

**MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD**

**AUGUST 21, 2008**

**MINUTES**

The regular meeting of the **MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD** held on Thursday, August 21, 2008, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 3:03 P.M.

**DIRECTORS PRESENT**

Kathleen Crookham  
Joan Faul  
Tommy Jones (arrived at 3:10 pm)  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

**DIRECTORS ABSENT**

Gurpal Samra

**OTHERS PRESENT**

Ken Baxter, Caltrans  
Cody Beard, SFSU Student  
Michaelangelo Bellusci, Innovative Seed, LLC  
Jesse Brown, MCAG staff  
Curtis Boyenga, Atwater Elementary  
Joshua Channell, CirclePoint  
Barbara Dutra, AESD School Board  
Matt Fell, MCAG staff  
Tom Gauthier, Lozano Smith  
Joy Gort, MCAG staff  
Tom Grave, Citizens Advisory Committee  
Robert Haden, Legal Counsel  
John Hall, AESD School Board  
Melinda Hennes, AESD  
Matt Hoffman, Hoffman Security  
Gloria Honey, AESD School Board  
John Hundley, AESD School Board  
Scott Johnston, Merced County Solid Waste  
Larnold Jones, Merced County Transit – "The Bus"  
Marjie Kirn, MCAG staff  
Robin Lamas, MCAG staff

Jerry Lawrie, Merced County Solid Waste  
Brandon Leppa, UC Merced Student  
Bill Machado, Innovative Seed  
Maureen McCorry, San Joaquin Et Al  
Lena Mendoza, AESD Trustee  
Kristina Meza, UC Merced Student  
Dino Migliazzo, Migliazzo and Sons Dairy  
Darlene Peters, Private Citizen  
Nick Robinson, Private Citizen  
Omar Salem, UC Merced Student  
Larry Shankland, Merced County Transit – “The Bus”  
Scott Steinwert, CirclePoint  
Candice Steelman, MCAG staff  
Matthew Tolbirt, Innovative Seed, LLC  
Ashley Thomsen, UC Merced Student

### **3. Public Comment**

Larry Shankland, Merced County Transit – “The Bus” stated that UC Merced has committed to joining the Transit Joint Powers Authority to do the shuttle to the campus proper starting Tuesday.

### **4. Minutes of the July 17, 2008 Merced County Regional Waste Management Authority Board meeting**

Director Faul moved to approve the minutes of the July 17, 2008 Merced County Regional Waste Management Authority Board meeting.

Seconded by Director Nelson.

**MOTION CARRIED UNANIMOUSLY.**

### **5. Public Hearing – Consider Revising the Solid Waste Facility Fee Schedule**

Jesse Brown gave a brief review of the Solid Waste Facility Fee Schedule. A Public Hearing is required to hear comments on the proposed Solid Waste Facility Fee Schedule.

Public Hearing opened – 3:06 pm

Public Hearing closed – 3:07

No comments received.

After a Public Hearing where no comments were received, Director O’Banion moved to adopt by Resolution the Revised Solid Waste Facility Fee Schedule as presented in Exhibit A.

Seconded by Director Kelsey.

Noes – Director Spriggs.

**MOTION CARRIED.**

**6. Fiscal Year 2007/08 Annual Report from the Merced County Regional Waste Management Authority**

So noted.

**THERE BEING NO FURTHER BUSINESS OF THE MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:12 P.M.**

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Robin Lamas  
Administrative Assistant II

**TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY**

**AUGUST 21, 2008**

**MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY** held on Thursday, August 21, 2008, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 3:12 P.M.

**DIRECTORS PRESENT**

Kathleen Crookham  
Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

**MEMBERS ABSENT**

Gurpal Samra

**OTHERS PRESENT**

Ken Baxter, Caltrans  
Cody Beard, SFSU Student  
Michaelangelo Bellusci, Innovative Seed, LLC  
Jesse Brown, MCAG staff  
Curtis Boyenga, Atwater Elementary  
Joshua Channell, CirclePoint  
Barbara Dutra, AESD School Board  
Matt Fell, MCAG staff  
Tom Gauthier, Lozano Smith  
Joy Gort, MCAG staff  
Tom Grave, Citizens Advisory Committee  
Robert Haden, Legal Counsel  
John Hall, AESD School Board  
Melinda Hennes, AESD  
Matt Hoffman, Hoffman Security  
Gloria Honey, AESD School Board  
John Hundley, AESD School Board  
Scott Johnston, Merced County Solid Waste

Larnold Jones, Merced County Transit – “The Bus”  
Marjie Kirn, MCAG staff  
Robin Lamas, MCAG staff  
Jerry Lawrie, Merced County Solid Waste  
Brandon Leppa, UC Merced Student  
Bill Machado, Innovative Seed  
Maureen McCorry, San Joaquin Et Al  
Lena Mendoza, AESD Trustee  
Kristina Meza, UC Merced Student  
Dino Migliazzo, Migliazzo and Sons Dairy  
Darlene Peters, Private Citizen  
Nick Robinson, Private Citizen  
Omar Salem, UC Merced Student  
Larry Shankland, Merced County Transit – “The Bus”  
Candice Steelman, MCAG staff  
Scott Steinwert, CirclePoint  
Matthew Tolbirt, Innovative Seed, LLC  
Ashley Thomsen, UC Merced Student

**7. Consent Agenda**

- a. Minutes of the July 17, 2008 Transit Joint Powers Authority for Merced County meeting
- b. Disadvantaged Business Enterprise (DBE) Annual Anticipated DBE Participation Level (AADPL) Transit Joint Powers Authority for Merced County “The Bus” – Merced County Transit

Director Pedrozo moved to approve the Consent Agenda.  
Seconded by Director O’Banion.

**MOTION CARRIED UNANIMOUSLY.**

**THERE BEING NO FURTHER BUSINESS OF THE TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:13 P.M.**

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Robin Lamas  
Administrative Assistant II

## **MCAG GOVERNING BOARD**

**AUGUST 21, 2008**

### **MINUTES**

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS GOVERNING BOARD** held on Thursday, August 21, 2008, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, California, was called to order by Chair Oliveira at 3:13 P.M.

#### **DIRECTORS PRESENT**

Kathleen Crookham  
Joan Faul  
Tommy Jones  
Deidre Kelsey  
Johnny Mays  
Mike Nelson  
Jerald O'Banion (left at 3:56 pm)  
Joe Oliveira  
John Pedrozo  
Bill Spriggs

#### **DIRECTORS ABSENT**

Gurpal Samra

#### **OTHERS PRESENT**

Ken Baxter, Caltrans  
Cody Beard, SFSU Student  
Michaelangelo Bellusci, Innovative Seed, LLC  
Jesse Brown, MCAG staff  
Curtis Boyenga, Atwater Elementary  
Joshua Channell, CirclePoint  
Barbara Dutra, AESD School Board  
Matt Fell, MCAG staff  
Tom Gauthier, Lozano Smith  
Joy Gort, MCAG staff  
Tom Grave, Citizens Advisory Committee  
Robert Haden, Legal Counsel  
John Hall, AESD School Board  
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Jerry Lawrie, Merced County Solid Waste  
Brandon Leppa, UC Merced Student  
Bill Machado, Innovative Seed  
Maureen McCorry, San Joaquin Et Al  
Lena Mendoza, AESD Trustee  
Kristina Meza, UC Merced Student  
Dino Migliazzo, Migliazzo and Sons Dairy  
Darlene Peters, Private Citizen  
Nick Robinson, Private Citizen  
Omar Salem, UC Merced Student  
Larry Shankland, Merced County Transit – “The Bus”  
Scott Steinwert, CirclePoint  
Candice Steelman, MCAG staff  
Matthew Tolbirt, Innovative Seed, LLC  
Ashley Thomsen, UC Merced Student

**8. Oral Report: Citizens Advisory Committee**

Tom Grave gave the Citizens Advisory Committee report.

**9. Consent Agenda**

- a. Minutes of the July 17, 2008 Governing Board meeting
- b. Pavement Management Annual Report - Final
- c. Annual Warrant Register July 2007 through June 2008 – Annual Report July 2007 – June 2008
- d. Social Services Transportation Advisory Council

Director Pedrozo moved to approve the Consent Agenda.  
Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

**10. Information Only**

- a. Minutes of the August 13, 2008 Technical Review Board meeting
- b. Bicycle Plan Update
- c. Release of California Department of Conservation (DOC) Funds
- d. County Wide Food Grading System
- e. California Transportation Commission 30<sup>th</sup> Anniversary Dinner

So noted.

**11. Oral Report - Caltrans**

Ken Baxter gave a brief report from Caltrans.

**12. One Voice 2008-2009 Timeline**

Candice Steelman gave a review of the One Voice timeline for the 2008-2009 year.

Director Nelson moved to approve the 2008-2009 One Voice timeline.

Seconded by Director Crookham.

**MOTION CARRIED UNANIMOUSLY.**

**13. Public Hearing – Regional Housing Needs Allocation Plan (RHNA)**

Matt Fell stated that MCAG is required by State law to periodically identify the existing and projected housing need for the Merced County region. The RHNA Plan must cover the planning period January 1, 2007 through June 30, 2014.

A Public Hearing is required to here comments on the RHNA Plan.

Public Hearing opened – 3:37 pm.

One comment heard – Maureen McCorry, Director, San Joaquin Et Al

Ms. McCorry submitted a written statement stating the noticing process and lack of availability of information critical to understanding the RHNA Plan report violates the Brown Act. Ms. McCorry stated MCAG did not make the board packets available, therefore the public hearing on this matter must be continued. She also requested the Governing Board file an extension from the Department of Housing and Community Development for the August 31, 2008 deadline, fundamentally revamp the assumptions and methodology used to create this report, and re-circulate a final draft that recognizes the very real housing and foreclosure crisis that is destroying our community.

Public Hearing closed – 3:43

After discussion by the Governing Board, Director Spriggs moved to adopt the “Merced County Regional Housing Needs Allocation Plan” by Resolution No. 2008/08-21-03 and authorize staff to submit the plan to the State Department of Housing and Community Development.

Seconded by Director O’Banion.

**MOTION CARRIED UNANIMOUSLY.**

**14. FY 2008-2009 Local Transportation Fund (LTF) Claims**

Director O'Banion moved to approve the Local Transportation Fund claims received by adoption of Resolution 2008/08-21-04.

Seconded by Director Crookham.

**MOTION CARRIED UNANIMOUSLY.**

**15. Los Banos Bypass – Program Change Request**

Matt Fell stated that staff has been working the Caltrans District 10 and the City of Los Banos to split the Los Banos Bypass project into fundable segments. Without the resourced to fund the entire project at one time, this approach is the best way to keep it moving forward.

A Program Change Request has been developed which spells out the change and the reasons for it. The Project Manager from Caltrans is seeking MCAG concurrence on the change so that it can be submitted to Caltrans Headquarters for approval.

Director Jones moved to concur with the proposed Program Change Request.

Seconded by Director O'Banion.

**MOTION CARRIED UNANIMOUSLY.**

**16. Atwater – Merced Expressway**

Jim Simms, Mark Thomas and Company, gave a power point presentation on the Atwater-Merced Expressway Project. The presentation gave the background of the project and comparisons on the preferred alternative alignments. Due to the purchase of land by the Atwater Elementary School District, which the preferred alignment 1B runs through, a revised 1B alternative is being researched.

Staff is recommending that this item be continued to permit further discussions with stakeholders in the project study area.

This item was opened for public comment. The following comments were heard:

Melinda Hennes – Atwater Elementary School District Superintendent – Asking for the opportunity to participate in a process working with MCAG and their consultants to insure both the Atwater-Merced Expressway and the schools come out winners. Please delay certification until the issues are resolved concerning the Atwater-Merced Expressway.

Barbara Dutra – Atwater Elementary School District Board Member – I'm here to make sure MCAG understands the selection of a school site is a very time consuming process . The district entered into the purchase of the school site with good faith and with full disclosure to the local agencies. Both the Atwater City Council and the County Board of Supervisors, along with MCAG were served with official notices. No comments were received at that time about the location of the selected school site with regards to the future expressway.

Nick Robinson – On behalf of the Merced Stop Wal-Mart Action Team – Since the end of the AME draft EIR comment period on May 3<sup>rd</sup> the State has further clarified its intentions in enforcing AB32 to fight climate change. We have three comments on the draft EIR:

- 1) The EIR does not account for increased traffic generated by the expressway and that the equitable climate change analysis is incomplete,
- 2) The Expressway conflicts with policies in the City of Merced General Plan meant to curb sprawl and preserve ag land and open space.
- 3) 1B realignment – would suggest a more health protective buffer for children who go to school.

Gloria Honey – Atwater Elementary School Board –Purpose is to impress upon the members of the MCAG that the school site selection process is lengthy, complex and very expensive. In short, it is in the best interest of MCAG and those supporting more rapid progress of the expressway to work with us and the CDE to come up with an alignment that is acceptable to the CDE for the school construction on the site already approved.

John Hundley – Atwater Elementary School District – Has concerns in regards to the inadequacies of the EIR regarding alignment 1B and the new preferred alternative. There seems to be a lack of understanding of the CDE and the public resources code regarding expressways adjoining school sites. Incomplete and vague descriptions of how mitigations will be funded are an issue for us.

Lena Mendoza – Atwater Elementary School District - Expressed concerns with student health and safety and the Atwater Merced Expressway proximity. Public resources code specifically addresses the proximity of a school site to a major roadway. Per the CDE no site will be approved by the CDE without at least a 500-foot distance between the school and the road.

John Hall – Atwater Elementary School Board – We understand and want the AME project to be done as it will benefit all of us but have concerns with the distance between the project and the school site. The project should not be approved without an adjustment to the alignment, which would constitute a significant change to the project. This should require a re-circulation of the EIR with the public having the right to provide comments on the change.

Curtis Boyenga – Atwater Resident – Concerned about the potential decision and its effects the AME would have on the children that would be going to the school on the site next to the 1B Alignment.

Tom Gauthier – Attorney for Atwater Elementary School District - We've distributed several written comment to the Board and have placed documents into the document basket that we would like entered into the records. Has concerns with consultation; we believe MCAG is required to consult with the school district under public resources code. That process hasn't happened yet. Has a concern with Alternate 1B. Has a concern with Alternate 1A or the new 1B being less than 500 feet from the proposed school. Changes

to the alignments will require changes to the EIR and re-circulation of that document will be needed.

Dino Migliazzo – Would like to go on record to say that he and his brother are in support of Alignment 1B.

Maureen McCorry – San Joaquin Et Al – Has concerns with the breakdown in communications between the public sector and MCAG in regards to the AME. Stated a continuance gives people a chance to step back and reflect on the issues. Has a concern on the process of issues with the AME.

Bill Machado – Innovative Seed – Stated they will do their part to make the AME project become a reality within five years if all parties can come together. Delays will make the project even more costly. The public and private sector can work together. He supports a 30-day talk period to reflect on what has been discussed today and to create the necessary bridges to come together for a mutual solution to benefit all of us.

Cody Beard - SFSU Student, also representing students from UC Merced and Merced College – They have concerns for opportunities and jobs that are available to graduate students once they complete their education. They feel the AME is a path to their future and are in support of the Expressway. It will provide great circulation as it connects 99 to Castle Air Force Base and then to UC Merced. This Expressway will attract companies that will provide jobs for the County.

Darlene Peters – Private Citizen – Is concerned with the selection of 1B as it looks like it goes straight through her home. She would like more definite information on where exactly the AME will be in relation to her house.

After all comments were heard Director Nelson moved to continue both the Atwater Merced Expressway Environmental Impact Report Certification and Preferred Alternative Selection for 30 to 60 days.

Seconded by Director Faul.

**MOTION CARRIED UNANIMOUSLY.**

## **17. Oral Report – Jurisdictions**

So noted.

**THERE BEING NO FURTHER BUSINESS OF THE MCAG GOVERNING BOARD  
THE MEETING WAS ADJOURNED AT 5:05 P.M.**

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Robin Lamas  
Administrative Assistant II