

NOTICE OF REGULAR MEETING
OF THE
TECHNICAL REVIEW BOARD

City of Merced
678 W. 18th Street
3rd Floor Conference Room
Merced, CA 95340

(209) 723-3153

WEDNESDAY, AUGUST 13, 2008 12:00 P.M.

1. INTRODUCTION

MEMBERS OF THE PUBLIC MAY ADDRESS ANY ITEM ON THE AGENDA DURING CONSIDERATION OF THAT ITEM.

2. ORAL COMMUNICATION

PERSONS WISHING TO ADDRESS AGENDA ITEMS OR COMMENT ON ANY ITEM NOT ON THE AGENDA MAY DO SO AT THIS TIME. COMMENTS ARE LIMITED TO THREE MINUTES PER PERSON. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

FOR ITEMS NOT ON THE AGENDA, NO ACTION WILL BE TAKEN AT THIS TIME. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR PLACED ON THE NEXT AGENDA.

COPIES OF STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO ITEMS OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS. PERSONS WITH QUESTIONS CONCERNING AGENDA ITEMS MAY CALL MCAG TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.

ITEM

STAFF

- * 3. **Minutes of the July 9, 2008 Technical Review Board meeting**

**MERCED COUNTY REGIONAL WASTE
MANAGEMENT AUTHORITY BOARD**

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

For information only.

- * # 5. **Consider Revising the Solid Waste Facility Fee Schedule**

Scott Johnston

Recommend the Merced County Regional Waste Management Authority Board adopt by Resolution the Revised Solid Waste Facility Fee Schedule as presented in Exhibit A.

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

Jesse Brown

For information only.

**TRANSIT JOINT POWERS AUTHORITY FOR
MERCED COUNTY**

- # 7. **Minutes of the July 17, 2008 Transit Joint Powers Authority for Merced County meeting**

For information only.

- * # 8. **Disadvantaged Business Enterprise (DBE) Annual Anticipated DBE Participation Level (AADPL) Transit Joint Powers Authority for Merced County “The Bus” – Merced County Transit**

Larry Shankland

Recommend the Transit Joint Powers Authority for Merced County adopt Resolution No. 2008/08-21-02 establishing the 2008/09 Fiscal Year Disadvantaged Business Enterprise Annual Anticipated DBE Participation Level of 1% for the Transit Joint Powers Authority for Merced County’s consolidated transit system, “The Bus” – Merced County Transit.

MCAG GOVERNING BOARD

9. Information/Discussion Only

- a. Minutes of the July 17, 2008 Governing Board meeting
- b. Bicycle Plan Update
- c. Release of California Department of Conservation (DOC) Funds

10. Caltrans Report

John Gedney

11. Oral Report - County Wide Food Grading System

Steve Rath

12. Local Development Fees Update

Matt Fell

For information only.

*** + 13. Pavement Management Annual Report – Final**

Matt Fell

Recommend the MCAG Governing Board accept the Pavement Management Annual Report.

*** # 14. One Voice 2008-2009 Timeline**

Candice Steelman

Recommend the MCAG Governing Board approve the 2008-2009 One Voice timeline.

*** # + 15. Regional Housing Needs Allocation Plan**

Matt Fell

Recommend the MCAG Governing Board 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.

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

Marjie Kirn

Recommend the MCAG Governing Board approve the Local Transportation Fund claims received by adoption of Resolution 2008/08-21-04.

* #

17. Atwater – Merced Expressway

Jesse Brown

Recommend the MCAG Governing Board:

- a. Certify the Atwater-Merced Expressway Final Environmental Impact Report as meeting the requirements embodied in the California Environmental Quality Act;
- b. Select Alternative 1B as the Atwater-Merced Expressway Project Alignment; and
- c. Transmit a request to the City of Atwater, City of Merced, and County of Merced to incorporate the selected alternative alignment into their respective General Plans.

18. Oral Report - Jurisdictions

* Action

Attachment

+ Enclosure

*The next Technical Review Board meeting will be held on Wednesday, September 10, 2008 at 12:00 p.m.
at County of Merced, 2222 M Street, Room 310, Merced, CA 95340*

TECHNICAL REVIEW BOARD MEETING

July 9, 2008

MINUTES

The regular meeting of the Technical Review Board, held at the City of Los Banos, 520 J Street, Los Banos, California, was called to order at 12:10 P.M.

MEMBERS PRESENT

Steve Rath, City of Los Banos
Margaret Silveira, City of Gustine
Dee Tatum, County of Merced
Charlie Woods, City of Atwater (for Greg Wellman)
Darrell Fonseca, City of Dos Palos
Dave Gonzalves, City of Merced (for Jim Marshall)

MEMBERS ABSENT

Richard Warne, City of Livingston

OTHERS PRESENT

Jesse Brown, MCAG staff
Paul Fillebrown, Merced County Public Works
John Gedney, Caltrans
Marjie Kim, MCAG staff
Scott Johnston, Merced County Solid Waste
Larry Shankland, Merced County Transit - "The Bus"
Larnold Jones, Merced County Transit - "The Bus"
Joy Gort, MCAG staff
Heather Hennes, MCEDCO
Robin Adam, Assemblymember Cathleen Galgiani
Cathleen Galgiani, Assemblymember

2. Oral Communication

Larry Shankland distributed a map of current bus routes.

3. Minutes of the June 11, 2008 Technical Review Board meeting

Dee Tatum moved to approve the minutes of the June 11, 2008 Technical Review Board meeting.

Seconded by Paul Fillebrown.

MOTION CARRIED UNANIMOUSLY.

MERCED COUNTY REGIONAL WASTE MANAGEMENT
AUTHORITY BOARD

4. Minutes of the May 15, 2008 Merced County Regional Waste Management Authority Board

So noted.

5. Announcement of a Grant Award for the Waste Tire Cleanup and Amnesty Event Program from the California Integrated Waste Management Board

So noted.

6. Preliminary Approval of the Regional Agency's 2006 Annual Report to the California Integrated Waste Management Board

So noted.

7. Set a Public Hearing for August 21, 2008 to consider adopting by Resolution the Revised Solid Waste Facility Fee Schedule

Charlie Woods moved to recommend the Merced County Regional Waste Management Authority Board set a Public Hearing for August 21, 2008 to consider adopting, by resolution, the Revised Solid Waste Facility Fee Schedule.

Seconded by Scott Johnston.

MOTION CARRIED UNANIMOUSLY.

8. Sagouspe Lease Agreement Termination

Steve Rath moved to recommend the Merced County Regional Waste Management Authority Board:

- a. Adopt Resolution No. 2008/07-17-02 authorizing termination of the lease with Jean Pierre Sagouspe, III and;
- b. Authorize the Executive Director of the Merced County Regional Waste Management Authority Board to sign the termination agreement.

Seconded by Dee Tatum.

MOTION CARRIED UNANIMOUSLY.

9. Recommend Candidates to the Integrated Waste Management Local Task Force

The Technical Review Board will submit candidates to Scott Johnston for membership in the Integrated Waste Management Local Task Force to the LTF Secretary for member categories: "City citizen at large" and "County citizen at large".

TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY

10. Authorize a New Five-Year Lease agreement with the City of Merced for Common Area at the Transportation Center

Dee Tatum moved to recommend the Transit Joint Powers Authority for Merced County approve the new lease agreement with the City of Merced for the period July 1, 2008 through June 30, 2013 at an amount not to exceed the rate agreed upon in the lease.

Seconded by Charlie Woods.

MOTION CARRIED UNANIMOUSLY.

11. Disadvantaged Business Enterprise (DBE) Goal FY 2008/09 – Merced County Transit

Charlie Woods moved to recommend the Transit Joint Powers Authority for Merced County adopt Resolution 2008/07-17-01 approving the FY 2008/09 Disadvantaged Business Enterprise Plan and Goal.

Seconded by Margaret Silveira.

MOTION CARRIED UNANIMOUSLY.

12. Oral Report – Ridership Statistics for FY 2007/2008

Larry Shankland distributed the Ridership Statistics for FY 2007/2008.

MCAG GOVERNING BOARD

13. Minutes of the June 19, 2008 Governing Board meeting

So noted.

14. Caltrans Report

John Gedney gave a brief report from Caltrans.

15. High Speed Rail Bond Act (AB 3034)

Cathleen Galgiani gave a status report of the High Speed Rail Bond Act.

Dave Gonzalves moved to recommend the MCAG Governing Board support the High-Speed Rail Bond Act (AB 3034).

Seconded by Paul Fillebrown.

MOTION CARRIED UNANIMOUSLY.

16. Oral Report - MCEDCO

Heather Hennes gave a report on services provided by MCEDCO with their main objective being outreach with a regional approach.

17. Merced Recycles Website

So noted.

18. Support Letters for UC Merced Medical School and AB 2188

Steve Rath moved to recommend the MCAG Governing Board:

- a. Sign and send the letter of support for the UC Merced Medical School and;
- b. Sign and send the letter of support for AB 2188

Seconded by Charlie Woods.

MOTION CARRIED UNANIMOUSLY.

19. “West Park” Notice of Preparation of Environmental Impact Report (EIR)

Matt Fell will submit a letter to each jurisdiction for review and comments.

So noted.

20. Proposed “San Joaquin Valley National Agricultural Goods Movement and Trade Corridor Program”

Darrell Fonseca moved to recommend the MCAG Governing Board approve the program concept.

Seconded by Charlie Woods.

MOTION CARRIED UNANIMOUSLY.

21. Status of PM-10 Conformity Budgets and the Impact on the Draft 2009 Federal Transportation Improvement Program (FTIP) and Draft 2009 Interim FTIP

Dee Tatum moved to recommend the MCAG Governing Board adopt the Final Draft 2009 Interim Federal Transportation Improvement Program by resolution.

Seconded by Margaret Silveira.

MOTION CARRIED UNANIMOUSLY.

22. Status of Regional Road Projects for Merced County

So noted.

23. Compensation Study

Charlie Woods moved to recommend the MCAG Governing Board:

- a. Approve the Compensation Study and Recommendations as prepared by Bryce Consulting effective August 1, 2008; and
- b. Approve the Federal Fair Labor Standards Act recommendations for “Exempt/Non-Exempt” designation of MCAG Job Classifications as prepared by Bryce Consulting effective August 1, 2008.

Seconded by Margaret Silveira.

MOTION CARRIED UNANIMOUSLY.

24. Pavement Management Annual Report - Draft

So noted.

25. Oral Report - Jurisdictions

So noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 1:50 P.M.

MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD

JULY 17, 2008

MINUTES

The regular meeting of the **MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD** held on Thursday, July 17, 2008, at the City of Livingston, Council Chambers, 1416 C Street, Livingston, California, was called to order by Chair Oliveira at 3:02 P.M.

DIRECTORS PRESENT

Joan Faul
Tommy Jones
Johnny Mays
Mike Nelson
Jerald O'Banion
Joe Oliveira
Bill Ingram, for Gurpal Samra (arrived 3:27 p.m.)
Bill Spriggs (arrived 3:17 p.m.)

DIRECTORS ABSENT

Kathleen Crookham
Deidre Kelsey
John Pedrozo

OTHERS PRESENT

Jesse Brown, MCAG staff
Tom Dumas, Caltrans
Matt Fell, MCAG staff
Scott Galbraith, MCEDCO
Robert Haden, Legal Counsel
Richard Jantz, CAC
Scott Johnston, Merced County Solid Waste
Larnold Jones, Merced County Transit – “The Bus”
Marjie Kirn, MCAG staff
Robin Lamas, MCAG staff
Ashley Leffard, MCEDCO
Bob Morrison, Consultant
Larry Shankland, Merced County Transit – “The Bus”
Candice Steelman, MCAG staff

3. Public Comment

None.

4. Information/Discussion Only

- a. Announcement of a Grant Award for the Waste Tire Cleanup and Amnesty Event Program from the California Integrated Waste Management Board
- b. Preliminary Approval of the Regional Agency's 2006 Annual Report to the California Integrated Waste Management Board

5. Minutes of the May 15, 2008 Merced County Regional Waste Management Authority Board meeting

Director Faul moved to approve the minutes of the May 15, 2008 Merced County Regional Waste Management Authority Board meeting.

Seconded by Director O'Banion.

MOTION CARRIED UNANIMOUSLY.

6. Set a Public Hearing for August 21, 2008, to Consider Adopting by Resolution the Revised Solid Waste Facility Fee Schedule

Director O'Banion moved to approve setting a Public Hearing for August 21, 2008 to consider adopting, by resolution, the Revised Solid Waste Facility Fee Schedule.

Seconded by Director Faul.

MOTION CARRIED UNANIMOUSLY.

7. Sagouspe Lease Agreement Termination

Director Faul moved to adopt:

- a. Resolution No. 2008/07-17-02 authorizing termination of the lease with Jean Pierre Sagouspe, III; and
- b. Authorize the Executive Director of the Merced County Regional Waste Management Authority Board to sign the termination agreement.

Seconded by Director Jones.

MOTION CARRIED UNANIMOUSLY.

THERE BEING NO FURTHER BUSINESS OF THE MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY BOARD, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:10 P.M.

/ s /

Robin Lamas
Administrative Assistant II

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: JESSE BROWN, EXECUTIVE DIRECTOR OF MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY

SUBJECT: CONSIDER REVISING THE SOLID WASTE FACILITY FEE SCHEDULE

At your July 17, 2008 meeting, the Merced County Regional Waste Management Authority Board (MCRWMA) approved a recommendation to set a public hearing date for August 21, 2008 to consider revising the Solid Waste Facility Fee Schedule according to Exhibit A (See Attachment 1).

This recommendation follows the May 19, 2008 meeting wherein the MCRWMA Board approved a recommendation to move forward with implementing a Solid Waste Facility fee increase according to Option 2 below and a 5.2% fee increase each fiscal year over a five fiscal year period, beginning on July 1, 2009.

TIP FEE INCREASE OPTION 2

Fiscal Year	08/09	09/10	10/11	11/12	12/13	13/14
Option #2	0%	5.2%	5.2%	5.2%	5.2%	5.2%

The public hearing has been duly noticed according to California Government Code Section 6066, in the Merced Sun Star on July 28, 2008 and August 4, 2008, and in the Los Banos Enterprise on August 1, 2008 and August 8, 2008.

REQUESTED ACTION

Recommend the Merced County Regional Waste Management Authority Board adopt by Resolution, the Revised Solid Waste Facility Fee Schedule as presented in Exhibit A.

Attachments: Exhibit A
Resolution No. 2008/08-21-01

ATTACHMENT 2

RESOLUTION NO. 2008/8-21-01

**RESOLUTION OF THE MERCED COUNTY REGIONAL WASTE MANAGEMENT
AUTHORITY BOARD AMENDING THE SOLID WASTE FACILITY FEE SCHEDULE
FOR THE SOLID WASTE ENTERPRISE**

WHEREAS, the Merced County Regional Waste Management Authority (Authority) is comprised of the cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced, and Unincorporated Merced County; and,

WHEREAS, the Merced County Regional Waste Management Authority Board is the governing body of the Authority; and,

WHEREAS, the Joint Powers Agreement (JPA) of the Authority designates the Authority the power to adopt fees for the Solid Waste Enterprise; and,

WHEREAS, pursuant to Public Resources Code section 40059, local agencies are authorized to set fees within their respective jurisdictions; and,

WHEREAS, the solid waste facility fee schedule for the Solid Waste Enterprise has been established to maintain the Solid Waste Enterprise as an unsubsidized operation; and,

WHEREAS, the issuance of Solid Waste Revenue Bonds in 2007 required the Authority to set rates sufficient to comply with a "Rate Covenant" of said Bonds; and,

WHEREAS, the Authority Board, at a regularly scheduled meeting held on May 14, 2008, reviewed and approved a motion to move forward with implementing a balanced solid waste facility fee schedule increase over a period of five fiscal years; and,

WHEREAS, a duly noticed and advertised public hearing was held by the Authority Board on August 21, 2008 at 3 PM to take public testimony regarding said solid waste facility fee schedule.

NOW, THEREFORE, BE IT RESOLVED, that the Merced County Regional Waste Management Authority Board approves and adopts the Solid Waste Facility Fee Schedule as indicated in the attached Exhibit A which is hereby made, by reference thereto, a part of this resolution.

The foregoing resolution was approved by the Merced County Regional Waste Management Authority Board on August 21, 2008 by _____ who moved its adoption, which motion was duly seconded by _____ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

Jesse Brown, Chief Executive Officer
Merced County Regional Waste Management
Authority

Joe Oliveira, Chairperson
Merced County Regional Waste
Management Authority Board

TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY

JULY 17, 2008

MINUTES

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY** held on Thursday, July 17, 2008, at the City of Livingston, Council Chambers, 1416 C Street, Livingston, California, was called to order by Chair Oliveira at 3:10 P.M.

DIRECTORS PRESENT

Joan Faul
Tommy Jones
Johnny Mays
Mike Nelson
Jerald O'Banion
Joe Oliveira
Bill Ingram, for Gurpal Samra (arrived 3:27 p.m.)
Bill Spriggs (arrived 3:17 p.m.)

MEMBERS ABSENT

Kathleen Crookham
Deidre Kelsey
John Pedrozo

OTHERS PRESENT

Jesse Brown, MCAG staff
Tom Dumas, Caltrans
Matt Fell, MCAG staff
Scott Galbraith, MCEDCO
Robert Haden, Legal Counsel
Richard Jantz, CAC
Scott Johnston, Merced County Solid Waste
Larnold Jones, Merced County Transit – “The Bus”
Marjie Kirn, MCAG staff
Robin Lamas, MCAG staff
Ashley Leffard, MCEDCO
Bob Morrison, Consultant
Larry Shankland, Merced County Transit – “The Bus”
Candice Steelman, MCAG staff

8. Consent Agenda

- a. Minutes of the May 15, 2008 Transit Joint Powers Authority for Merced County meeting

- b. Authorize a New Five-Year Lease Agreement with the City of Merced for Common Area at the Transportation Center

Director O'Banion moved to approve the Consent Agenda.

Seconded by Director Faul.

MOTION CARRIED UNANIMOUSLY.

9. Public Hearing – Disadvantaged Business Enterprise (DBE) Plan and Goal FY 2008/09 – Merced County Transit

Larry Shankland gave a brief review of the DBE Program. A Public Hearing is required to receive comments on the proposed plan and goal.

Public Hearing Open: 3:12

Public Hearing Closed: 3:13

No comments were received.

Director O'Banion moved to approve the adoption of Resolution 2008/07-17-01 approving the FY 2008/09 Disadvantaged Business Enterprise Plan and Goal.

Seconded by Director Jones.

MOTION CARRIED UNANIMOUSLY.

10. Comparative Ridership Statistics for “The Bus” – Merced County Transit 4th Quarter of FY 2007-2008 Compared to FY 2006-2007 and Year to Date Ridership for Both Fiscal Years

Larry Shankland stated that the ridership increase on “The Bus” was substantial and gave a brief review of the comparative ridership statistics.

So noted.

THERE BEING NO FURTHER BUSINESS OF THE TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY, THAT PORTION OF THE MEETING WAS ADJOURNED AT 3:16 P.M.

/ s /

Robin Lamas
Administrative Assistant II

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: ROBIN LAMAS, ADMINISTRATIVE ASSISTANT II

RE: DISADVANTAGED BUSINESS ENTERPRISE (DBE) ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL) – TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY – “THE BUS” - MERCED COUNTY TRANSIT

In July 2006, the Transit Joint Powers Authority of Merced County (TJPAMC) entered into a Disadvantaged Business Enterprise Race-Neutral Implementation Agreement with Caltrans. The updated Annual Anticipated DBE Participation Level (AADPL) is submitted to Caltrans at the beginning of the new fiscal year.

The amount of the Annual Anticipated DBE Participation Level (AADPL) is presented herein, in accordance with Title 49 of the Code of Federal Regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The Transit Joint Powers Authority for Merced County submits our AADPL information. We have established an AADPL of 1% for the Federal Fiscal Year 08/09, beginning on October 1, 2008, and ending on September 30, 2009.

REQUESTED ACTION

Recommend the Transit Joint Powers Authority for Merced County adopt Resolution No. 2008/08-21-02 establishing the 2008/09 Fiscal Year Disadvantaged Business Enterprise Annual Anticipated DBE Participation Level of 1% for the Transit Joint Powers Authority for Merced County’s consolidated transit system, “The Bus” – Merced County Transit.

Attachments: Resolution 2008/08-21-02

RESOLUTION NO 2008/08-21-02

**RESOLUTION OF THE TRANSIT JOINT POWERS AUTHORITY FOR
MERCED COUNTY ADOPTING THE 2008/09 FISCAL YEAR
DISADVANTAGED BUSINESS ENTERPRISE ANNUAL ANTICIPATED DBE
PARTICIPATION LEVEL (ADDPL) OF 1%**

WHEREAS, the Federal Transit Administration (FTA) requires that a Disadvantaged Business Enterprise Annual Anticipated DBE Participation Level (AADPL) goal must be adopted annually;

NOW, THEREFORE, BE IT RESOLVED by the Transit Joint Powers Authority for Merced County, that of any United States Department of Transportation funds used for contract services, it will assure that minority and women owned businesses, otherwise know as Disadvantaged Business Enterprises, shall have the opportunity to participate to the maximum extent feasible in all required aspects of procurement and contracting in accordance with 49 CFR Part 26 and other applicable statutes, regulations and executive orders.

BE IT FURTHER RESOLVED that an Annual Anticipated DBE Participation Level (AADPL) goal of 1% is hereby established for the Transit Joint Powers Authority for Merced County's consolidated transit system, "The Bus" – Merced County Transit for the 2007/2008 Fiscal Year.

The foregoing resolution was approved at the regular meeting of the Transit Joint Powers Authority for Merced County on August 21, 2008, by _____ who moved its adoption, which motion was duly seconded by _____, and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Jesse B. Brown, Executive Director
Merced County Association of
Governments

Joe Oliveira, Chair
Merced County Association of
Governments

MCAG GOVERNING BOARD

JULY 17, 2008

MINUTES

The regular meeting of the **MERCED COUNTY ASSOCIATION OF GOVERNMENTS GOVERNING BOARD** held on Thursday, July 17, 2008, at the City of Livingston, Council Chambers, 1416 C Street, Livingston, California, was called to order by Chair Oliveira at 3:16 P.M.

DIRECTORS PRESENT

Joan Faul
Tommy Jones
Johnny Mays
Mike Nelson
Jerald O'Banion
Joe Oliveira
Bill Ingram, for Gurpal Samra (arrived 3:27 p.m.)
Bill Spriggs (arrived at 3:17 p.m.)

DIRECTORS ABSENT

Kathleen Crookham
Deidre Kelsey
John Pedrozo

OTHERS PRESENT

Jesse Brown, MCAG staff
Tom Dumas, Caltrans
Matt Fell, MCAG staff
Scott Galbraith, MCEDCO
Robert Haden, Legal Counsel
Richard Jantz, CAC
Scott Johnston, Merced County Solid Waste
Larnold Jones, Merced County Transit – “The Bus”
Marjie Kirn, MCAG staff
Robin Lamas, MCAG staff
Ashley Leffard, MCEDCO
Bob Morrison, Consultant
Larry Shankland, Merced County Transit – “The Bus”
Candice Steelman, MCAG staff

At this time staff requested adding an emergency item to the agenda as staff had received information on a National Rural Transportation Peer Learning Conference that needed to be addressed at this meeting.

Director Jones moved to add Item 20c to the MCAG Governing Board Agenda.
Seconded by Director Faul.
MOTION CARRIED UNANIMOUSLY.

11. Oral Report: Citizens Advisory Committee

Richard Jantz gave the Citizens Advisory Committee report.

12. Recognition of Service – Director Nelson

Chair Oliveira recognized Director Nelson for his service as Past Chair of the MCAG Governing Board.

13. Consent Agenda

- a. Minutes of the June 19, 2008 Governing Board meeting
- b. High-Speed Rail Bond Act (AB 3034)
- c. Support Letters for UC Merced Medical School and AB 2188
- d. Proposed “San Joaquin Valley National Agricultural Goods Movement and Trade Corridor Program”
- e. Status of PM-10 Conformity Budgets and the Impact on the Draft 2009 Federal Transportation Improvement Program (FTIP) and Draft 2009 Interim FTIP

Director O’Banion moved to approve the Consent Agenda.
Seconded by Director Faul.
Noes – Director Jones, Director Spriggs
MOTION CARRIED.

14. Information Only

- a. Minutes of the July 9, 2008 Technical Review Board meeting
- b. Merced Recycles Website
- c. Pavement Management Annual Report - Draft

So noted.

15. Oral Report - Caltrans

Tom Dumas gave a brief report from Caltrans.

16. City-County Congress Next Steps and MCEDCO Presentation

Scott Galbraith gave an in depth overview of MCEDCO’s services. A MCEDCO Activity Tracking handout was distributed showing a variety of steps that MCEDCO goes through in efforts to encourage economic development.

Jesse Brown gave a review of the City County Congress next steps. After discussion it was suggested that staff organize a roundtable discussion, to be held prior to the next City/County dinner, to discuss further economic development for Merced County. Scott Galbraith will be invited to attend this roundtable meeting.

Staff will research the date of the next City/County dinner and set up a meeting time and date.

17. SR 165 Project Study – Traffic Modeling Recommendations

Bob Morrison gave a review of the SR 165 Project Study – Traffic Modeling recommendations. He stated the purpose of the SR 165 staff report was to provide a project update to the Board and provide recommended action for the Board’s consideration.

Director O’Banion moved to approve staff recommendations as outlined in SR 165 Project Study – Traffic Modeling Report.

Seconded by Director Nelson.

MOTION CARRIED UNANIMOUSLY.

18. Atwater-Merced Expressway Update

So noted.

19. “West Park” Notice of Preparation of Environmental Impact Report (EIR)

Matt Fell stated that Stanislaus County issued a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the West Park Specific Plan. Since this major project would likely have some traffic impacts on Merced County and its communities, and it is unclear from the NOP if the EIR plans on detailing these impacts, MCAG is planning on commenting on this NOP.

20. Compensation Study

Director Faul moved to approve:

- a. The Compensation Study and Recommendations as prepared by Bryce Consulting effective August 1, 2008; and
- b. Approve the Federal Fair Labor Standards Act recommendations for “Exempt/Non-Exempt” designation of MCAG Job Classifications as prepared by Bryce Consulting effective August 1, 2008.

Seconded by Director Spriggs.

MOTION CARRIED UNANIMOUSLY.

20c. National Rural Transportation Peer Learning Conference

Marjie Kirn handed out an agenda and registration form to the Directors in case anyone was interested in attending the National Rural Transportation Peer Learning Conference. Approval is needed from the Board for staff to travel out of state.

Director Faul moved to approve out of state travel for one staff member and no more than five Directors to attend the National Rural Transportation Peer Learning Conference. Seconded by Director O'Banion.

MOTION CARRIED UNANIMOUSLY.

21. Oral Report – Jurisdictions

So noted.

**THERE BEING NO FURTHER BUSINESS OF THE MCAG GOVERNING BOARD
THE MEETING WAS ADJOURNED AT 4:23 P.M.**

/s/
Robin Lamas
Administrative Assistant II

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: ELLISA ROUGH, GRANT ANALYST

RE: BICYCLE PLAN UPDATE

The San Joaquin Valley is currently designated “serious” for Ozone and Particulate Matter (PM10) pollutants identifying the need to clean up the air quality. Bicycle commuting is a great avenue for local community members to contribute to better air quality by reducing vehicle emissions. Bicycling is a healthy recreational activity. To fund projects, local jurisdictions may choose to apply for grants.

Three of the major bicycle related grants available are Bicycle Transportation Account, REMOVE II and Recreational Trails Program grants. As most grants are not known for funding seven jurisdictions within one county’s requests for grant funding, MCAG will be researching other funding sources and grant opportunities for bicycle facilities.

Bicycle Transportation Account - BTA

The largest source of funding for bikeway projects is the Caltrans designated Bicycle Transportation Account (BTA). The BTA provides State funds for city and county projects that improve safety and convenience for bicycle commuters. In 2008 the BTA fund will provide \$7.2 million for eligible bikeway commuting projects.

BTA grant applicants are required to have an existing Bike Transportation Plan (BTP) that has been adopted no earlier than four years prior to July 1 of the fiscal year in which BTA funds are granted. Local agencies applying for 2008/09 BTA funds must have a BTP adopted by January 1, 2003 or later which comply with the Streets and Highways Code as well as the Regional Transportation Plan (RTP). Last year’s maximum grant amount was \$1,800,000 and required a 10% match. The maximum number of grants awarded per county last year was two.

Staff is currently working with the City of Dos Palos to create their BTP. Staff will be working with the cities of Gustine, Atwater, Merced and Merced County to update their plans in order to apply for the 2008/2009 funding cycle.

REMOVE II

The REMOVE II Program funded through the San Joaquin Valley Air Pollution Control District (SJVAPCD) provides incentives for specific projects that will reduce motor vehicle emissions within the District. The Bicycle Infrastructure Component provides incentives for Class I or Class II bicycle path construction. The purpose of this program is to assist with the development or expansion of a comprehensive bicycle transportation network. Residents of the San Joaquin Valley can utilize commuter bicycling as an alternative to daily vehicular travel. Therefore, the program serves to promote bicycling as a viable option of transportation for residents traveling short distances (less than five miles) to school, work and commercial sites. The maximum amount of REMOVE II funds is \$150,000 for Class I bike construction and \$100,000 for Class II Bicycle Lanes. No local match is required. No statistics on grant awards was available.

Recreational Trails Program - RTP

The Recreational Trails Program (RTP) provides funds annually for recreational trails and trails-related projects. It is administered at the state level by the California Department of Parks and Recreation (DPR). There is no minimum or maximum request limit. However, the maximum amount of RTP funds allowed for each project is 88% of the total project cost. The applicant is responsible for obtaining a match amount that is at least 12% of the total project cost. The focus of this grant is recreational. The maximum number of grants awarded per county was three.

DISCUSSION

Below for your review and comment is the updated Bike Plan Adoption Schedule Table which reflects the status of each jurisdiction's Bike Plan.

Bike Transportation Account (BTA) – Bike Plan Status by Jurisdiction				
	Adopted Caltrans	Adopted by Jurisdiction	Adoption/ Renewal Due	Status
City of Atwater	July 21, 2003	Jan 14, 2004	2008/2009	Needs Update
City of Dos Palos	July 21, 2003		2008/2009	Needs Update
City of Gustine	July 21, 2003	May 21, 2001	2008/2009	Needs Update
City of Livingston	Feb. 17, 2006	Nov 15, 2005	2009/2010	Current
City of Los Banos	Nov. 21, 2006	Nov 15, 2005	2011	Current
City of Merced	July 21, 2003	Nov 17, 2003	2008/2009	Needs Update
County of Merced	July 21, 2003	June 19, 2003	2008/2009	Needs Update

REQUESTED ACTION

For information only.

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: JENNIFER HALPIN, RECYCLING INFORMATION SPECIALIST

RE: RELEASE OF CALIFORNIA DEPARTMENT OF CONSERVATION (DOC) FUNDS

BACKGROUND

In March 2008, the California Department of Conservation (DOC) announced the availability of \$10.5 million for California cities and counties to fund beverage container recycling and litter abatement projects.

The deadline for the Funding Request Form (FRF) was June 30, 2008. Forms were approved upon submission.

Jurisdictions will receive their payments by July 31, 2008, if they submitted an FRF.

Each city is eligible to receive a minimum of \$5,000 or an amount calculated by the Department on a per capita basis, whichever is greater. Each county is eligible to receive a minimum of \$10,000 or an amount calculated by the Department on a per capita basis, whichever is greater. The amount is calculated based upon the population as of January 1, 2007, as stated in the Annual City/County Population and Housing Estimate Report submitted to the Governor by the California Department of Finance.

If a jurisdiction would like to know the amount they have received, or will be receiving, please contact the California Department of Conservation, sign in to your DOC account, or contact the MCAG Recycling Information Specialist at 209-723-3153 x 315.

The DOC funds must be used for programs that promote beverage container recycling or litter abatement. The goal of the Department's beverage container recycling program is to reach and maintain an 80 percent recycling rate for all California Refund Value (CRV) beverage containers – aluminum, glass, plastic, and bimetal.

Examples of what the funds can be used for:

Recycling and/or trash cans in areas prone to litter

Beverage container recycling cans and paper recycling bins for school programs
Park benches and/or tables made from recycled-content
Media to promote beverage container recycling and litter abatement
Maintenance and service of recycling drop off centers
T-shirts to promote a local school recycling club
Other creative ways to promote beverage container recycling in your area

REQUESTED ACTION

For information only.

Message

From Steve Rath, Los Banos City Manager

August 8, 2008

To: Technical Review Board, MCAG

**Subject: Merced County Food Program Ratings
and Inspection Procedures**

Folks,

The City of Los Banos has been meeting with Jeff Palsgaard, Director, Division Environmental Health to review the County's Food Program ratings and inspection procedures in an effort to update the process and better inform our citizens and visitors.

Currently food service businesses are rated either Good, Satisfactory or Unsatisfactory and results are posted on the County's web site.

To better serve our community and all of Merced County, We met with Jeff who has been extremely helpful and innovative. Attached for your consideration is a draft proposal for the Food Inspection Program that rates businesses as Good, Conditional or Closed. The proposed rating program includes a new category we believe all food service businesses will want to aspire to: Award of Excellence!

In addition to food inspection ratings being posted on-line, the City of Los Banos is asking that the County Ordinance be amended to require the business proprietor to post the Field Inspection Placard within five feet of the front door of the establishment to better inform our citizens and patrons.

Because any changes to the Ordinance will require a County wide effort, Jeff has agreed to attend the TRB meeting today to review the agenda item, answer any questions you may have and to seek direction from TRB members.

Thank you!

Steve

CC: Jeff Palsgaard, Director, Merced County Environmental Health Division

Draft Attachments:

Food Establishment Placard/Grading

Placarding System for Disclosure of Inspection Results

Food Establishment Placard/Grading

Purpose: To provide the public with easily accessible, simple to understand information on the cleanliness of food establishments and to increase compliance with food safety laws.

Background: At the present time, Merced County utilizes a food grading system which has the food inspection results posted on the Internet. Food establishments are categorized into “Good”, “Satisfactory” or “Unsatisfactory” categories and the inspection results are posted on the Internet. All facilities in California are required to post a sign indicating that a copy of the latest food inspection results are on-site and available for review, upon request.

The draft proposed program for consideration is very similar to Sacramento County’s food placard/grading program.

Proposed Food Placard/Grading Program

Pass/Good

A green pass placard is issued when no more than one major violation is observed. The major violation must be corrected or mitigated at the inspection. Minor violations must be corrected within the time frame indicated on the inspection report. A reinspection may be conducted if any of the violations are not permanently corrected in a timely manner.

Conditional Pass/Satisfactory

A yellow conditional pass placard is issued when two or more major violations are observed. These violations must be corrected or mitigated at the inspection. A reinspection will be conducted within 24-72 hours to ensure all major violations remain corrected. Minor violations are required to be corrected within the time frame indicated on the inspection report. If all major violations remain corrected during the reinspection, a green **Pass/Good** placard will be issued at the reinspection.

Closed

Imminent threat to health and safety such as no hot water, surfacing sewage, rodent/insect infestation, severe unsanitary conditions or power outage over an extended period of time.

Note:

Major violations are violations that pose an imminent risk to public health and warrant immediate closure of the food establishment or immediate correction (e.g. improper food holding temperatures, contaminated equipment, lack of hot water, etc.).

Minor violations are those that do not pose an imminent public health risk, but do warrant correction (e.g. dirty floor, lack of adequate lighting, improper labeling, etc.).

[Award of Excellence-Special Recognition of Exceptional Facilities](#)

In addition to the **Pass/Good** or **Conditional Pass/Satisfactory** categories, an “**Award of Excellence**” category will be created. This category will recognize food establishments with *exceptional* routine food safety and sanitation practices. The “**Award of Excellence**” will be given to those food facilities which achieved a **Pass/Good** rating with no major violations and less than four (4) minor violations for three (3) consecutive inspections.

Schedule of Actions

Completion Date

- | | | |
|----|---|----------------|
| 1) | Develop a draft “Food Grading Ordinance” and procedures for implementing the ordinance. | 9/1/08 |
| 2) | Discuss proposal with food industry. | 8/1/08-10/1/08 |
| 3) | Present the proposal for the Technical Review Board for review and comment. | 9/10/08 |
| 4) | Conduct westside and eastside workshops for public comment on the proposed ordinance. | 11/1/08 |
| 5) | The Board of Supervisors and each city would consider adoption of the food grading/placard ordinance. | 12/1/08-2/1/08 |

Other Options/Considerations for Food Facility Placard/Grading:

- 1) An “A”, “B” or “C” grading system. This is popular and has been utilized for many years in counties such as San Diego, Los Angeles and Riverside.
- 2) Some jurisdictions require that the inspection results be posted on-site (San Francisco).
- 3) Some jurisdictions give “Awards of Excellence” only, with no grades (Sonoma, Orange).
- 4) Some newspapers publish food establishment inspection results (Stanislaus County).
- 5) Many counties (e.g. Merced, Fresno, Los Angeles, Riverside, San Diego, etc.) currently post the results of food inspections on the Internet.

Note: In the 8 county Central Valley area, only Kern County has a food grading system which began in July 2007. Kern County utilizes an “A”, “B” or “C” food placard/grading system.

7/27/08

ITEM 12

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: MATT FELL, SENIOR PLANNER

RE: LOCAL DEVELOPMENT FEES UPDATE

Attached is a table summarizing local development fees. An earlier version was handed out at your June meeting.

This summary also includes updated fees proposed by the County of Merced but not yet adopted.

REQUESTED ACTION

For information only.

Attachment: Major / Capital Facilities Fees

ITEM 13

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: TY PHIMMASONE, PLANNER

RE: PAVEMENT MANAGEMENT ANNUAL REPORT - FINAL

Enclosed is the FINAL version of the Pavement Management Annual Report. This report includes estimates of additional repair and rehabilitation dollars apportioned to Merced County jurisdictions from the State Bond Measure 1B. This report also includes discussions of data inventorying, benefits of “preventative” maintenance, and the methodology behind the summarized results. Included also are each jurisdiction’s current tabular and graphed pavement assessment (Appendix A) and pavement condition maps (Appendix B).

Staff has been working with each jurisdiction on updating the information in this report. This FINAL report includes the most currently available maps and graphs. The updating is still in progress with several jurisdictions.

REQUESTED ACTION

Recommend the MCAG Governing Board accept the Pavement Management Annual Report.

Enclosure: Pavement Management Annual Report - FINAL

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: CANDICE STEELMAN, PUBLIC INFORMATION OFFICER

RE: ONE VOICE 2008-2009 TIMELINE

BACKGROUND

The MCAG One Voice program consists of a series of workshops to focus on state and federal priorities to present to legislators. MCAG's lobbyists, as well as other experts, participate in at least one workshop to help ensure that projects are aligned with legislative interests and funding opportunities for the year. A timeline is established each year that allows for discussion of issues, selection, and approvals by the MCAG Governing Board. In addition, selection of trip dates take into consideration many factors, including visits by other groups that might require full-time attention from our legislators and their staff.

DISCUSSION

MCAG One Voice has been advised by both lobbyists and legislative staffers not to travel to Washington DC the week before or after a Congressional break, as offices are reluctant to make appointments. Unfortunately, no one knows exactly when those breaks will be scheduled until late December or early January. Also to be considered is the fact that markups on appropriations bills don't usually begin until mid-May. There is something to be said for "last heard, first remembered". In addition, we cannot advocate for projects that have not been submitted on appropriations requests forms, all of which are due at the end of January.

Attached is a timeline showing workshop dates and needed approval times. Also attached is a calendar, which includes, per Directors' request last year, dates of conferences, which are of interest to elected officials. Based on this information, staff recommends we visit state legislators February 10-12, 2009 and federal legislators on March 23-25, 2009.

Due to significant budget concerns, MCAG staff plans on finding lower cost venues and hotels in Washington, D.C.

REQUESTED ACTION

Recommend the MCAG Governing Board approve the 2008-2009 One Voice timeline.

Attachments: 2008-2009 One Voice timeline
Calendar of federal visits and conferences

Legislative Plan 2008-09
Schedule is subject to change

Activity	Start	Finish	Product	Lead
Seek participation in One Voice from private sector	Aug-Sep	Oct 1	Face-to-face invitations	OV Delegates Staff
Interviews with city managers and key agencies to provide background for One Voice participants	Aug-Sep	Sep 10	Matrix of cities/county/agencies priorities	Staff
Luncheon with XXXX XXX 12:00-1:20 p.m.	Thurs, Aug 28	Thurs, Aug 28	Background on state issues	MCAG Chair
Hold issues brainstorming workshop with attendees from public and private sectors. Our Federal lobbyist will join us. Initial sign up for Sacramento and WDC trips. Location: Atwater Community Center, 760 E. Bellevue, 12:00-1:30	Wed, Oct 1	Wed, Oct 1	This workshop will concentrate on developing a FEDERAL legislative agenda.	MCAG Chair
Hold project brainstorming workshop. Our State lobbyist will join us. Location: Los Banos City Hall, 520 J St., 9:00-10:30 a.m.	Thurs, Oct 23	Thurs, Oct 23	This workshop will concentrate on developing a STATE legislative agenda.	MCAG Chair
Further discussion of projects. Receive further input from area of focus leaders. Location: Sam Pipes Room, Merced 9:00-10:30 a.m.	Thurs, Nov 21	Thurs, Nov 21	This workshop will concentrate on developing a STATE legislative agenda.	MCAG Chair
Discussion and selection of priority projects for 08-09 fiscal year Location: Sam Pipes Room, Merced, 9:00-10:30 a.m.	Fri, Dec 19	Fri, Dec 19	Recommended priority projects list for 08-09	MCAG Chair
Committee technical advisors prepare Fact Sheets for State and Fed'l priorities	Dec 22	Jan 5	State and Federal priority Fact Sheets	Staff
Present One Voice results to MCAG Governing Board for approval	Jan 15	Jan 15	Report	Staff
Secure support for priorities from community	Jan	Jan	Letters/resolutions	Staff OV Delegates
Sacramento delegates briefing meeting to review trip arrangements, agenda, committees, practice meeting scripts Location: MCAG conference room	Thurs, Jan 29	Thurs, Jan 29	Trip briefing; spokesperson preparation	Staff
Continue to research bills in committee – State and Federal	Jan	Feb 4	Knowledge; ability to speak to current legislative proposals	Staff
Trip to Sacramento – Dates are subject to change, based on changes in legislative calendars.	Feb 10- 12	Feb 10- 12	Trip	Sacto Delegates
Trip debrief Location: MCAG or via conference call	Thurs, Feb 19	Thurs, Feb 19	Assessment & Lessons Learned	Sacto Delegates
WDC delegates briefing meeting	Thurs, Mar 12	Thurs, Mar 12	Trip briefing; spokesperson preparation	Staff
Trip to Washington DC – NOTE: Dates may change, based on Congressional calendar published in Jan.	Mar 22- 25	Mar 22- 25	Trip (Sunday-Thursday)	WDC Delegates
Trip debrief Location: MCAG or via conference call	Thurs, Apr 2	Thurs, Apr 2	Assessment, lessons learned	WDC Delegates
Monitor and report	Ongoing	Ongoing	Legislative reports	Staff

Continuous interaction w/ leg staffs	Ongoing	Ongoing	Follow up on advocacy efforts	Staff
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Call Candice at 209-723-3153 x 308 for more information.

Candice.Steelman@mcagov.org

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: MATT FELL, SENIOR PLANNER

RE: REGIONAL HOUSING NEEDS ALLOCATION PLAN

BACKGROUND

MCAG is required by State law to periodically identify the existing and projected housing need for the Merced County region. Merced County's last Regional Housing Needs Allocation (RHNA) Plan was adopted in 2002. The next is due by August 31, 2008. It must cover the planning period January 1, 2007 through June 30, 2014.

The RHNA Plan must include:

- Projected housing need for each jurisdiction
- Projected housing need by income group among jurisdictions

The Regional Housing Needs Plan presents planning objectives. The method(s) by which each jurisdiction addresses these planning objectives is decided within individual housing elements. It is important to distinguish that the housing need determines the land to be set aside for housing units in jurisdiction's housing elements; it is not an actual requirement to construct the housing units within that time period.

PROCESS

Several elements must be included in the process of developing the RHNA Plan, including development of a methodology for the allocation, and provision of review and comment periods. The following process was undertaken to develop the plan:

Tasks	Date(s)
1. HCD determines regional housing need	Aug. 31, 2007
2. MCAG accepts HCD's determination	Nov. 29, 2007
3. Request information from jurisdictions and prepare draft RHNA methodology in consultation with HCD	Nov. 2007 – Jan. 2008
4. Release draft methodology	March 6
5. Minimum 60-day comment period on draft methodology	March 6 – May 6
6. Adopt RHNA methodology	June 19
7. 60-day review and comment period	June 20 – Aug. 20
9. Draft RHNA Plan for MCAG committee review	August
10. Conduct public hearing	Aug. 21
11. MCAG adopts final RHNA Plan	Aug. 21
12. Submit Plan to HCD	by Aug. 31, 2008

PLAN AND ALLOCATION

The enclosed draft RHNA Plan includes the following final allocation, based on the methodology adopted by the Governing Board at their June 19, 2008 meeting:

	Very Low	Low	Moderate	Above Moderate	Total
Atwater	517	402	488	974	2,381
Dos Palos	51	37	29	68	185
Gustine	55	26	33	88	202
Livingston	86	83	75	131	375
Los Banos	525	403	602	1,470	3,000
Merced	918	574	540	1,044	3,076
Merced County	1,648	1,241	1,430	3,045	7,364
Total	3,800	2,766	3,197	6,820	16,583

The Plan will be the subject of a public hearing at the August 21, 2008 Governing Board meeting. Following adoption, the Plan must be submitted to HCD by August 31, 2008.

REQUESTED ACTION

Recommend the MCAG Governing Board 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.

Attachment: Resolution No. 2008/08-21-03

Enclosure: Merced County Regional Housing Needs Allocation Plan

RESOLUTION NO. 2008/08-21-03

**RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS
ADOPTING THE MERCED COUNTY REGIONAL HOUSING NEEDS ALLOCATION
PLAN**

WHEREAS, Cities and Counties are required by State law to prepare and adopt a general plan with a housing element that addresses the need to attain housing goals; and

WHEREAS, Government Code Section 65580 directs each City and County to address the housing needs of all segments of the community in the housing element of its general plan; and

WHEREAS, Government Code Section 65584 directs Councils of Governments to prepare regional housing needs plans, and requires that regional housing needs determinations make allocations specific to jurisdictions, including consideration of housing needs of all income levels;

NOW, THEREFORE BE IT RESOLVED that the Merced County Association of Governments Regional Housing Needs Plan responds to State guidelines by identifying:

1. Existing and projected housing need within the Merced County Region during the time period January 1, 2007 to June 30, 2014; and
2. Projected housing need among jurisdictions; and
3. Projected housing need by income group among jurisdictions; and
4. Other factors as required by statute.

BE IT FURTHER RESOLVED that the Merced County Association of Governments does hereby approve and adopt the Merced County Regional Housing Needs Allocation Plan.

THE FOREGOING RESOLUTION was introduced at the regular meeting of the Merced County Association of Governments Governing Board, held on the 21st of August, 2008 by _____ who moved its adoption, which motion was duly seconded by _____, and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Jesse Brown, Executive Director
Merced County Association of Governments

Joe Oliveira, Chair
Merced County Association of Governments

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: LORI FLANDERS, ASSISTANT PLANNER

RE: FY 2008-2009 LOCAL TRANSPORTATION FUND (LTF) CLAIMS

MCAG has received Local Transportation Fund (LTF) claims from the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced, and the County of Merced.

A resolution from the MCAG Governing Board approving the LTF claims is required by the Merced County Auditor's office so that these funds can be dispersed. Resolution 2008/08-21-04 is attached for your review.

REQUESTED ACTION

Recommend the MCAG Governing Board approve the Local Transportation Fund claims received by adoption of Resolution 2008/08-21-04.

Attachment: Resolution 2008/08-21-04

RESOLUTION NO. 2008/08-21-04

**RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS
GOVERNING BOARD APPROVING CLAIMS FOR
LOCAL TRANSPORTATION FUND (LTF)
MONIES FOR THE FISCAL YEAR 2008/2009**

WHEREAS, Merced County Association of Governments (MCAG) is designated the Regional Transportation Planning Agency for Merced County; and

WHEREAS, the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced and County of Merced have filed individual claims with MCAG for Local Transportation Fund (LTF) (Transportation Development Act) monies in the amount of \$5,800,000 for Fiscal Year 2008/2009; and

WHEREAS, these claims include streets and roads projects and projects used for pedestrians and bicycles in the amount of **\$1,597,138** pursuant to Public Utilities Code (PUC), Division 10, Part 11, Chapter 4, Article 8, Section 99400(a); public transportation services in the amount of **\$3,451,448**, pursuant to PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99260(a) and PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99400(c); and planning projects in the amount of **\$133,360** pursuant to PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99402 and PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99262 for Fiscal Year 2008/2009; and

WHEREAS, public transportation services are provided to the general public through operation of the consolidated transit service, "The Bus" - Merced County Transit.

WHEREAS, specific efforts undertaken by MCAG in the transportation planning process and approval of the unmet transit needs process were previously approved by the MCAG Governing Board in a Resolution dated January 19, 2006; and

WHEREAS, the cities submitting these claims have filed their claims pursuant to the following codes: for streets and roads PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99400(a); planning projects pursuant to PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99402 and PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99262 and public transportation pursuant to PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99260(a) and PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99400(c);

WHEREAS, the **City of Atwater** claim includes **streets and roads** projects in the amount of **\$199,110** and **planning projects** in the amount of **\$20,292** for Fiscal Year 2008/2009; and

WHEREAS, the **City of Dos Palos** claim includes **streets and roads** projects in the amount of **\$39,724** and **planning projects** in the amount of **\$2,598** for Fiscal Year 2008/2009; and

WHEREAS, the **City of Gustine** claim includes **streets and roads** projects in the amount of **\$46,663** and **planning projects** in the amount of **\$2,732** for Fiscal Year 2008/2009; and

WHEREAS, the **City of Livingston** claim includes **streets and roads** projects in the amount of **\$128,859** and **planning projects** in the amount of **\$7,045** for Fiscal Year 2008/2009; and

WHEREAS, the **City of Los Banos** claim includes **streets and roads** projects in the amount of **\$240,824** and **planning projects** in the amount of **\$18,670** for Fiscal Year 2008/2009; and

WHEREAS, the **City of Merced** claim includes **streets and roads** projects in the amount of **\$360,236** and **planning projects** in the amount of **\$42,268** for Fiscal Year 2008/2009; and

WHEREAS, the **County of Merced** claim includes **streets and roads** projects in the amount of **\$581,723**; **public transportation services** in the amount of **\$3,451,448**; **capital transit purchase** in the amount of **\$553,104** and **planning projects** in the amount of **\$45,403** for Fiscal Year 2008/2009; and

WHEREAS, MCAG has conducted meetings of the Citizens Advisory Committee, the Social Services Transportation Advisory Council (SSTAC) and a public hearing in conformance with the PUC, Division 10, Part 11, Chapter 4, Article 3, Sections 99238(2) and 99238.5; and

WHEREAS, Merced County transit providers propose to serve, at a minimum, all claimant areas of Merced County within their jurisdictions at the level of public transportation services that are reasonable to meet as defined by the MCAG Governing Board; and

WHEREAS, the proposed expenditures on the claims are found to be in conformity with the Regional Transportation Plan; now

THEREFORE BE IT RESOLVED, after said SSTAC meetings, public hearings, consideration of testimony presented therein, and consideration of all information identified in a MCAG Minute Order dated November 29, 2007, that the claims for Merced County claimants for Local Transportation Funds (Transportation Development Act) monies for the Fiscal Year 2008/2009 for the purposes specified in PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99400(a) in the amount of **\$1,597,138**; PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99260(a) and PUC, Division 10, Part 11, Chapter 4, Article 8, Section 99400(c) in the amount of **\$3,451,448**; and PUC Division 10, Part 11, Chapter 4, Article 8, Section 99402 and PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99262 in the amount of **\$133,360** (as listed individually above) be, and are hereby approved.

The above resolution was approved by the Merced County Association of Governments on **August 21, 2008** by _____, who moved its adoption, which motion was duly seconded by _____, and which was adopted by the following vote:

AYES:

NOES:

APPROVED:

Jesse Brown, Executive Director
Merced County Association of Governments

Joe Oliveira, Chair
MCAG Governing Board

DATED: _____

MEMORANDUM

DATE: AUGUST 6, 2008

TO: TECHNICAL REVIEW BOARD

FROM: JESSE BROWN, EXECUTIVE DIRECTOR

RE: ATWATER-MERCED EXPRESSWAY UPDATE

The purpose of this memorandum is to provide an update on the Final Environmental Impact Report (EIR) and provide updated cost estimates for the alternative alignments that will provide a basis for certification of the EIR and selection of a project alignment for the Atwater-Merced Expressway (AME) by the MCAG Governing Board at their August 21, 2008 meeting.

A public hearing will be held in concert with the MCAG Governing Board's actions on these items.

The Draft Environmental Impact Report (DEIR) for the Atwater-Merced Expressway project was circulated to the public on March 3, 2008 and copies of the DEIR were provided to staff of member agencies for review. A formal public hearing on the DEIR was held on April 1, 2008. MCAG staff and the project consultant have also conducted two informational sessions with the City Councils of Atwater and Merced, and the County Board of Supervisors in April 2008 and in July 2008.

Fifteen (15) written comments and four (4) oral comments were received on the DEIR, which was closed to public comment on May 2, 2008. Primary issues raised by the commenters include farmland conversion, growth inducement, impacts to dairies, and relocations of private properties. Responses to comments will be included in the Final EIR that will be published on August 11, 2008. (See Attachment A for a general summary of the responses).

Overall, no new impacts have been identified due to the comments received and no major revisions will be made to the DEIR. Mitigation, monitoring, and reporting programs for identified impacts will be incorporated in the Final EIR.

Suggested mitigation ratios for biological impacts have been presented in Table 1. As you will see, Alternative 1A impacts fewer acres of land identified as potentially suitable for California Tiger Salamander and San Joaquin Kit Fox. Mitigation ratios for these impacts have been determined based on consultation with the US Fish and Wildlife Service.

Table 1 - California Tiger Salamander and San Joaquin Kit Fox Impacts

	Impacted Acreage		Mitigation Ratio	Mitigation Required (acres)	
	Alt 1A	Alt 1B		Alt 1A	Alt 1B
CTS Breeding Habitat	0.92	0.92	3:1	2.8	2.8
Suitable CTS Habitat (Permanent)	10.4	40.4	3:1	31.2	121.2
Suitable CTS Habitat (Temporary)	9.2	13.7	1.1:1	10.1	15.1
SJKF Habitat (Permanent)	194.9	205.7	2:1	389.8	411.4
SJKF Habitat (Temporary)	95.9	96.1	0.5:1	48.0	48.1

The costs for mitigating the potential impacts are summarized in Table 2. The project will purchase the necessary mitigation credits for all impacts from mitigation banks located within Merced County with the exception of Farmland impacts. As you will see, the mitigation costs for the two alternatives are comparable.

Table 2 – Probable Environmental Mitigation Costs

	Mitigation Required (acres)		Mitigation Cost / Acre	Mitigation Cost	
	Alt 1A	Alt 1B		Alt 1A	Alt 1B
CTS Breeding Habitat	2.8	2.8	\$ 60,000	\$168,000	\$168,000
Joint CTS /SJKF Habitat (Permanent)	31.2	121.2	\$ 15,000	\$468,000	\$1,818,000
Joint CTS /SJKF Habitat (Temporary)	10.1	15.1	\$ 15,000	\$151,500	\$226,500
SJKF Habitat (Permanent)(Balance)	358.6	290.2	\$ 12,500	\$4,482,500	\$3,627,500
SJKF Habitat (Temporary)(Balance)	37.9	33.0	\$ 12,500	\$473,750	\$412,500
Important/Prime Farmland	308.0	306.0	\$25,000 ⁽¹⁾	\$7,700,000	\$7,650,000
		TOTALS (rounded)		\$13,500,000	\$13,900,000

Estimated costs assume purchasing acreage within project area. Lower costs could be realized for out of area conservation easement purchases.

The two alternatives differ significantly in right of way impacts and are compared in Table 3. As you will see, Alternative 1A will affect the Migliazzo dairy facility more than Alternative 1B. Both alignments will impact the Trindade dairy to the same extent. Alternative 1A will require the relocation of a larger number of residences and creates more inaccessible parcels. Alternative 1B will affect two publicly owned facilities—the Castle Airport Aviation and Development Center, and the proposed Atwater Elementary School.

Table 3 – Right of Way Impacts

Impact	Alt 1A	Alt 1B
Dairy Lands Affected		
Migliazzo	95 acres	10 acres
Trindade	16 acres	16 acres
Foriano	0 acres	8 acres
		(also feedlot and house)
Relocation of Residences	19	16
Relocation of Businesses	5	5
Non-Accessible Parcels Created	5	3
Number of <20 acre Parcels Created	13	6
Castle Airport ADC – Acreage Needed	0 acres	14 acres
School Sites Impacted	0 sites	1 site

The estimated total project costs for the two alternatives are comparable and are presented in Table 4. The construction costs for Alternative 1B are projected to be higher due to the slightly longer alignment and the larger number of waterway (Canal Creek) crossings. Right of way costs for Alternative 1A are higher than those for Alternative 1B since it has a more diagonal alignment between Route 99 and Bellevue Road, thereby creating a larger number of remnant parcels.

Table 4 – Project Costs

Item	Alt 1A	Alt 1B
Roadway	\$ 179,400,000	\$ 182,400,000
Structures	\$ 33,900,000	\$ 33,900,000
Right of Way	\$ 27,600,000	\$ 24,000,000
Environmental Mitigations (CTS, SJKF)	\$5,800,000	\$6,300,000
Farmland Impact Mitigation ⁽¹⁾	\$7,700,000	\$7,650,000
Support Costs (Eng, Const, R/W)		
Preliminary Design, Environmental, and Final Design	\$20,000,000	\$20,000,000
Construction Support	\$24,600,000	\$24,600,000
R/W Engineering & Acquisitions	\$4,800,000	\$4,800,000
Total Project Costs	\$303,800,000	\$303,650,000

Estimated costs assume purchasing acreage within project area. Lower costs could be realized for out of area conservation easement purchases.

PROJECT SCHEDULE

An informational workshop was conducted on July 31, 2008 with elected officials from the Cities of Atwater and Merced and the County Board of Supervisors to review the status of the DEIR, inform them about the comments received, discuss the comparisons indicated herein, and project costs. Members of the public, property owners in the project area, and other stakeholders attended the workshop.

On August 21, the MCAG Board is scheduled to certify the environmental document and select a project alignment between Alternatives 1A and 1B. Prior to that date, the Atwater City Council, Merced City Council, and the Merced County Board of Supervisors may include the Atwater-Merced Expressway project on their respective agendas and may take an action to support the project and may identify a preferred alignment alternative.

PROJECT RECOMMENDATION

When comparing AME Alternatives 1A and 1B, there are many characteristics that they share and very few that differentiate the two alignments.

- Both alternatives meet the project “purpose and need”
- Both alternatives adequately address the future traffic demand
- Both alternatives are consistent with and complement local land use plans
- Both alternatives virtually cost the same and can be phased
- Both alternatives share environmental impacts, but in both alternatives, the impacts can be mitigated to less than significant with the exception of a noise impact that again both share

Where the two alternatives vary are with their impacts on property. As listed in Table 3 – Right of Way Impacts:

- Alternative 1A would take 111 acres of dairy, including a possible total take of one dairy,
- Alternative 1B would take 34 acres
- Alternative 1A would take 19 versus 16 residences for 1B
- Alternative 1A would create 5 versus 3 non-accessible parcels for 1B
- Alternative 1A would create 13 versus 6 < 20 acre parcels for 1B
- Alternative 1B would take a 10 acre school site, 1A would not
- Alternative 1B would take 14 acres from Castle Airport and Development Center, 1A would not

Thus the primary differences remaining between the two alternatives are the greater impact that Alternative 1A would have to existing private residences, dairies, and residual parcels versus Alternative 1B’s impact on vacant parcels owned by the County of Merced (Castle Airport and Development Center) and a school site owned by the Atwater Elementary School District.

While the right-of-way acquisition process provides a means to fairly and equitably compensate all property owners for the property required for this project, Alternative 1A has its major impact on vacant lands, while Alternative 1B has its major impact on residences and viable agricultural enterprises. For that reason Alternative 1B is the staff recommended alignment.

REQUESTED ACTION

Recommend the MCAG Governing Board:

- a. Certify the Atwater-Merced Expressway Final Environmental Impact Report as meeting the requirements embodied in the California Environmental Quality Act;
- b. Select Alternative 1B as the Atwater-Merced Expressway Project Alignment; and
- c. Transmit a request to the City of Atwater, City of Merced, and County of Merced to incorporate the selected alternative alignment into their respective General Plans.

Attachment: Attachment A – Summary of Comments Received on DEIR

ATTACHMENT A

Summary of Comments

Received on DEIR

Atwater-Merced Expressway
Summary of Response to Comments Received on Draft EIR

COMMENTS RECEIVED ON THE DRAFT EIR
Draft Issued March 3, 2008

Comment Letter A – State Clearinghouse and Planning Unit

Summary of Comment Letter:

The State Clearinghouse acknowledges the Draft EIR to be in compliance with review requirements.

Summary of Responses to Comments:

Comment noted. No further response required.

Comment Letter B – California Department of Water Resources

Summary of Comment Letter:

The Department of Water Resources advises that the project may encroach on the State Adopted Plan of Flood control and encourages Merced County to reevaluate whether the project falls within the authority of the Flood Board, highlighting the permitting process required in case of encroachment.

Summary of Responses to Comments:

The project does encroach on the 100-year floodplain as determined by FEMA however it is unclear if the project falls within the adopted Plan of Flood control referenced in the comment. Staff is consulting with the Department of Water Resources to determine if the AME project would require an encroachment permit from the Central Valley Flood Protection Board. The results of this consultation will be reported in the Final EIR.

Comment Letter C – Merced County Farm Bureau

Summary of Comment Letter:

The Merced County Farm Bureau is concerned about the impact of the project on farmlands and agriculture in the area. The letter highlights a conflict with the Williamson Act preserve and points out that there is no written mitigation policy in place for converted agricultural lands. The letter expresses concern that in spite of the fact that the project will induce growth, there is little coordination with local general plans now in development. The letter also comments on the need for measures to specifically address impacts to existing agricultural operations, the need for a county-wide flood control plan, and the need to adequately address drainage issues for farmland under the Irrigated Lands Waiver.

Summary of Responses to Comments:

In designing the project, every attempt was made to minimize the division of agricultural parcels and the disruption of agricultural activities. As documented in Section 4.2 of the Draft EIR, project implementation would require the cancellation of eight Williamson Act contracts, however this would not result in any direct physical impact to the environment.

Impacts resulting from the conversion of farmland are addressed in section 4.2 of the Draft EIR, but were not considered significant under CEQA because the total amount of farmland that would be converted would constitute only 0.05 percent of the total acreage of existing Prime and Important Farmland in Merced County. Lead agencies have the ability to incorporate mitigation measures to further reduce identified impacts found to be less than significant. In this case, the Final EIR includes text that further instructs MCAG to mitigate impacts of agricultural conversion in conformance with any adopted countywide program set up to preserve agricultural land in Merced County. In the event a countywide program is not adopted, MCAG would provide equivalent protection of an equal amount of productive farmland (1:1 mitigation ratio) through the acquisition of conservation easements. This is consistent with the mitigation ration has been applied on several projects in Merced County since 2001.

Regarding growth inducement, the project does not propose any commercial or retail development, and the majority of the project area would remain zoned for agricultural use. Additionally, the project would not directly induce population growth and any future urbanization of the lands contiguous or adjacent to the AME would require discretionary land use approvals from the relevant authorities and be subject to CEQA checks and balances. A full comparison of the Project and its coordination with the relevant local general plans can be found in the AME Draft EIR at section 4.1 and 4.2.

Regarding flood control and drainage, the project would not expose motorists to significant hazards from floods, nor would it redirect flood flows or create new risks to motorists. The EIR does however identify that the project would increase stormwater runoff by paving over currently pervious surface area. In response mitigation has been included that requires new drainage facilities (roadside ditches, detention basins, etc.) to be constructed to convey and treat the additional stormwater runoff before being discharged into local drainage systems and streams. The EIR also includes numerous mitigation measures to treat stormwater runoff during the construction phase to ensure surface water quality is not impacted during construction. The mitigation measures specified in the EIR will reduce potential flooding impacts as well as meet relevant stormwater pollution prevention requirements so that potential impacts are reduced to a less-than-significant level.

Comment Letter D – California Public Utilities Commission

Summary of Comment Letter:

The Commission advises that the construction of grade-separated crossings of railroad tracks included in the AME project will require approval from the Commission.

Summary of Responses to Comments:

As required, the project sponsor will seek California Public Utilities Commission approval for construction of grade-separated crossings of railroad tracks. This is a procedural issue and does not require the modification of the Draft EIR.

Comment Letter E – Merced County Department of Commerce Aviation and Economic Development

Summary of Comment Letter:

The Department requests the text of the Draft EIR be revised in ten places to improve the accuracy of statements regarding the Castle Air Force Base and the Castle Commerce Center.

Summary of Responses to Comments:

The Draft EIR has been revised to incorporate seven of the ten recommended edits. All seven are shown in Chapter 3.0, Errata/Changes to the Draft EIR. Following confirmation of details regarding the former Castle Air Force Base, two comments were not incorporated. A third comment regarding the value of the property on the Castle site was not addressed because the value has not been determined at this time. The changes requested by the Department did not affect the conclusions of the EIR pertaining to potential impacts of the AME project alternatives on Castle Air Force Base and Castle Commerce Center.

Comment Letter F – California Department of Transportation

Summary of Comment Letter:

The California Department of Transportation (Caltrans) requests 12 changes to the Draft EIR, including requests for text revision and requests for additional information. Caltrans comments that the project sponsor (MCAG) would not be able to use the Caltrans Statewide NPDES permit for the work within the Caltrans right of way. Caltrans also advises that preparation of a SWPPP and filing of an NOI for construction are required.

Summary of Responses to Comments:

Regarding the edits, three were made as requested and changes are shown in Chapter 3.0, Errata/Changes to the Draft EIR. It appears that Caltrans comments may have been resubmitted from their review of an administrative version of the DEIR which MCAG provided to the District for review prior to publication because in six cases, edits and additional information requested by Caltrans was already included in the Draft. In two cases, the text cited by Caltrans could not be located in the Draft EIR and consequently no edit was made. In one case, the specific change requested by Caltrans to figures in Table 4.5-9 was not necessary, however related figures were corrected in the Draft EIR.

The response also indicates that although the project is not a Caltrans project, it is to be built within Caltrans specifications, and that construction of portions of the project within State jurisdiction would be constructed under the Caltrans NPDES stormwater permit. No changes to the Draft EIR are necessary pursuant to this comment. The response also indicates that pages 4.9-14 through 4.9-16 of the Draft EIR address this issue and require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent (NOI) for construction activities.

Comment Letter G – San Joaquin Raptor/Wildlife Rescue Center and Protect Our Water

Summary of Comment Letter:

The San Joaquin Raptor/Wildlife Rescue Center and Protect Our Water assert that the prior adoption of Expressway Standards in Merced County requires separate CEQA analysis, independent from the analysis done for the Campus Parkway, the AME and the Bellevue Expressway. The group contends that the UC Merced loop is an integrated project that has received piecemeal analysis and is not coordinated with local general plans. The groups contend that the AME project defers mitigation and fails to provide adequate monitoring of federal endangered species. The groups also question if UC Merced is sharing in the cost of the AME project.

Summary of Responses to Comments:

The response states that the AME project is a separate project from the previously approved Campus Parkway project and requires separate CEQA review. Both projects provide separate transportation utility and have been separately proposed, therefore, they are not piecemeal components of a single project. Impacts to habitats and all federally endangered species, including monitoring and mitigation measures, are discussed in the AME Draft EIR at section 4.11, and that the commenters' assertions regarding deferred mitigation are unsubstantiated. The response explains that the AME project is an initiative identified in the Regional Transportation Plan for Merced County to accommodate existing and anticipated growth and travel demand, and is not designed specifically to provide access to the UC Merced campus.

Comment Letter H – Valley Land Alliance

Summary of Comment Letter:

The Valley Land Alliance voices objections to the AME project, citing lack of coordination with local general plans, impacts to agricultural and natural resources, growth inducement, and impacts to hydrology and water quality as principal grievances.

Summary of Responses to Comments:

This comment raises many of the same concerns as the Merced Farm Bureau (letter C). The AME project is consistent with the Merced County General Plan and is specifically

called out as a project in the Regional Transportation Plan. Rather than being growth inducing, the region has been growing for many years and the project was designed in conformance with local general plans to accommodate vehicle trips associated with projected future growth in the region.

Comment Letter I – Migliazzo and Sons Dairy

Summary of Comment Letter:

Migliazzo and Sons Dairy contend that numerous adverse effects of the project on dairy farms are not addressed in the Draft EIR. They cite: loss of 75 farmable acres; displacement of wastewater ponds and loss of storage capacity; effect on the Waste Management Plan mandated by General Order; effect on the Nutrient Management Plan; effect on water delivery and recovery systems; effect on roadway access; effect on cow and heifer numbers; loss of full time jobs; displacement of the feedlot; and lost revenue.

Summary of Responses to Comments:

The Draft EIR clearly identifies all Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the study area and clearly quantifies the direct impacts of the AME project alternatives on these farmland categories. MCAG acknowledges the economic impacts that Alternative 1A and to a lesser extent Alternative 1B could have on the dairy farm, but emphasizes that these are considered economic, not environmental, impacts. As a result, right-of-way agents will need to work with the owner of the dairy facility in consultation with agricultural and other advisors, to evaluate the full economic impact of the AME project as part of the property acquisition process to arrive at a business decision as to whether to continue operations on the current site, or relocate to another site.

Comment Letter J – Mr. Robert Hagerman

Summary of Comment Letter:

This comment supports Alternative 1B.

Summary of Responses to Comments:

The comment is noted. No further discussion is required.

Comment Letter K – Brookfield California Land Holdings

Summary of Comment Letter:

Brookfield California Land Holdings expresses support for the project and suggests improvements with a view to reducing both environmental impact and project costs. Brookfield: (1) suggests a reduction of the right of way width; (2) proposes an alternative location for Kit Fox preserve and crossing and asks that the EIR be revised to include consideration of alternative locations which provide access to Canal Creek; (3)

recommends adding an undercrossing at Santa Fe as an alternative to the overpass proposal. Brookfield also requests correction of Figures 3-3, 4.1-1, 4.6-5, 4.6-6, and 4.6-7 to accurately display the elements of each alternative.

Summary of Responses to Comments:

The AME roadway footprint was developed to comply with Caltrans design standards and to take into account drainage conditions within the project area. Reducing the right of way would require application of different standards, and since the land surrounding the alternative alignments is mostly undeveloped, this approach cannot be justified.

Based on this comment and other similar comments, the approach to Kit Fox mitigation in the Draft EIR has been revised in consultation with the US Fish and Wildlife Service. Mitigation measure BIO-1k has been revised to remove measures to create a passageway for Kit Fox under Bellevue Road and “bubble” of preserved land on either side. The mitigation for Kit Fox now focuses on purchasing mitigation credits at a USFWS approved mitigation bank(s). This change has been included in Chapter 3.0, Errata/Changes to the Draft EIR.

A Santa Fe underpass alternative was considered at an earlier stage, but rejected due to the significant public safety issues that could result in the event of flooding.

Figures 3-3, 4.1-1, 4.6-5, 4.6-6, and 4.6-7 in the Draft EIR have been revised to incorporate the recommended edits and changes are shown in Chapter 3.0, Errata/Changes to the Draft EIR.

Comment Letter L – Castle Farms

Summary of Comment Letter:

Castle Farms requests that (1) the Kit Fox preserve be relocated along Canal Creek, and (2) the width of the expressway be reduced in order to lessen the impact on farm operations and reduce project costs.

Summary of Responses to Comments:

Based on this comment and others like it, the approach to Kit Fox mitigation in the Draft EIR has been revised as discussed above under Comment Letter K.

The AME roadway footprint was developed to comply with Caltrans design standards and to take into account drainage conditions within the project area. Reducing the right of way would require application of different standards, and since the land surrounding the alternative alignments is mostly undeveloped, this approach cannot be justified.

Property acquisition for the AME project would be governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and property owners that are impacted by the project would be fairly compensated for the land to be acquired as well as any business losses associated with acquisition.

Comment Letter M – Mr. John and Ms. Judy Luthey

Summary of Comment Letter:

The commenters are concerned for destruction of wildlife habitat in the vicinity of the project. They also express preference for Alternative 1A over Alternative 1B, as the associated impacts would affect wildlife and residents less while providing more direct access. They also feel that residents were inadequately notified of recent public meeting on project.

Summary of Responses to Comments:

Extensive biological studies were conducted during the preparation of the Draft EIR and used to develop mitigation measures for wildlife preservation. Consequently, all potential impacts to the habitats of sensitive species are expected to be reduced to levels that are less than significant. The commenters' preference for Alternative 1A is duly noted.

MCAG advertised the public hearing on the Draft EIR in full compliance with CEQA regulations (Title 14 of the California Code of Regulations section 15202). In addition, notice of the public hearing was mailed directly to approximately 200 people who either live along the project alignment or had attended a previous public meeting.

Comment Letter N – Mr. Greg Sanders

Summary of Comment Letter:

The commenter expresses support for the project, and believes the proposed expressway would alleviate the congestion on V Street.

Summary of Responses to Comments:

The comment is noted. No further discussion is required.

Comment Letter O – Long Thao, MD Medical Clinic

Summary of Comment Letter:

The commenters express concern for the impacts of project implementation on their property, which abuts the route planned for the AME. They are concerned that the construction of a bridge in the area of the 1829 North Gurr Road may create flooding problems during the rainy season. They also express concern for air and noise pollution as well as impacts on animal habitat that could result from project implementation. The commenters conclude by requesting that the expressway be positioned as far east of their property as possible.

Summary of Responses to Comments:

The Draft EIR ensures the bridge would be built with a sufficient opening to allow the

unimpeded passage of 100-year storm flows, and therefore the project is not expected to induce flooding problems in the Black Rascal Creek floodplain (in the area of North Gurr Road). The Draft EIR acknowledges that project implementation would result in ambient noise levels above standards established in the City of Atwater and Merced County General Plans and recommends mitigation measures to lessen this impact; however, the Draft EIR states that this impact would be considered significant and unavoidable.

Additionally, the Draft EIR includes measures to ensure that all significant air quality impacts will be mitigated to a less-than-significant level. Similarly, with the application of recommended mitigation measures for wildlife preservation, all potential impacts to the habitats of sensitive species are expected to be mitigated. The request for relocation of the expressway to the east of the commenters' property is duly noted.

Comments Received at Public Hearing, April 1, 2008

Summary of Comment 1 - Mr. Dante Migliazzo

This comment asserts the Draft EIR does not adequately address impacts to dairy farms in the project area and to the dairy industry. The commenter also contends that the Draft EIR does not adequately address the impact that soil structure and grading level changes resulting from project implementation would have on fertility of cropland soils in the area.

Summary of Response to Comment 1:

The Draft EIR clearly identifies all Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the study area and clearly quantifies the direct impacts of the AME project alternatives on these farmland categories. Dairies, while often located on prime farmland are considered agricultural businesses and impacts to dairies in the project area are discussed in response to Comment letter I submitted by this same commenter.

The Draft EIR addresses both temporary and permanent impacts to prime and important farmland. It considers erosion potential and drainage issues, recommending specific mitigation measures to reduce impacts to less-than-significant levels. Permanent impacts resulting from the conversion of prime and important farmland to non-agricultural use are less-than-significant.

Summary of Comment 2 - Ms. Darlene Peters

The commenter indicates that Alternative 1B would impact her home and that she would prefer not to be impacted by the project.

Summary of Response to Comment 2:

This impact is identified in the Draft EIR. Alternative 1A would avoid displacement of the residence in question.

Summary of Comment 3 - Ms. Delores Cabezat Ortiz

The commenter indicates that her residence would be displaced by either Alternative 1A or 1B and that three parcels of land her family owns would be rendered unusable as a result of project implementation.

Summary of Response to Comment 3:

The Draft EIR addresses impacts on residences and lists displaced residences. Alternative 1B would result in the displacement of this commenter's residence, but Alternative 1A would not. Acquisition of property for the AME project would be governed by the Uniform Assistance and Real Property Acquisition Policies Act of 1970, as amended, and owners would be fairly compensated. Where displacement of a residence results, relocation assistance would also be provided.

Summary of Comment 4 - Mr. Dino Migliazzo

The commenter asserts the Draft EIR does not address impacts stemming from: (1) displacement of businesses (2) disruption of agronomic practices and water delivery and return systems due to parcel splits.

Summary of Response to Comment 4:

This comment is similar to comments submitted in letter I from the same commenter. Please see responses to comment letter I.