mart Distribution Center in Merced;
- Any documents related to the City's assessment of the adequacy of existing wastewater facilities and/or the consistency with wastewater master plans of the proposed Wal-Mart Distribution Center or any action or project located within or overlapping with the site of the proposed Wal-Mart Distribution Center;
- Any documents related to the City's assessment of the adequacy of existing stormwater drainage facilities and/or the consistency with storm drainage master plans of the proposed Wal-Mart Distribution Center or any action or project located within or overlapping with the site of the proposed Wal-Mart Distribution Center;
- Any documents pertaining to any determination of security for the installation of a traffic signal at the intersection of Childs Avenue and Kibby Road;
- Any Environmental Impact Report(s), Negative Declaration(s), Mitigated Negative Declaration(s), or related environmental document(s), study(ies), or report(s) pertaining to the 1978 East Merced Industrial Park Area #3 annexation and rezoning;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the 1978 East Merced Industrial Park Area #3 annexation and rezoning;

- Any Environmental Impact Report(s), Negative Declaration(s), Mitigated Negative Declaration(s), and related environmental document(s), study(ies), or report(s) pertaining to the annexation of other parts of the East Merced Industrial Park Area as well as the development of the McClane Distribution Center and any other developments in the Area;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the annexation of other parts of the East Merced Industrial Park Area as well as the development of the McClane Distribution Center and any other developments in the Area;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the Plum-Sutter-Vierra Properties annexation;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to all phases of the Merced Sandcastle L.P. project

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 all records listed above, whether or not they are maintained by the Planning Department. In other words, this request pertains to all records maintained by any and all departments and offices of the City of Merced. 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.

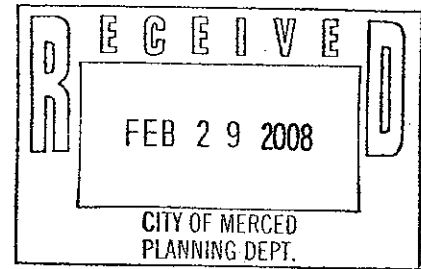
Thank you for your time and assistance. If you have questions or need additional information, please do not hesitate to contact me. I look forward to hearing from you.

Sincerely,



Nick Robinson

TO: Kim Espinosa, Planning Manager
City Planning Department
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: February 28, 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:**

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- The current or most recent City of Merced Standard Urban Stormwater Mitigation Plan;
- Any existing off-site civil plans for the proposed Wal-Mart Distribution Center in Merced;
- Off-site and on-site truck route diagrams and information for the proposed Wal-Mart Distribution Center in Merced;
- Any Hazardous Material Management and Business Plan submitted by the applicant for the proposed Wal-Mart Distribution Center in Merced;
- Any agreement between Wal-Mart and the Merced Irrigation District pertaining to stormwater runoff, drainage, or discharge from the proposed Wal-Mart Distribution Center in Merced;
- Any Surface Hydrology Water Quality Analyses submitted by the applicant for the proposed Wal-Mart Distribution Center in Merced;
- Any documents related to the City's assessment of the adequacy of existing wastewater facilities and/or the consistency with wastewater master plans of the proposed Wal-Mart Distribution Center or any action or project located within or overlapping with the site of the proposed Wal-Mart Distribution Center;
- Any documents related to the City's assessment of the adequacy of existing stormwater drainage facilities and/or the consistency with storm drainage master plans of the proposed Wal-Mart Distribution Center or any action or project located within or overlapping with the site of the proposed Wal-Mart Distribution Center;
- Any documents pertaining to any determination of security for the installation of a traffic signal at the intersection of Childs Avenue and Kibby Road;
- Any Environmental Impact Report(s), Negative Declaration(s), Mitigated Negative Declaration(s), or related environmental document(s), study(ies), or report(s) pertaining to the 1978 East Merced Industrial Park Area #3 annexation and rezoning;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the 1978 East Merced Industrial Park Area #3 annexation and rezoning;

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- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the annexation of other parts of the East Merced Industrial Park Area as well as the development of the McClane Distribution Center and any other developments in the Area;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to the Plum-Sutter-Vierra Properties annexation;
- Any Development Agreement(s), adopted Mitigation Measures and/or Mitigation Monitoring Programs, and evidence of subsequent monitoring pertaining to all phases of the Merced Sandcastle L.P. project

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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.

Sincerely,



Nick Robinson

Espinosa, Kim

From: Quintero, Frank
Sent: Friday, February 29, 2008 8:25 AM
To: Espinosa, Kim
Subject: FW: Wal-Mart Distribution Center

FYI

Frank Quintero
Development Manager
City of Merced
678 W. 18th Street
Merced, CA 95340

1-800-723-4788
(209) 385-6827
(209) 723-1780 F

www.cityofmerced.org

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 29, 2008 8:12 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: George & Jo Ann Chester [mailto:gmchester@comcast.net]
Sent: Thursday, February 28, 2008 2:41 PM
To: city, council
Subject: Fw: Wal-Mart Distribution Center

2/29/2008

Honorable Members of the City Council:

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Respectfully,

George Chester

George Chester
333 St Lawrence Dr.
Merced, Ca. 95348

Espinosa, Kim

From: Quintero, Frank
Sent: Friday, February 29, 2008 8:24 AM
To: Espinosa, Kim
Subject: FW: Support of Wal Mart

FYI

Frank Quintero
Development Manager
City of Merced
678 W. 18th Street
Merced, CA 95340

1-800-723-4788
(209) 385-6827
(209) 723-1780 F

www.cityofmerced.org

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 29, 2008 8:15 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: Support of 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: scott hunter [mailto:hunterfarms32@yahoo.com]
Sent: Thursday, February 28, 2008 10:01 PM
To: city, council
Subject: Support of Wal Mart

I would like to take a few moments to voice my strong support for the Wal Mart Distribution Center.

2/29/2008

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Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, February 26, 2008 2:48 PM
To: 'Schuyler Ellis'
Subject: RE: Storm Drain Master Plan

Schuyler,

I received the reply below from Dave Tucker, our City Engineer, and he also provided a copy of the Storm Water Management Program, which is attached. (It will also be made available on our City website.) I also received some info from John Franck, our Senior Engineer (also below). Hope this answers your questions. Thanks!

--Kim

From Dave Tucker:

Sorry, Kim, The Storm Water Master Plan is different from the Storm Drainage Master Plan. Beth has now put both on the Web under Engineering, so Schuyler can access them there. The Drainage plan is a master plan for our storm basins. The Storm Water Master Plan is in response to the Regional Board Master Permit, and is a policy document.

From John Franck:

Wal Mart would be complying with the City Standards. Those are from the Storm Drainage Master Plan. I still have not heard of the Storm Water Mitigation Plan. I would assume that "mitigations come up in EIR discussions or other steps along the way but that's the only thing I could think of. It seems like a misunderstanding or confusion of terms.

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

From: Espinosa, Kim
Sent: Tuesday, February 26, 2008 1:29 PM
To: Tucker, David; Franck, John; Ainsworth, John
Subject: FW: Storm Drain Master Plan

Dave, John, & John,

Can anyone shed any light on this subject for me? Please read the email below. Do any of you have these documents to which he is referring? (I can dig up the emails to which he is referring if that would be helpful.) Thanks!

--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Tuesday, February 26, 2008 12:09 PM
To: Espinosa, Kim
Subject: Re: Storm Drain Master Plan

Kim,

Thank you for this document, but I am a little confused.

I have an e-mail from Sarah McIlroy to Andrew Little at CB from March 16, 2007 regarding the requirements for stormwater detention basins. In her email Ms. McIlroy states that "...the City has submitted their Stormwater Management Plan (SWMP) to the state, but it is still in review." Is the plan that you sent me, from April 2002, the same plan that Ms. McIlroy is referencing in her e-mail? If not, can you forward me the plan that she is referencing? My assumption is that the new/updated Stormwater Management Plan contains the requirements to which Wal-Mart must comply.

Additionally, in Ms. McIlroy's e-mail, she writes "The City is required to comply with the conditions of Attachment 4 and develop a Standard Urban Stormwater Mitigation Plan. At this point no specifics have been developed." From reading this, my assumption is that Attachment 4 which requires the development of a Standard Urban Stormwater Mitigation Plan is an attachment to the Stormwater Management Plan that was in review by the state at the time her e-mail was sent. So what is the status of the Stormwater Management Plan and the development of the Standard Urban Mitigation Plan? When will these be ready? how applicable are both/either to the Wal-Mart project? and can you please forward them to me as soon as possible?

Schuyler

P.S. Do you have electronic copies of the most recent set of Plans for the project? if so, will you please forward those as well?

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

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

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis (E-mail) <schuylerls@yahoo.com>
Sent: Tuesday, February 26, 2008 1:23:49 PM
Subject: Storm Drain Master Plan

Schuyler,

Attached is a copy of the City's Storm Drain Master Plan. I was unable to locate anything called a "Standard Urban Storm Water Mitigation Plan." Let me know if you need anything else.

--Kim

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

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, February 26, 2008 1:51 PM
To: 'Schuyler Ellis'
Subject: RE: Grading Plan

Schuyler,

The emails you referred to were in response to a request from EDAW for some information on storm drainage so they could complete the Admin Draft EIR, which they have done. You have received all the information that I received on the subject, which was forwarded to EDAW for their use--they never asked for the referenced grading plan so I assume they didn't need it since they had the drainage plan. The grading plan was never submitted to us and, therefore, is not public record as the City cannot produce something we do not have. At this stage in the process, the City has no reason to review a grading plan and therefore, I will not be requesting one from Carter Burgess. Thanks for your understanding.

--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Tuesday, February 26, 2008 11:42 AM
To: Espinosa, Kim
Subject: Re: Grading Plan

Kim,

I have an email from Jim Emerson at CB responding to a request from Ted Daum of EDAW. Emerson's email was sent out on February 7th, 2007 at 12:51 PM, subject RE: Wal-Mart. You were cc:d on this e-mail.

On point 5, Emerson writes:

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

This comment is in response to Daums request for a draft drainage plan. Last week you fwded me the draft drainage plan, however it did not include any grading plan. Can you please request a grading plan from CB as soon as possible and forward it to myself?

Thank You Kim!

Regards,

Schuyler

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

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

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis (E-mail) <schuylerls@yahoo.com>
Sent: Wednesday, February 20, 2008 4:33:24 PM
Subject: Grading Plan

Schuyler,

I don't have any grading plans for Wal-Mart in my files. It could be something that Wal-Mart's engineers have prepared that have not been shared with us at this stage. I'll check around to see if anyone else here has seen any grading plans. It would be helpful if you

2/26/2008

could tell me where you have seen a reference to these grading plans because I don't have them in the project files. Thanks!

--Kim

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

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Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, February 26, 2008 1:35 PM
To: 'Schuyler Ellis'
Subject: RE: Storm Drain Master Plan

Schuyler,
I have asked some of our Engineers to address your questions on the Stormwater plans--I'll forward you a response when I receive one. Attached are the latest project plans that I have in my electronic files.
Thanks!
--Kim

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

From: Schuyler Ellis [mailto:schuylerls@yahoo.com]
Sent: Tuesday, February 26, 2008 12:09 PM
To: Espinosa, Kim
Subject: Re: Storm Drain Master Plan

Kim,

Thank you for this document, but I am a little confused.

I have an e-mail from Sarah McIlroy to Andrew Little at CB from March 16, 2007 regarding the requirements for stormwater detention basins. In her email Ms. McIlroy states that "...the City has submitted their Stormwater Management Plan (SWMP) to the state, but it is still in review." Is the plan that you sent me, from April 2002, the same plan that Ms. McIlroy is referencing in her e-mail? If not, can you forward me the plan that she is referencing? My assumption is that the new/updated Stormwater Management Plan contains the requirements to which Wal-Mart must comply.

Additionally, in Ms. McIlroy's e-mail, she writes "The City is required to comply with the conditions of Attachment 4 and develop a Standard Urban Stormwater Mitigation Plan. At this point no specifics have been developed." From reading this, my assumption is that Attachment 4 which requires the development of a Standard Urban Stormwater Mitigation Plan is an attachment to the Stormwater Management Plan that was in review by the state at the time her e-mail was sent. So what is the status of the Stormwater Management Plan and the development of the Standard Urban Mitigation Plan? When will these be ready? how applicable are both/either to the Wal-Mart project? and can you please forward them to me as soon as possible?

Schuyler

P.S. Do you have electronic copies of the most recent set of Plans for the project? if so, will you please forward those as well?

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

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

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

From: "Espinosa, Kim" <ESPINOSAK@cityofmerced.org>
To: Schuyler Ellis (E-mail) <schuylerls@yahoo.com>
Sent: Tuesday, February 26, 2008 1:23:49 PM

2/26/2008

Subject: Storm Drain Master Plan

Schuyler,

Attached is a copy of the City's Storm Drain Master Plan. I was unable to locate anything called a "Standard Urban Storm Water Mitigation Plan." Let me know if you need anything else.

--Kim

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

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, February 26, 2008 10:24 AM
To: 'Schuyler Ellis (E-mail)'
Subject: Storm Drain Master Plan

Schuyler,

Attached is a copy of the City's Storm Drain Master Plan. I was unable to locate anything called a "Standard Urban Storm Water Mitigation Plan." Let me know if you need anything else.

--Kim

← Plan is available in Planning Library

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

Espinosa, Kim

From: Espinosa, Kim
Sent: Tuesday, February 19, 2008 8:31 AM
To: 'CJefferson@natcem.com'
Subject: Wal-Mart Distribution Center

Mr. Jefferson,

The Draft Environmental Impact Report (EIR) for the project is still being prepared (we hope to have it available for public review in April/May 2008) for the proposed Wal-Mart Distribution Center in Merced. Once the EIR is circulated for a 45-day public review, we will need to respond to all the comments received prior to scheduling public hearings on the project before the Planning Commission and City Council. We expect to have those public hearings in Fall/Winter 2008. If you would like to be on our mailing list for the project, please send me a physical mailing address (not email) and I will be happy to add you to the list. Let me know if you have any more questions. Thanks!
--Kim

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

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

From: Castle Jefferson [<mailto:CJefferson@natcem.com>]

Sent: Thursday, February 14, 2008 10:19 AM

To: [planningweb](#)

Subject: Walmart Distribution Center

What is the status? Is it still a go? Thanks

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 15, 2008 4:45 PM
To: Proctor, Deneen
Subject: FW: Wal Mart Distribution Center

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 15, 2008 3:11 PM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; 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: MIKE HILLER [mailto:MIKE.HILLER@countybank.com]
Sent: Friday, February 15, 2008 12:18 PM
To: city, council
Subject: Wal Mart Distribution Center

Respectful Council Members of Merced:

I want to drop off a quick note of support for the Wal Mart Distribution Center. Now, more than ever, this City needs quality jobs! The depressed housing market has impacted this area in so many detrimental ways that we need to re-focus our attention and commitment to supporting projects and businesses that will provide much needed jobs.

We need your support!

2/19/2008

Mike Hiller
Senior Vice President
Business Banking Manager
County Bank
550 W. Main Street
Merced, CA 95340
Phone: (209) 725-2240
Fax: (209) 725-2220
E-mail: mike.hiller@countybank.com

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 15, 2008 4:45 PM
To: Proctor, Deneen
Subject: FW: Wal Mart Distribution Center

For the Record

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

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

From: Walker, Dawn On Behalf Of city, council
Sent: Friday, February 15, 2008 3:12 PM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; 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: Bud Wallace [mailto:bud@wallacetransport.com]
Sent: Friday, February 15, 2008 12:47 PM
To: city, council
Cc: kevin.kelly@berliner.com
Subject: Wal Mart Distribution Center

Merced City Council Members...I urge your support for the Wal Mart

Distribution Center. These opportunities are only available for a few areas, Merced need not miss out. The local economy needs to move off the traditional employment bases. Regardless of the state of the economy..goods must flow to the retail stores. The employment created by the project are enviromentally friendly. Wal Mart is leading the distribution industry by becomning the predominate "green equipment" leader by use. Most folks aren't aware of what Wal Mart has done nationally to reduce its "carbon footrint". Good business partners should be welcome to our community. We should welcome and support Wal Mart. Check their record out for yourself. Remember, if they aren't here...someone else is benefiting from those dollars being spent in their community. Thank you for your consideration..Bud Wallace, Wallace Transport Company.

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 15, 2008 4:46 PM
To: Proctor, Deneen
Subject: FW: Walmart Distribution Center

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 15, 2008 3:13 PM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; 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: Bob Ayers [mailto:bayers@transcountytitle.com]
Sent: Friday, February 15, 2008 2:55 PM
To: city, council
Subject: Walmart Distribution Center

I am in full support of approving this and it is my hope that the Cou.ncil will support it also seeing the job opportunities it will create. Bob Ayers

2/19/2008

Proctor, Deneen

From: Marshall, Jim
Sent: Friday, February 15, 2008 4:46 PM
To: Proctor, Deneen
Subject: FW: Wal-Mart Distribution Center

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Friday, February 15, 2008 3:14 PM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; 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: Chuck Meyer [mailto:chukmins@sbcglobal.net]
Sent: Friday, February 15, 2008 3:02 PM
To: city, council
Subject: Wal-Mart Distribution Center

To Merced City Council:

2/19/2008

The citizens of Merced need the distribution center! We need the jobs and the additional tax base. The location is perfect...just off the freeway so that noise and traffic will be minimal. If we keep them out of Merced they will just locate near by and we will still have their trucks going by on the freeway and will have lost the badly needed jobs and tax base.

Don't let the naysayers have their way this time, like they have so many times before!

Chuck Meyer, 1012 Idaho Dr, Merced

Proctor, Deneen

From: Marshall, Jim
Sent: Tuesday, February 19, 2008 8:49 AM
To: Proctor, Deneen
Subject: FW: WalMart

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Tuesday, February 19, 2008 8:21 AM
To: city, council; Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim; Davidson, Dana
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: Don Bergman [mailto:dbergman@courtesyautocenter.com]
Sent: Monday, February 18, 2008 4:10 PM
To: city, council
Subject: WalMart

To: Honorable member of City Council

2/19/2008

While the Distribution Center seems to be a no brainer, I know that you will have a number of citizens objecting to good paying jobs with full medical for 600-900 of Merced's work force. I only hope that you look at the benefit that these jobs will provide to a struggling economy. Just think of the sales tax that that much additional payroll will develop.

Please keep in your mind the advances that have been made in the transportation industry and that if we don't approve the center the trucks will still pass by Merced and the same amount of pollution will go into the valley and there will be no economic benefit.

Please represent the citizens of Merced and not the organizations that don't live or benefit the City of Merced or the County of Merced.

I know you will do the correct thing.

Don Bergman

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.516 / Virus Database: 269.20.6 - Release Date: 2/15/2008 12:00 AM

Proctor, Deneen

From: Marshall, Jim
Sent: Wednesday, February 13, 2008 10:49 AM
To: Proctor, Deneen
Subject: FW: Info from Wal-Mart Website

For the record - I believe this is the same packet of info i sent down

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

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

From: Espinosa, Kim
Sent: Wednesday, February 13, 2008 10:33 AM
To: Marshall, Jim; Aaron Rios (E-mail); Brian Gordon (E-mail); Ed Hess (E-mail); Gary Jakobs (E-mail); Jim Emerson (E-mail); Joseph Loethen (E-mail); Judy Davidoff; Keith Morris (E-mail); Lesch, Jack; Mark Spenser (E-mail); Marko Mlikotin (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)
Subject: Info from Wal-Mart Website

I received the attached info from Marko Mlikotin of River City Communications regarding Wal-Mart. I believe that most of this info is available on the new Wal-Mart website (www.MercedCAN.com) for the project.

-Kim

CITY OF MERCED

"Gateway to Yosemite"



February 11, 2008

Audrey Alorro
3312 Denver Way
Merced, CA 95348

Dear Ms. Alorro,

RE: CEQA Notices for Wal-Mart Distribution Center

Thank you for your February 3, 2008 letter requesting CEQA notices per Public Resources Code Section 21092.2 for the proposed Wal-Mart Distribution Center. You have been added to the mailing list to receive such notices. The City of Merced has only issued one CEQA notice on this project thus far—the Notice of Preparation issued on July 7, 2006. A copy of that notice is enclosed. You will receive future notices as they are issued.

If you have any questions, please give me a call at (209) 385-6858 or by email at espinosak@cityofmerced.org. Thanks for your interest in this project.

Sincerely,

Kim Espinosa
Planning Manager

cc: Jack Lesch, Director of Development Services

NOTICE OF PREPARATION

To: State Clearinghouse
State Responsible Agencies
Other Public Agencies
Interested Organizations
General Public

From: City of Merced
Planning and Permitting Division
678 W. 18th Street
Merced, CA 95340

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Merced Wal-Mart Regional Distribution Center

Project Applicant: Wal-Mart Corporation

The City of Merced will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. An Initial Study has not been prepared. Instead, the attached document, entitled Project Information, has been prepared in order to provide important information about the project and its probable environmental impacts.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice, no later than Friday, August 11, 2006.

Please send your response by U.S. Mail, FAX, or e-mail to Kim Espinosa, Planning Manager at the address shown below. We will need the name for a contact person in your agency.

Kim Espinosa, Planning Manager
City of Merced Planning and Permitting
678 West 18th Street
Merced, CA 95340
Tele: (209) 385-6858
FAX: (209) 725-8775
E-mail: espinosak@cityofmerced.org

Two environmental scoping meetings, one for the general public and one for public agencies, will be conducted on Thursday, July 27, 2006. The agency meeting will begin at 2:30 p.m. and the general public meeting will begin at 6:00 p.m. Both meetings will be conducted in the City Council Chambers of the Merced Civic Center, 678 West 18th Street, Merced.

Date: July 7, 2006

Signature: *Kim Espinosa*

Title: Planning Manager

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

3 PROJECT INFORMATION

3.1 PROJECT OVERVIEW

The proposed project, a Wal-Mart regional distribution center, consists of a warehouse and distribution center and support facilities, located on 230 acres in the city of Merced. The support facilities include offices, a cafeteria, a fire pump house, and aerosol storage (all located within the warehouse building), as well as a truck gate, a truck maintenance garage, a truck fueling station, and parking. The underlying purpose of the project is storage and distribution of non-grocery goods to Wal-Mart retail stores located throughout the region. There are no outdoor recreational facilities, open space, retail commercial, or residential uses proposed as part of the project.

3.2 REGIONAL LOCATION

The project site is located at the southeast end of the city of Merced in eastern Merced County in the San Joaquin Valley. Merced is approximately 118 miles south of Sacramento and 130 miles east of San Francisco.

3.3 PROJECT LOCATION AND SITE DESCRIPTION

The approximately 230-acre project site is bounded on the north by Childs Avenue, on the East by Tower Road and on the South by Gerard Avenue. Kibby Road, which heads north from this area, terminates at Childs Avenue at the north end of the project site. The future Campus Parkway is approximately 975 feet west of the project site. The site is approximately three miles southeast of downtown Merced and two miles east of State Route 99 (SR 99). Campus Parkway, which is planned to commence construction in March 2007 and be complete by November 2007, would provide access between the site and SR 99 via the new Mission Avenue interchange with SR 99; the interchange is currently under construction and planned to be operational by September 2007. The proposed site plan is illustrated in Exhibit 3-1. The project location is illustrated in Exhibit 3-2. The vicinity of the project is shown in a map in Exhibit 3-3 and in an aerial photo in Exhibit 3-4.

The City of Merced General Plan designates the site for "Manufacturing Industrial" uses and the zoning map designates the site as part of a "Heavy Industrial District". City and County General Plan land use designations are shown in Exhibit 3-5, and City zoning districts are shown in Figure 3-6.

The site consists of two parcels, Assessor's Parcel Numbers (APNs) 061-250-035 and 061-290-047. The site is located in the northern half of Section 34 and the northern half of Section 35, Township 7 South, Range 14 East, Mt. Diablo Base and Meridian.

The land is generally flat but gently slopes to the west and ranges from 185 to 190 feet above mean sea level (msl). The site contains no structures or improvements, except for an irrigation water well. The western one-third

of the site contains a walnut orchard, and the eastern two-thirds consist of agricultural fields. The northern, southern, and part of the northeastern boundary of the fields contain irrigation ditches, which connect to the Wilson Substation (approximately one mile north of the site) along State Route 140 (SR 140). Overhead power lines run through the eastern portion of the site. The area containing these power lines will remain as an easement, and all site development will take place on the approximately 80 percent of the project site located west of this easement. Relocation of the power lines is not proposed as part of this project. The site includes right-of-way for the extension of Kibby Road between Childs Avenue and Gerard Avenue. This section of right-of-way is proposed to be abandoned to allow project uses as part of site development.

The project parcel is bounded by agricultural fields and a few rural residential dwellings across Tower Road to the east and Gerard Avenue to the south. The land east of Tower Road is designated as "Agriculture" in the Merced General Plan, and land to the north, west and south is designated as "Manufacturing Industrial". Undeveloped open lands and commercial lands are located to the north. To the west is another orchard. Also to the west is a Merced Irrigation District (MID) canal.

3.4 REQUIRED APPROVALS

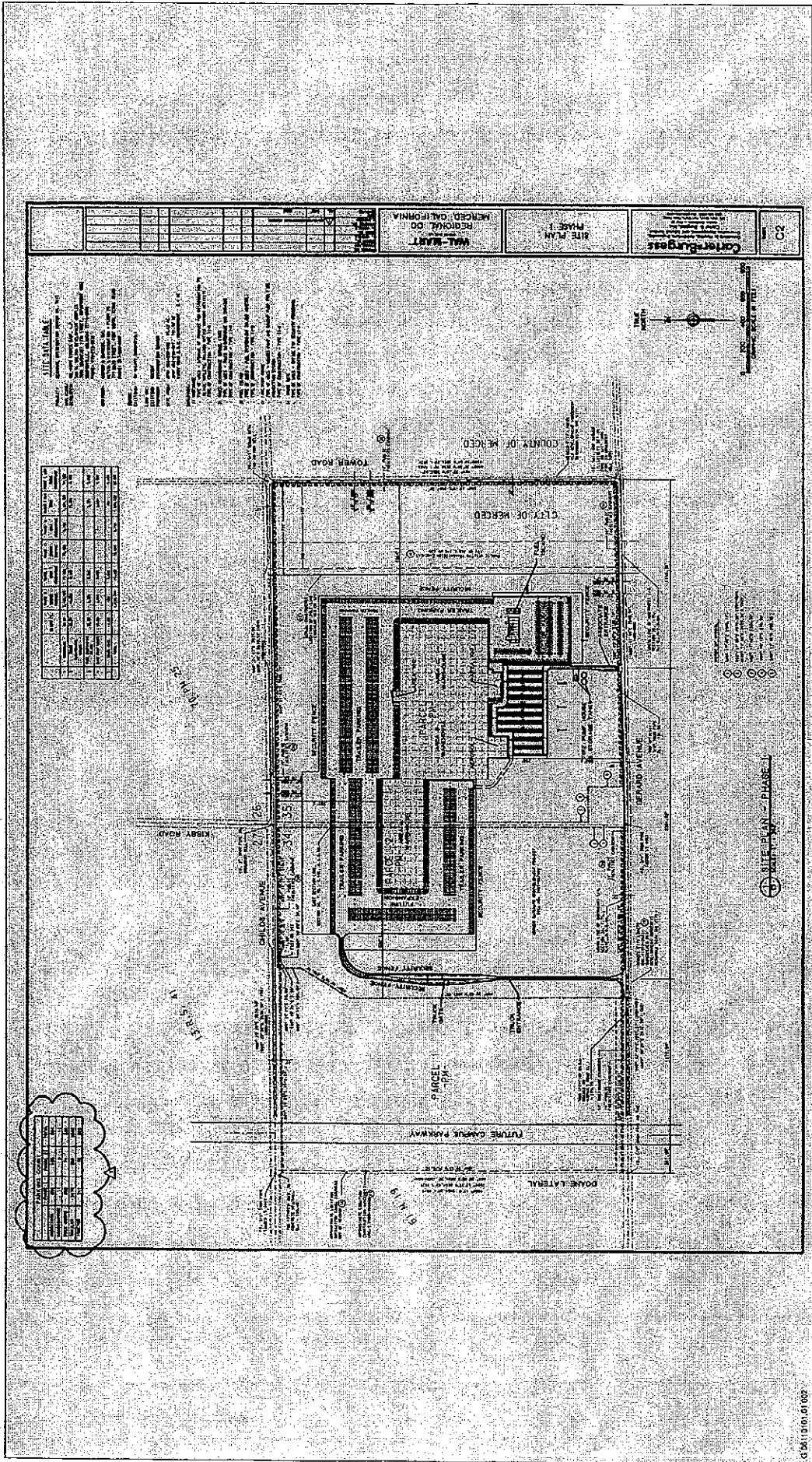
Required approvals by the City of Merced include Site Plan Approval and a General Plan Amendment (GPA). Zoning districts are shown in Exhibit 3-6. The discretionary permits required for this proposed project consist of the following:

- ▶ General Plan Amendment (For Kibby Road abandonment only)
- ▶ Site Plan Approval
- ▶ Street Abandonment (Kibby Road)

3.5 PROJECT BACKGROUND

The project site is within the city limits of Merced. Land immediately to the south, north, and west of the site is also within the city limits of Merced. Land immediately to the east is in unincorporated Merced County, but is within the City's sphere of influence. As described above, the project site is designated "Manufacturing Industrial" in the Merced General Plan and "Heavy Industrial District" (I-H) in the zoning ordinance. The site has historically been used for agriculture.

Wal-Mart Corporation supplies the majority of its goods to its retail stores through regional distribution centers. A number of Wal-Mart stores are located throughout the central San Joaquin Valley. Presently, the closest distribution centers are located in Red Bluff and Apple Valley, both of which are in California and located 250 miles and 306 miles, respectively, from Merced. This results in high transportation costs, including fuel consumption.



NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
3. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S RECORD DRAWINGS.
4. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL SURVEY DATA AND RECORD DRAWINGS.
5. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE RECORD DRAWINGS OR SURVEY DATA.
6. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE SITE PLAN MADE BY THE CLIENT OR OTHER THIRD PARTIES.
7. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COST INCREASES CAUSED BY THE CLIENT OR OTHER THIRD PARTIES.
8. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE RECORD DRAWINGS OR SURVEY DATA.
9. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE SITE PLAN.
10. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE RECORD DRAWINGS OR SURVEY DATA.

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	10/15/10	J. BURRESS	
2	ISSUED FOR CONSTRUCTION	11/15/10	J. BURRESS	
3	ISSUED FOR AS-BUILT	12/15/10	J. BURRESS	
4	ISSUED FOR RECORD	01/15/11	J. BURRESS	
5	ISSUED FOR FINAL	02/15/11	J. BURRESS	

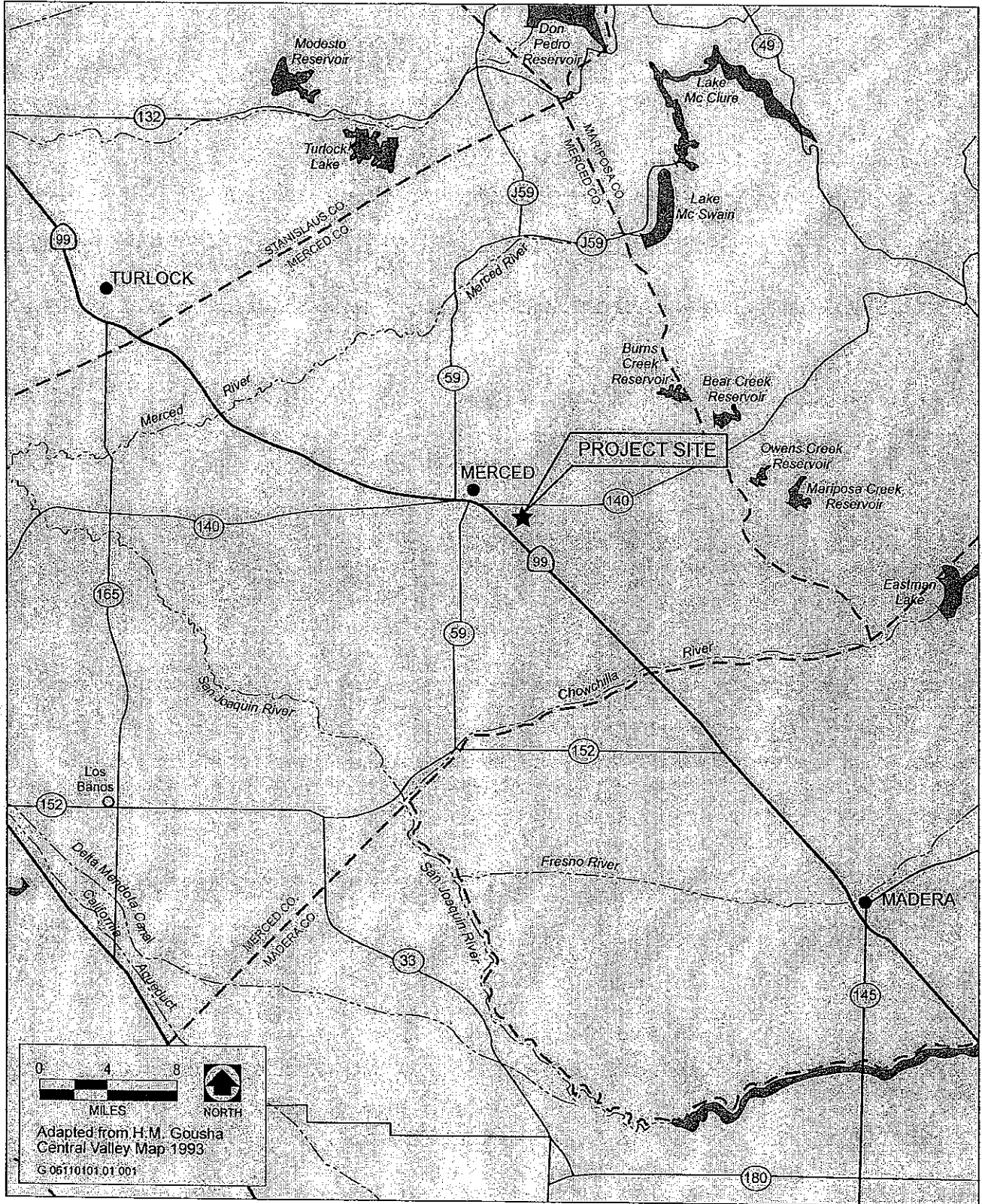
NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	10/15/10	J. BURRESS	
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3	ISSUED FOR AS-BUILT	12/15/10	J. BURRESS	
4	ISSUED FOR RECORD	01/15/11	J. BURRESS	
5	ISSUED FOR FINAL	02/15/11	J. BURRESS	

Exhibit 3-1

Project Information
EDAW

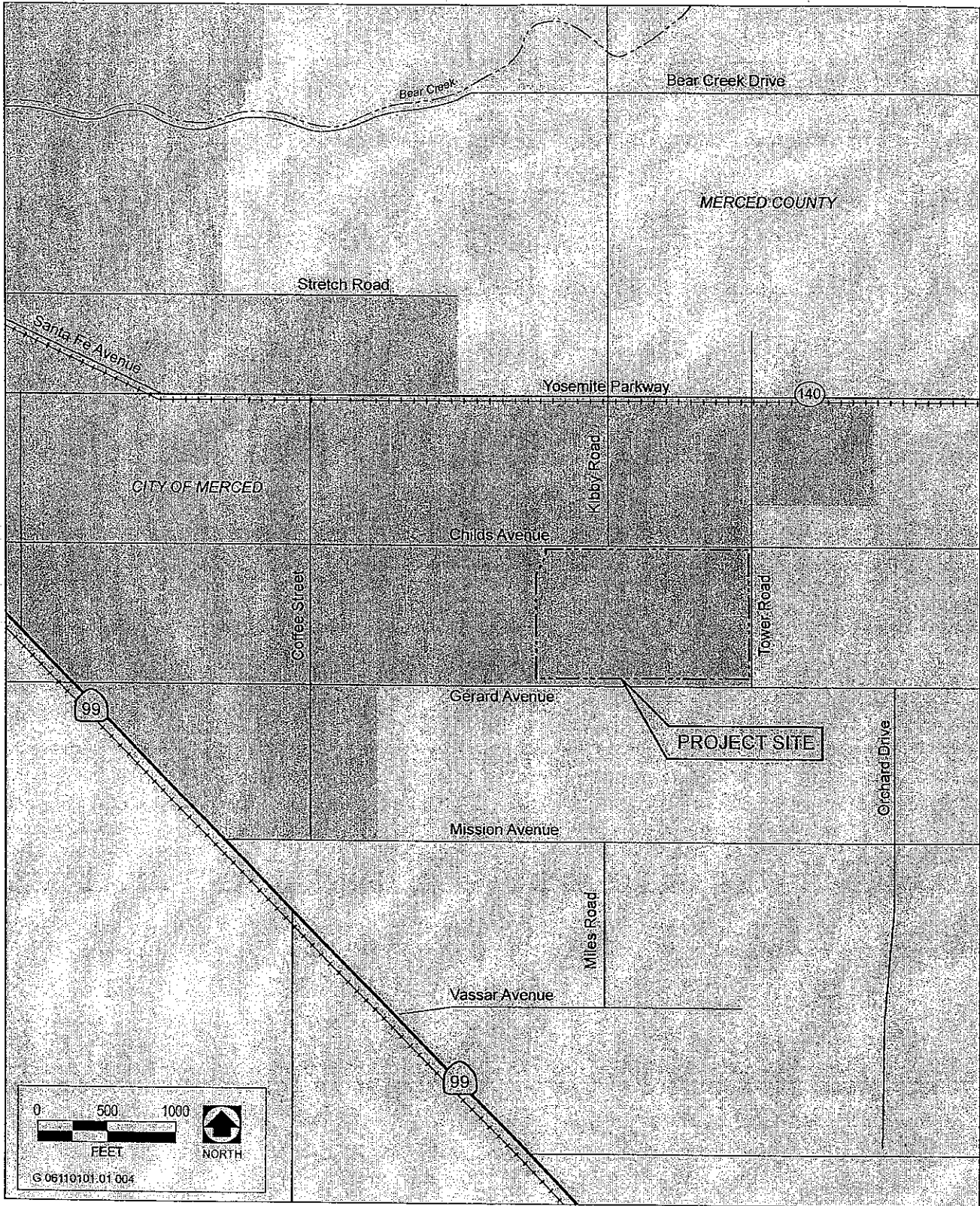
Proposed Project Site Plan

Merced, Walmart Distribution Center DEIR
City of Merced



Regional Location Map

Exhibit 3-2



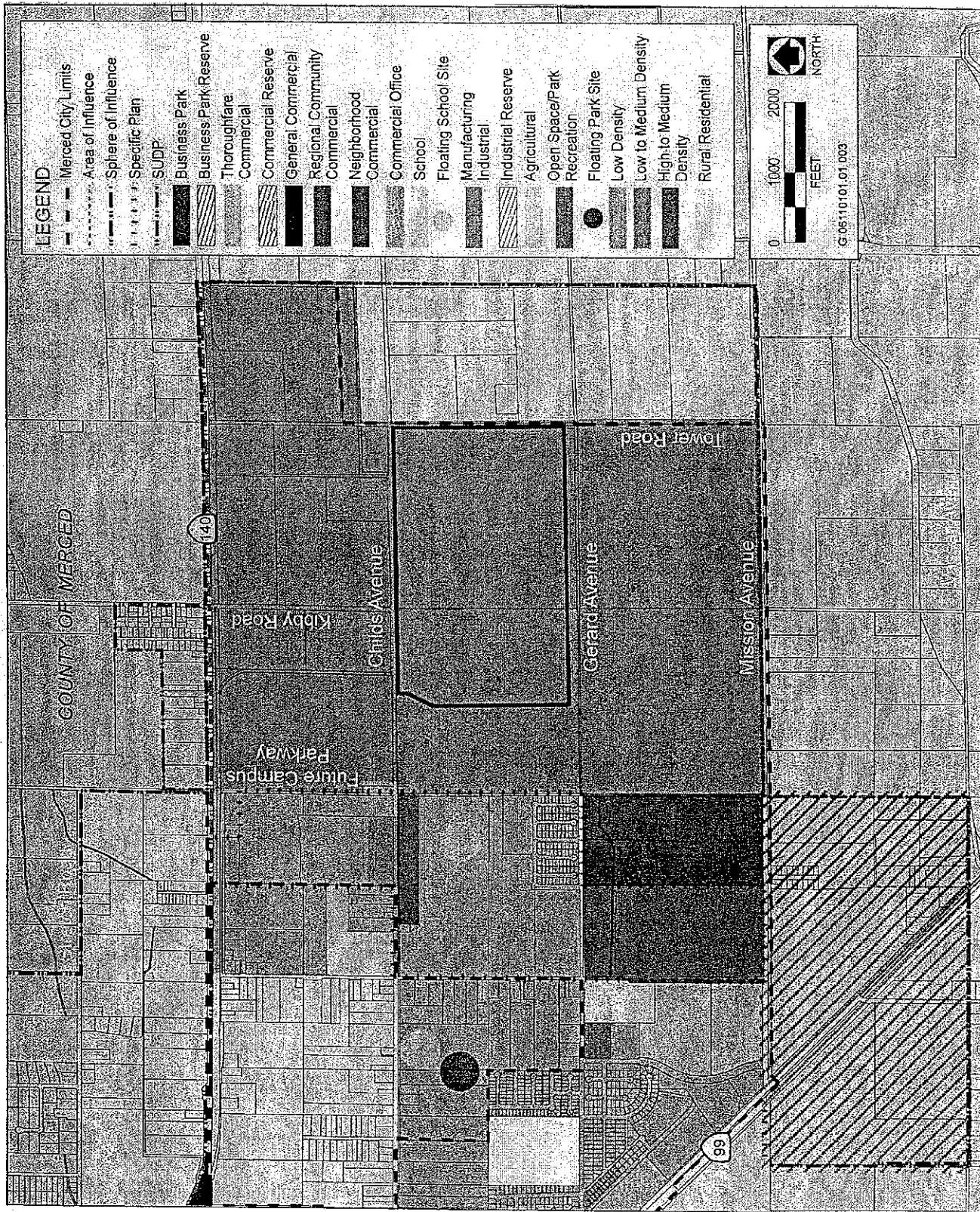
Local Vicinity Map

Exhibit 3-3



Aerial Photo of Project Vicinity

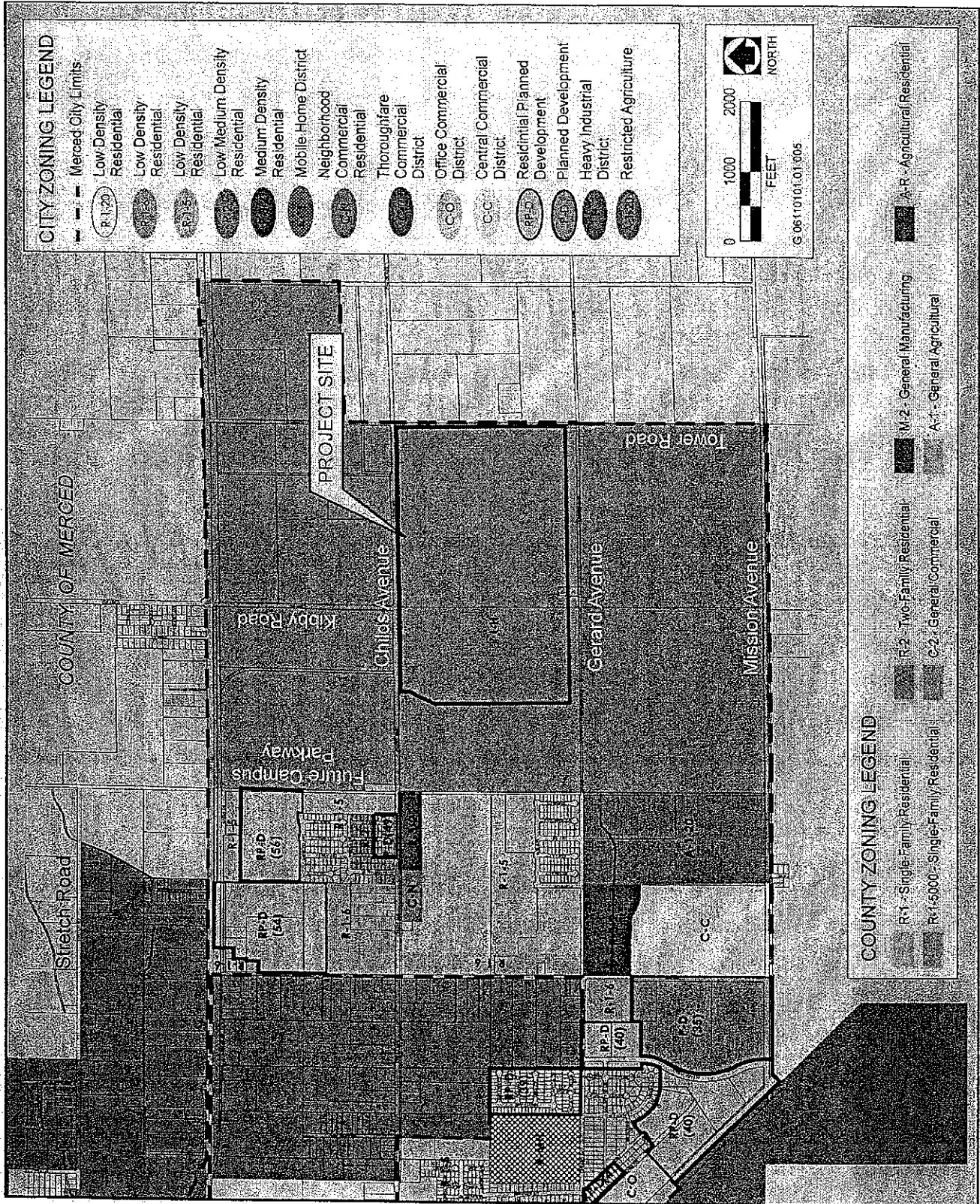
Merced Wal-Mart Distribution Center DEIR
City of Merced



Source: Merced County Association of Governments 2004

General Plan Designations

Exhibit 3-5



Source: Merced Data Special Services, Inc. 2003

Zoning Designations

Exhibit 3-6

The project applicants conducted an extensive siting study that resulted in selection of the site for the proposed project. This site was selected for multiple reasons, including the following: The site's industrial zoning and proximity to other industrial uses; Merced's strategic location among the Central Valley's large urban centers and smaller urban and rural markets; the site's sufficient size to convey the needed building and parking space; the site's proximity to SR 99; the site's access via sufficient local roads to SR 99; the site's location allowing access to SR 99 and other highways without drivers having to drive semi-trucks through residential neighborhoods; the ability to construct sufficient access points on arterial roads adjacent to the site; and the location's proximity to the labor pool of Merced.

This EIR will "tier off" of the Merced General Plan EIR, which was adopted in 1997. The 1997 update of the Merced General Plan was the update at which the General Plan designation of Manufacturing Industrial was designated for the eastern portion (east of the Kibby Road right-of-way). The western portion (west of Kibby Road right-of-way) was designated for Industrial use at least as far back as the 1981 City General Plan.

The site is owned by Wal-Mart. The most recent owner of the site before the Wal-Mart Corporation was Lyons Investments, a California Limited Partnership.

3.6 PROJECT OBJECTIVES

The objectives of the proposed project include the following from the City of Merced and from the applicant:

3.6.1 CITY OBJECTIVES

- ▶ To develop the industrially zoned area in the City with permitted industrial uses.
- ▶ To locate industrial projects in areas with good access to major highway transportation links, and provide opportunities for buffers between industrial and non-industrially-related uses.
- ▶ To encourage development of industrial projects that will create jobs, including full-time, non-seasonal employment opportunities for local residents.
- ▶ To encourage development of projects that will contribute towards improving roadways adjacent to the proposed development site.
- ▶ To ensure that industrial areas are developed in an attractive manner.

3.6.2 APPLICANT OBJECTIVES

- ▶ To develop a project consistent with the City's General Plan and Zoning Ordinance.
- ▶ To develop a distribution/warehouse facility near other industrial uses.
- ▶ To construct and operate a distribution/warehouse facility in Merced County to take advantage of the strategic location between large urban centers and smaller urban and rural markets throughout the Central Valley in California.
- ▶ To construct a distribution/warehouse facility on a site sufficiently large (a minimum of 230 acres) to allow necessary building space and parking for trucks and employees.
- ▶ To construct a distribution/warehouse facility with sufficient space (approximately 1.2 million square feet) to allow operational efficiency and adequate distribution of goods to stores in a broad geographic area in California.
- ▶ To locate a distribution/warehouse facility with access to a regional roadway network including interstate, state and regional roads.
- ▶ To locate a distribution/warehouse facility in an area well served by major local thoroughfares in order to minimize truck traffic traveling through residential neighborhoods.
- ▶ To develop a site plan with access points on main thoroughfares in order to minimize traffic impacts on residential streets.
- ▶ To provide sufficient parking for trucks and employees in order to minimize impacts to the surrounding area.
- ▶ To take advantage of an existing labor pool living in the Merced area.

The alternatives analysis in Section 4.0 of this EIR uses the project objectives as its starting point. As required by CEQA, this EIR is required to analyze only those alternatives that can feasibly attain most of the project objectives.

3.7 PROJECT ELEMENTS

3.7.1 BUILDINGS AND OPERATIONS

The primary building on the site is the approximately 1.1 million square foot regional distribution warehouse. The warehouse is primarily a materials handling operation. The facility would not handle groceries, such as fruit, vegetables, dairy products, bakery goods, and meat. There would also be warehouse support space to house

administrative offices, the data processing center, and a cafeteria. Other internal office/support areas for administrative uses include an electric forklift battery charging/maintenance area and an aerosol product storage area. There would be approximately 37,000 square feet of office/support areas within the warehouse. An emergency generator would be located outside, near the warehouse. The generator would have an approximately 500-gallon aboveground diesel fuel tank.

The proposed site plan (Exhibit 3-1) includes the warehouse with related administrative and support functions, truck maintenance, fueling, fire pump house, truck gate and aerosol storage (located within the warehouse). All buildings would be single-story and constructed of pre-engineered steel components with metal panels. Maximum building height is proposed to be 40 feet above the finished floor level. On three sides of the building the finished floor would be four feet above finished grade. The main office floor would be at finished grade level.

The 17,000-square foot truck maintenance building would be used for routine maintenance of tractor/trailers serving the facility. The building would include a wash bay for trucks and trailers, service bays, break rooms, offices, storage rooms and restrooms. The truck maintenance equipment includes underground storage tanks near the building as follows: new oil storage tank (6,000 gallon capacity) and waste oil storage tank (2,500-gallon capacity). Additionally, a fuel dispensing station with two 20,000-gallon diesel fuel underground storage tanks is proposed for trucks using the distribution center.

The 1,600-square foot fire pump house will house the primary and stand-by fire pumps serving the building fire sprinkler systems and site fire hydrants. The primary fire pump is electric motor-driven and the stand-by pump is diesel engine-driven. There will be an aboveground diesel fuel storage tank located inside the fire pump house for the stand-by pump with a capacity of approximately 500 gallons. Adjacent to the fire pump house will be two 300,000-gallon steel aboveground water storage tanks. The tanks would be directly connected to the fire pumps to serve as their water source.

The truck gate would be located on the truck driveway serving the site and would contain workspace for two security officers as well as a storage closet and a restroom. This would involve approximately 500 square feet of building floor space.

3.7.2 LANDSCAPING AND LIGHTING

Site lighting would consist of pole-mounted metal halide lamps located approximately 45 feet above the ground surface. The lighting is designed so that light does not cross the property boundaries except possibly at roadway intersections. The lighting is designed for an average lighting level of 0.5 foot candles and has not been designed based on a uniformity ratio. To design based on a uniformity ratio would require more lamps than would be provided for the site. Landscaping would be provided for the public road improvements, as required by local

ordinance. Onsite landscaping would be minimal, and is not planned to be provided within any of the proposed parking areas. There would be security fencing surrounding the buildings, parking areas, and driveways.

3.7.3 ROADWAYS AND PARKING

The site would be served via two driveways connected to Gerard Avenue. One driveway is dedicated to employee traffic and the other driveway is dedicated to tractor/trailer traffic. The tractor/trailer driveway and parking area would be secured by the truck gate and by a 6-foot high chain link fence with 3 strands of barbwire. The site would have approximately 650 (initial) and 850 (ultimate) employee parking spaces, 1300 (initial) and 1600 (ultimate) tractor/trailer parking spaces, 200 (initial) and 300 (ultimate) tractor/trailer parking spaces, and 300 dock doors. There would be approximately 70 acres of pavement, in addition to the area covered by buildings.

3.7.4 PUBLIC UTILITIES AND SERVICES

The City of Merced provides wastewater, water, storm drainage, solid waste disposal, street maintenance, fire service, and police service to the project site. Either Pacific Gas and Electric (PG&E) or Merced Irrigation District (MID) can provide electricity to the site. PG&E would provide natural gas service. AT&T (formerly SBC) would provide telephone service to the site, and Comcast would provide cable television service. The project site is within the Weaver Union Elementary School District (Grades K-8) and the Merced Union High School District (Grades 9-12), although because it includes no residential uses, neither of these districts would directly serve the proposed project.

The site would be served by a series of storm water management detention ponds. These ponds and associated drainage control structures are designed to accommodate impervious area storm water runoff such that system discharge flow rates would be equal to or less than pre-development flow rates for equivalent events.

3.7.5 EMPLOYMENT

The facility would become fully operational approximately three years after opening. Once fully operational, the facility would employ approximately 1200 employees. The facility would operate 24 hours per day continuously throughout the year.

Based on the proportions of employees in different positions and shifts at an analogous Wal-Mart Distribution Center in Apple Valley in San Bernardino County, the following estimates were made based on the assumption that the project would employ approximately 1200 employees. Table 3-1 shows the number of employees total by department and title. Table 3-2 shows the number of employees on each shift.

Table 3-1 Employees by Title and Division	
Title/Division	Number of Employees
Drivers in Transportation	150
Associates in Transportation	64
Associates in Other Departments	986
Total Employees	1200

Table 3-2 Number of Employees by Shift	
Shift	Number of Employees
Tuesday-Friday 5:30 AM-4:00 PM	359
Tuesday-Friday 4:00 PM-2:30 AM	255
Tuesday-Friday 9:00 PM-7:30 AM	19
Saturday-Monday 5:30 AM-4:00 PM, plus another designated six-hour day	282
Saturday-Monday 4:00 PM-2:30 AM, plus another designated six-hour day	272
Saturday-Monday 9:00 AM-2:30 AM, plus another designated six-hour day	13
Total Employees	1200

3.7.6 CONSTRUCTION SCHEDULE

Construction is proposed to start in Spring 2007 and is planned to take 12 months for completion.

3.8 PROBABLE ENVIRONMENTAL EFFECTS

3.8.1 VISUAL RESOURCES AND NIGHTTIME LIGHTING

The largely undeveloped project site is readily visible from adjoining roadways, including Childs, Tower, and Gerard roads. It would also be visible from the proposed Campus Parkway. Development would result in a significant change in the appearance of the site, from views of orchards and agricultural fields to views of warehouse buildings, parking lots, and vehicles. Due to the development of buildings on the site, some vantage points through the site with its existing open fields may no longer provide views through the site. According to the conceptual plans, the maximum building height would be 40 feet above the finished floor level. On three sides of the building the finished floor would be four feet above finished grade. The main office floor would be at finished grade level. The large expanses of wall area would result in building elevations that are readily visible from beyond the site. In addition, building-mounted and pole-mounted lights are proposed to accommodate the 24-hour per day operating schedule.

The EIR will evaluate the extent of visibility of the proposed project from surrounding, sensitive, public viewpoints. Potential impacts resulting from light and glare emanating from the proposed facilities will be assessed qualitatively.

The EIR will analyze the project with respect to how it would comply with existing and proposed design guidance of the City, with a focus on general urban design issues such as land use transitions, and issues of bulk, height, setbacks, etc. The EIR will discuss these issues in the context of whether the proposal conforms to the context in which it is located.

3.8.2 AGRICULTURE

The project would convert land historically used for agriculture to industrial use; this land is designated for urban use (Manufacturing Industrial) by the City of Merced General Plan and is zoned for urban uses (Heavy Industrial) by the Zoning Ordinance. Land adjacent to the site to the north, west, and south is also designated for urban uses, but is presently in agricultural use. Existing agricultural resources on the project site and in the surrounding vicinity will be analyzed in the EIR, including the types of farming activities and description of on-site soils that are suitable for farming activities based on the Farmland Mapping and Monitoring Program. Implementation of the project would result in the direct conversion of agricultural land and former orchard to non-agricultural uses. The analysis will focus on impacts associated with the conversion of Farmland, and the potential for the project to conflict with or induce conversion of other area agricultural uses. The presence of the proposed project has the potential to facilitate the conversion of nearby agricultural lands to non-agricultural use due to the land use incompatibility factors that arise between adjacent urban and agricultural uses. This issue will be addressed in the EIR.

3.8.3 AIR QUALITY

The majority of the ground surface of the site will be disturbed during site development activities. The project will result in dust and exhaust emissions during the construction phase, and long-term use of the project will result in vehicle emissions by tractor/trailers and project employees. Moreover, both short-term (construction) and long-term (operational) air quality emissions will contribute to cumulative air quality impacts already present in the San Joaquin valley. This issue will be addressed in the EIR.

3.8.4 BIOLOGICAL RESOURCES

As noted above, the majority of the site will be graded during site development activities. This will result in the removal of grasses, shrubs, and trees, thus displacing various animals that may live on the site. A segment of a canal managed by MID is located to the west of the site and drainage ditches are located on some of the site's edges. The site is not expected to provide suitable habitat for any special-status plant species, but a determinant-

level biological analysis will be required to ascertain the presence or potential occurrence of special-status animal species. Agricultural land in this region of Merced County can provide important foraging habitat for Swainson's hawk, a species which is known to nest in the project area, and is potential habitat for burrowing owl. There are no Waters of the U.S. on the property, but the potential for wetlands that provide habitat for special-status species will be analyzed in the EIR.

3.8.5 CULTURAL RESOURCES

Based on preliminary research, no cultural resources have been found on site, but as is the case throughout much of central California, ground disturbance could reveal the presence of undiscovered historic and prehistoric resources on the site. This issue will be addressed in the EIR.

3.8.6 GEOLOGY AND SOILS

Near surface soils exhibit a high potential for expansion. The potential for at least one major earthquake within the project's lifetime is high. Liquefaction potential is expected to be moderate on parts of the site. Moisture movement may affect concrete slabs used for the buildings without appropriate mitigation. Significant quantities of earth are proposed to be moved to develop the site. This creates a potential for erosion-related effects. Particular attention will be given to the potential for air- or water-borne earth that is disturbed during the site development process to enter the nearby Merced Irrigation District canal or local drainage ditches and to be transported to other water bodies. Paleontology resources are known to occur in the Central Valley and may be present at the project site. These issues will be addressed in the EIR.

3.8.7 HAZARDS AND HAZARDOUS MATERIALS

A Phase 1 environmental site assessment conducted for the site did not reveal evidence of hazardous materials contamination on or adjacent to the site, but the site does potentially include pesticide residue in the soil from agricultural use. There is a well on site which has a potential for adverse impacts if not removed or filled in a proper manner. These issues and hazards related to the electric power lines on the edge of the site will be addressed by the EIR. Also, on an ongoing basis the project would have one 6,000-gallon new oil tank, one 2,500-gallon waste oil tank, and two 20,000-gallon diesel underground storage tanks and two above-ground 500-gallon diesel storage tanks, as well as a variety of potentially hazardous household chemicals that are stored in the warehouse before being distributed to retail outlets. The potential for these materials to be released to the environment will be evaluated.

3.8.8 SURFACE HYDROLOGY AND WATER QUALITY

The project would alter the ground surface and drainage patterns of the vast majority of the site. In addition to the area covered by buildings, there would be approximately 70 acres of pavement, for a total of 100 acres of impervious surface area. This increase in impervious surfaces would increase stormwater runoff patterns and volume. Also, it is possible that the construction and operation of the proposed project could adversely affect surface water or groundwater resources and groundwater quality due to the potential for infiltration of project runoff and possible leakage of underground storage tanks in the future. These issues will be analyzed in the EIR.

3.8.9 LAND USE

This proposed project, which is within the City limits of Merced, is proposed on approximately 230 acres of industrially zoned land that is zoned Heavy Industrial District (I-H) by the Zoning Code and designated by the Merced General Plan as Manufacturing Industrial for development of a warehouse and distribution center. The project abuts the unincorporated Merced County to the east. With regard to infrastructure, the proposed project is dependent upon and will utilize an extension of Campus Parkway and upgrades to certain existing roads. Water and wastewater infrastructure is present within adjoining streets and will be extended into the site.

The site adjoins a variety of land use types. The agricultural/residential land to the south is designated Manufacturing Industrial by the Merced General Plan, as are the agricultural lands to the west and partially developed lands to the north. The surrounding parcels within the city limits are zoned I-H. Lands approximately one-quarter of a mile west of the project site have been designated residential by the Merced General Plan; various residential zoning designations have been assigned to these parcels. The City's Sphere of Influence boundary is approximately one-quarter of a mile east of the project site. The unincorporated agricultural land to the east of the site on both sides of the Sphere of Influence boundary is designated A- Agricultural by the Merced County General Plan and is zoned A-1 General Agricultural by the County.

The EIR will examine the potential for land use incompatibilities based on the presence of different land uses.

3.8.10 NOISE

Short-term noise impacts would occur during site development and building construction activities as a result of heavy earthmoving equipment and the use of construction tools. Long-term noise impacts will result from trucks that visit the project and employees' motor vehicles, as well as noise from routine operations, such as HVAC units, and forklifts and landscape maintenance equipment used outside the building. When operational, the project is proposed to be operated 24 hours per day, seven days per week. The potential impacts of all-day, all-night traffic and industrial noise on nearby residences during a typical 24-hour period will also be addressed in the EIR.

3.8.11 POPULATION AND HOUSING

The project would create new employment opportunities, but no new housing units. The project's potential effect on the jobs/housing balance in the area is not known at this time, but will be analyzed as part of this EIR.

Unemployment is relatively high in the area, so the question of whether the project's new jobs would generate significant population increase is not known. This issue will be analyzed in the EIR. The EIR will also compare the amount and type of growth that would occur under the existing Merced General Plan land use designations.

3.8.12 PUBLIC SERVICES AND UTILITIES

The EIR will analyze whether the development of a warehouse and distribution center employing up to 1200 people may have impacts on the local provision of electricity and natural gas, water, wastewater treatment, fire protection and emergency services, recreation and parks, law enforcement, or other public services and utilities. Energy conservation practices will be addressed. As noted in Section 3.8.9, water and wastewater infrastructure is present within adjoining streets and will be extended into the site. The development of landscaped areas on the site may affect the City's water provision systems and the local supply of groundwater. The EIR will analyze whether this will have any significant affect on public services and infrastructure or plans for expansion of such.

3.8.13 TRAFFIC

The project is expected to accommodate up to 900 tractor/trailer trips per day (450 in and 450 out) and will employ up to 1200 people. The project will directly affect traffic on Campus Parkway, Gerard Avenue, and SR 99, as these will be the project's primary traffic route through the Merced area. The proposed project may also affect levels of traffic on the roads that connect the project area to State Highway 99, which are SR 140, Childs Avenue, and Mission Avenue. Other nearby streets that may be affected by project traffic include Coffee Street, Parsons Avenue, Baker Drive, Tower Road, and Kibby Road.

The project's connection to SR 99 is proposed via Campus Parkway at the new Mission Avenue interchange. Campus Parkway construction is planned to begin in March 2007 and be complete by November 2007. The Mission Avenue interchange is now under construction and slated to become operation in September 2007. The timing of completion of the interchange relative to opening of the proposed project will be assessed. The EIR will analyze potential effects on the roads and intersections described above and the rest of the street system, describing potential impacts with and without the new SR 99/Mission Avenue interchange, which is currently an at-grade intersection. The effect on traffic in the area as a whole upon the abandonment of the Kibby Road right-of-way between Childs Avenue and Gerard Avenue proposed as part of the project will also be addressed in the EIR. Project-related traffic impacts to nearby schools will also be discussed.

3.9 ENVIRONMENTAL ISSUES THAT WILL NOT BE ADDRESSED

The City has determined that the proposed project does not have the potential to create economic blight in existing developed areas beyond the project site. This determination is based on the fact that the proposed project will not be a retail outlet for goods and will not supply groceries to Wal-Mart retail outlets. Therefore, an analysis of the potential environmental impacts associated with blight will not be included in the EIR.

Notice of Completion & Environmental Document Transmittal

Appendix C

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Merced Wal-Mart Regional Distribution Center
Lead Agency: City of Merced
Mailing Address: 678 West 18th Street
City: Merced Zip: 95340
Contact Person: Kim Espinosa
Phone: (209) 385-6858
County: Merced

Project Location:
County: Merced City/Nearest Community: Merced
Cross Streets: Childs Avenue/Tower Road Zip Code: 95340
Assessor's Parcel No.: 061-250-035 and 061-290-047 Section: 34 and 35 Twp.: 7S Range: 14E Base: Mt. Diablo
Within 2 Miles: State Hwy #: SR 99 Waterways:
Airports: Railways: 2 Schools: 5

Document Type:
CEQA: [X] NOP [] Draft EIR [] Early Cons [] Supplement/Subsequent EIR [] Neg Dec (Prior SCH No.) [] Mit Neg Dec [] Other
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type:
[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[X] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other Site Plan Review and street abandonment

Development Type:
[] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[X] Industrial: Sq.ft. 1.1 mil. Acres 230 Employees 1200
[] Educational
[] Recreational
Total Acres (approx.) 230
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document:
[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [X] Soil Erosion/Compaction/Grading [X] Wildlife
[] Coastal Zone [X] Noise [X] Solid Waste [X] Growth Inducing
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Land Use
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [X] Cumulative Effects
[] Other

Present Land Use/Zoning/General Plan Designation:
The Project site is designated Manufacturing Industrial in the Merced General Plan and Heavy Industrial District (I-H) in the zoning ordinance.

Project Description: (please use a separate page if necessary)
Please see attachment (Notice of Completion page 3 of 3)

Reviewing Agencies Checklist

Appendix C, continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|---|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Caltrans District # 10 | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Regional WQCB # 5 (Central Valley) |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Native American Heritage Commission | |
| <input type="checkbox"/> Office of Emergency Services | |

Local Public Review Period (to be filled in by lead agency)

Starting Date July 7, 2006

Ending Date August 7, 2006

Lead Agency (Complete if applicable):

Consulting Firm: EDAW
Address: 2022 J Street
City/State/Zip: Sacramento, CA 95814
Contact: Randy M. Chafin, Principal
Phone: (916) 414-5800

Applicant: Wal-Mart Corporation, Inc.
Address: 2001 SE 10th Street
City/State/Zip: Bentonville, AR 72716
Phone: (479) 204-0861

Signature of Lead Agency Representative: _____ **Date:** _____

NOTICE OF COMPLETION PROJECT DESCRIPTION

The primary building on the site will be a 1.1 million square foot regional distribution warehouse, which will be primarily a materials handling operation whereby most goods typically are conveyed through the distribution center. The facility will not handle groceries, such as fruit, vegetables, dairy products, bakery goods, and meat. There will also be warehouse support space to house administrative offices, the data processing center, and a cafeteria. Other internal office/support areas for administrative uses include an electric forklift battery charging/maintenance area and an aerosol product storage area. Approximately 37,000 square feet of floor space will be devoted to office/support.

Also included are truck maintenance, fueling, fire pump house, truck gate and aerosol storage (located within the warehouse) facilities. All buildings will be single-story and constructed of pre-engineered steel components with metal panels. Maximum building height will be 40 feet above the finished floor level. On three sides of the building the finished floor will be four feet above finished grade.

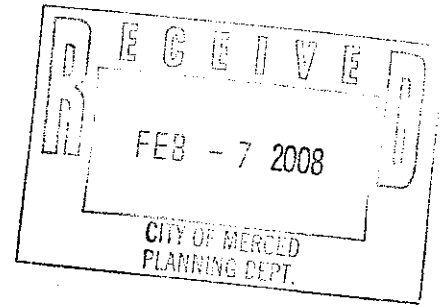
The 17,000 square foot truck maintenance building will be used for routine maintenance of tractor/trailers serving the facility. The building will include a wash bay for trucks and trailers, service bays, break rooms, offices, storage rooms and restrooms. The truck maintenance equipment includes underground storage tanks near the building as follows; new oil storage tank (6,000 gallon capacity) and waste oil storage tank (2,500 gallon capacity). Additionally, there is a fuel dispensing station with two 20,000-gallon diesel fuel underground storage tanks.

The site will be served via two driveways connected to Gerard Avenue. The site will have approximately 650 (initial) and 850 (ultimate) employee parking spaces, 1300 (initial) and 1600 (ultimate) trailer parking spaces, 200 (initial) and 300 (ultimate) tractor parking spaces and 300 dock doors.

The facility will become fully operational approximately three years after opening. Once fully operational, the facility will employ approximately 1200 employees. The facility will operate 24 hours per day continuously throughout the year.

February 3, 2008

City of Merced Planning and Permitting
678 West 18th Street
Merced CA 95340



Attention: Kim Espinosa, Planning Manager

Re: Wal-Mart Distribution Center

Dear Ms. Espinosa:

This letter is to request that the City of Merced provide me with copies of CEQA notices issued for the above-referenced project. This request is filed pursuant to Public Resources Code section 21092.2. The requested notices should be mailed to the following address:

Audrey Alorro
3312 Denver Way
Merced CA 95348

If you have any questions, please call 209/722-3264.

Thank you.

Audrey Alorro

Espinosa, Kim

From: Quintero, Frank
Sent: Monday, February 11, 2008 1:36 PM
To: Espinosa, Kim
Subject: FW: Mercedcan website

Frank Quintero
Development Manager
City of Merced
678 W. 18th Street
Merced, CA 95340
1-800-723-4788
(209) 385-6827
(209) 723-1780 F
www.cityofmerced.org

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

From: Marshall, Jim
Sent: Monday, February 11, 2008 9:55 AM
To: Proctor, Deneen
Cc: Quintero, Frank; Cahill, Bill
Subject: FW: Mercedcan website

for the record

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

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

From: Walker, Dawn **On Behalf Of** city, council
Sent: Wednesday, February 06, 2008 1:15 PM
To: Bill Spriggs (E-mail); Carlisle, John; Cortez, Joseph; Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Carlisle (E-mail); Lor, Noah; Marshall, Jim; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Noah Lor (E-mail); Reynolds, Nobie; Sanders, Jim; Spriggs, Bill
Cc: Marshall, Jim
Subject: FW: Mercedcan website

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: Bob Miknob [mailto:sayhey69@hotmail.com]
Sent: Friday, February 01, 2008 10:50 AM
To: city, council
Subject: Mercedcan website

2/11/2008

got this address from the Wal Mart website. Is it possible for the city to buy my house? The center is going to be close to me and I understand that we need the jobs, I just don't want to live next to the noise and smog and dont want it for my kids. Is there some way the city can buy my house so I can move over to the north side???? This may sound crazy but I'm serious!

Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

Espinosa, Kim

From: Lucas, Terri on behalf of planningweb
Sent: Thursday, January 10, 2008 8:19 AM
To: 'bemm@bxmercedandmariposainc.org'
Subject: RE: Wal-Mart Distribution Center

Thank you for your inquiry. You will be added to our mailing list for the Wal-Mart project.

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: bemm@bxmercedandmariposainc.org [mailto:bemm@bxmercedandmariposainc.org]
Sent: Wednesday, January 09, 2008 12:33 PM
To: planningweb
Subject: Re: Wal-Mart Distribution Center

I was just on your website so please add me to your mailing list for information on the Wal-Mart Distribution Center.

Thank You

Builder Exchange of Merced & Mariposa
PO Box 2224
Merced Ca 95344