

REID & HELLYER

A Professional Corporation

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Attorneys for Defendants Beaumont Citizens for Responsible Growth, Judith Bingham, Mary Daniel, Nancy Hall

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

URBAN LOGIC CONSULTANTS, INC., a
California corporation; DEEPAK MOORJANI,
an individual; ERNEST EGGER, an individual;
and DAVID DILLON, an individual,

Plaintiffs,

v.

BEAUMONT CITIZENS FOR RESPONSIBLE
GROWTH, a California entity of unknown type,
JUDITH BINGHAM, an individual; MARY
DANIEL, an individual; NANCY HALL, an
individual ; and DOES 1 through 20, inclusive,

Defendants.

CASE NO. RIC 10019763

The Hon. Comm. Paulette Durand-Barkley
Dept. 02

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS' SPECIAL
MOTION TO STRIKE COMPLAINT [Code
Civ. Proc. § 425.16]**

DATE:

TIME:

DEPT: 02

Defendants Beaumont Citizens for Responsible Growth, Judith Bingham, Mary Daniel, and Nancy Hall (collectively, "Defendants") hereby request that the Court take judicial notice of the following:

1. Pursuant to California Evidence Code sections 451 subsection (f), 452 subsections (b) and (h), and 453 and McPheeters v. Board of Medical Examiners of State of California (1946) 74 Cal.App.2d 46, 47, Defendants respectfully request the Court to take judicial notice of the following public records generated and/or maintained by the City of Beaumont:

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- a. Agreement for Technical and Professional Services Comprehensive Public Facilities Financing Program for the City of Beaumont dated March 22, 1993, a true and correct copy of which is attached hereto as Exhibit "1;"
- b. Agreement for Planning, Economic Development, and Public Works Services dated September 27, 1993, a true and correct copy of which is attached hereto as Exhibit "2;"
- c. Agreement Amending the Agreement for Planning, Economic Development, and Public Works Services dated April 11, 1994, a true and correct copy of which is attached hereto as Exhibit "3;"
- d. Negative Environmental Impact Report dated July 2, 1993, a true and correct copy of which is attached hereto as Exhibit "4;"
- e. Professional Services Agreement: Operation and Maintenance of City of Beaumont's Wastewater Treatment Facility and Sewer System dated February 19, 2002, a true and correct copy of which is attached hereto as Exhibit "5;"
- f. Statement of Economic Interest (California Form 700) for Deepak Moorjani dated January 6, 2005, a true and correct copy of which is attached hereto as Exhibit "6;"
- g. Statement of Economic Interest (California Form 700) for Ernest Egger dated January 6, 2004, a true and correct copy of which is attached hereto as Exhibit "7;"
- h. Statement of Economic Interest (California Form 700) for David Dillon dated January 31, 2004, a true and correct copy of which is attached hereto as Exhibit "8;"
- i. Statement of Economic Interest (California Form 700) for James Love dated February 10, 2004, a true and correct copy of which is attached hereto as Exhibit "9;"
- j. Staff Report and attached Project Progress Report dated September 21, 2004, a true and correct copy of which is attached hereto as Exhibit "10;"
- k. Staff Report dated February 15, 2005, a true and correct copy of which is attached hereto as Exhibit "11;"
- l. Staff Report dated March 4, 2008, a true and correct copy of which is attached hereto as Exhibit "12;"

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- 1 m. Staff Report dated June 21, 2005, a true and correct copy of which is attached
2 hereto as Exhibit "13;"
- 3 n. Staff Report dated July 19, 2005, a true and correct copy of which is attached
4 hereto as Exhibit "14;"
- 5 o. Staff Report dated October 18, 2005, a true and correct copy of which is
6 attached hereto as Exhibit "15;"
- 7 p. Staff Report and attached Project Progress Report dated February 7, 2006, a
8 true and correct copy of which is attached hereto as Exhibit "16;"
- 9 q. Staff Report dated January 22, 2008, a true and correct copy of which is
10 attached hereto as Exhibit "17;"
- 11 r. Staff Report dated April 1, 2008, a true and correct copy of which is attached
12 hereto as Exhibit "18;"
- 13 s. California Department of Housing and Community Development
14 correspondence to Ernest Egger dated August 17, 2010, a true and correct copy of which is attached
15 hereto as Exhibit "19;"
- 16 t. Agreement Public Works Contract between the City of Beaumont and
17 Beaumont Electric, Inc. dated May 6, 2008, a true and correct copy of which is attached hereto as
18 Exhibit "20;"
- 19 u. City of Beaumont Claim Form and attachment thereto dated May 29, 2008, a
20 true and correct copy of which is attached hereto as Exhibit "21;"
- 21 v. City of Beaumont Correspondence dated September 2, 2009 signed by Ernest
22 Egger, a true and correct copy of which is attached hereto as Exhibit "22;"
- 23 w. City of Beaumont Correspondence dated May 11, 2010 signed by Ernest
24 Egger, a true and correct copy of which is attached hereto as Exhibit "23;"
- 25 x. Decision of Hearing Officer and Order to Abate Public Nuisance dated
26 October 5, 2010, a true and correct copy of which is attached hereto as Exhibit "24;"
- 27 y. Business cards for Ernest Egger, Deepak Moorjani, and David Dillon, true
28 and correct copies of which are attached hereto as Exhibit "25;"

1 z. City of Beaumont Accounting Ledger dated August 16, 2004 and attached
2 Urban Logic invoices, true copies of which are attached hereto as Exhibit "26;"
3 aa. City of Beaumont Accounting Ledger dated February 16, 2005 and attached
4 Urban Logic invoices, true copies of which are attached hereto as Exhibit "27;"
5 bb. Beaumont Electric Invoice No. 11187 dated August 20, 2008, a true and
6 correct copy of which is attached hereto as Exhibit "28;"
7 cc. Beaumont Electric Invoice No. 10929 dated January 23, 2008, a true and
8 correct copy of which is attached hereto as Exhibit "29;"
9 dd. Beaumont Electric Invoice No. 10894 dated December 20, 2007, a true and
10 correct copy of which is attached hereto as Exhibit "30;"
11 ee. State of California Department of Housing and Community Development
12 letter dated October 22, 2009 to Ernest Egger, a true and correct copy of which is attached hereto as
13 Exhibit "31."

14 2. Pursuant to California Evidence Code sections 451 subsection (f), 452 subsections
15 (b) and (h), and 453 and Evans v. City of Berkeley (2006) 38 Cal.4th 1, 9, fn. 5, Defendants
16 respectfully request the Court to take judicial notice of the following meeting minutes generated by
17 the City of Beaumont:

18 a. Minutes dated March 22, 1993, a true and correct copy of which is attached
19 hereto as Exhibit "32;"

20 b. Minutes dated September 27, 1993, a true and correct copy of which is
21 attached hereto as Exhibit "33;"

22 c. Minutes dated April 11, 2004, a true and correct copy of which is attached
23 hereto as Exhibit "34;"

24 d. Minutes dated June 21, 2005, a true and correct copy of which is attached
25 hereto as Exhibit "35;"

26 e. Minutes dated July 19, 2005, a true and correct copy of which is attached
27 hereto as Exhibit "36;"

28 ///

1 f. Minutes dated October 18, 2005, a true and correct copy of which is attached
2 hereto as Exhibit "37;"

3 g. Minutes dated April 1, 2008, a true and correct copy of which is attached
4 hereto as Exhibit "38;"

5 i. Minutes dated August 5, 2008, a true and correct copy of which is attached
6 hereto as Exhibit "39;"

7 h. Minutes dated June 2, 2009, a true and correct copy of which is attached
8 hereto as Exhibit "40;"

9 3. Pursuant to California Evidence Code sections 452 subsection (h) and 453,
10 Defendants respectfully request the Court to take judicial notice of California Secretary of State
11 business status document for Urban Logic Services Incorporated, a true and correct copy of which is
12 attached hereto as Exhibit "41;"

13 4. Pursuant to California Evidence Code sections 452 subsection (b) and 453,
14 Defendants respectfully request the Court to take judicial notice of City of Beaumont Municipal
15 Code section 3.02.050, a true and correct copy of which is attached hereto as Exhibit "42;"

16 5. Pursuant to California Evidence Code sections 451 subsections (a) and (f) and 453,
17 Defendants respectfully request the Court to take judicial notice of Public Contract Code sections
18 20162 and 20163, true copies of which are attached hereto as Exhibit "43."

19 DATED: January 10, 2011

REID & HELLYER
A PROFESSIONAL CORPORATION

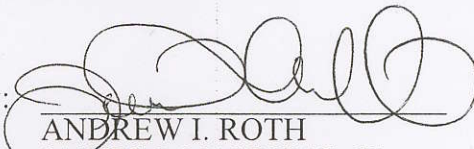
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21 By: 
22 ANDREW I. ROTH
23 JAMES J. MANNING, JR.
24 JENNA L. ACUFF
25 Attorneys for Defendants Beaumont
26 Citizens for Responsible Growth, Judith
27 Bingham, Mary Daniel, Nancy Hall
28

EXHIBIT 1

Contract title

AGREEMENT FOR
TECHNICAL AND PROFESSIONAL SERVICES
COMPREHENSIVE PUBLIC FACILITIES FINANCING PROGRAM
FOR THE
CITY OF BEAUMONT

URBAN LOGIC CONSULTANTS

FEBRUARY 1993

A G R E E M E N T

AGREEMENT AMENDING THE PROFESSIONAL AND TECHNICAL SERVICES AGREEMENT FOR COMPREHENSIVE PUBLIC FACILITIES FINANCING PROGRAM

This AGREEMENT, made and entered into this 22nd day of March, 1993, by and between the City of Beaumont, a municipal corporation located in the County of Riverside, State of California, hereinafter referred to as "CITY", Urban Logic Consultants, a General Partnership under the laws of the State of California with a mailing address of 40025 Amberley Circle, Temecula, California 92591, hereinafter referred to as "CONSULTANT", Trans-Pacific Consultants, a California corporation located at 27447 Enterprise Circle West, Temecula, California 92590, hereinafter referred to as ENGINEER, George McFarlin, Esq., 2010 Main Street, Suite 1130, Irvine, California 92714, and David Taussig and Associates, 1301 Dove Street, Suite 600, Newport Beach, California 92660.

W I T N E S S E T H

WHEREAS, CITY has been in the process of establishing a Comprehensive Public Facilities Financing Program and Community Facilities District No. 93-1, hereinafter referred to as "PROGRAMS", with the assistance of a professional consulting services team; and

WHEREAS, Principals of CONSULTANT as employees of ENGINEER have served the CITY well and have been primarily responsible for the progress made in regard to the PROGRAMS; and

WHEREAS, CITY has the desire to maintain continuity of personnel in the execution of these vital PROGRAMS; and

WHEREAS, CITY desires to contract for such services with a private consulting firm which employs the necessary principals with the appropriate background and talents to accomplish the administrative, management, urban planning and environmental tasks required for the successful implementation of the PROGRAMS; and

WHEREAS, CONSULTANT is experienced in providing such services for municipal corporations and is able to provide personnel with the proper experience and background to carry out the duties involved; and

WHEREAS, CITY wishes to retain CONSULTANT for the performance of said services necessitating modification of the agreement with Trans-Pacific Consultants, David Taussig and Associates, and George McFarlin, executed by the Mayor of the City of Beaumont on November 13, 1992, hereinafter referred to as "ORIGINAL AGREEMENT";

NOW, THEREFORE, in consideration of the mutual covenants, benefits and premises herein stated, the CITY and CONSULTANT agree as follows:

CITY does hereby cause the ORIGINAL AGREEMENT for the PROGRAMS to be amended to facilitate appointment of CONSULTANT in a contractual capacity in accordance with the amendments to the ORIGINAL AGREEMENT and terms and conditions hereinafter set forth:

I. AMENDMENTS TO ORIGINAL AGREEMENT

ARTICLE I DESIGNATED CONTACTS AND CONSULTANT TEAM

ARTICLE I is hereby amended to indicate that the ENGINEERING CONTRACT MANAGER for Phases I, II, and III shall be: David W. Dillon and Ernest A. Egger of CONSULTANT.

ARTICLE II PROJECT DESCRIPTION

ARTICLE II is hereby amended to indicate that ENGINEER and CONSULTANT TEAM shall provide services under the direction of CONSULTANT.

ARTICLE III COOPERATIVE AGENCIES

ARTICLE III shall remain unchanged.

ARTICLE IV CONDITIONS

ARTICLE IV is hereby amended in such a manner as to also name CONSULTANT in Section B, Assignment; Section C, Subcontracts; Section D, Modifications; Section E, City Directives; Section F, Liability and Indemnification; Section G, Quality Control; Section I, Additional Services; Section J, Disputes; Section K, Termination Without Cause; Section L, Termination for Lack of Performance; Section M, Insurance; Section N, Conflict of Interest; Section O, Legal Compliance; Section P, Nondiscrimination; Section Q, Review and Inspection; Section R, Record Retention/Audits; Section S, Ownership of Data; Section T, Confidentiality of Data; and Section U, Funding Requirements.

ARTICLE V PERFORMANCE

ARTICLE V is hereby amended in such a manner as to also name CONSULTANT in Section A, Performance Period; Section B, Time Extensions; and Section C, Reporting Progress.

ARTICLE VI COMPENSATION

ARTICLE VI is hereby amended in such a manner as to also name CONSULTANT in Section A, Work Authorization; Section B, Basis of Compensation; and Section C, Progress Payments.

ARTICLE VII APPROVALS

ARTICLE VII is hereby amended to include signature and approval provisions for CONSULTANT's principals.

APPENDIX A SCOPE OF SERVICES

APPENDIX A is hereby amended to indicate that CONSULTANT is designated by CITY as Principal Consultant responsible for directing activities of ENGINEER and CONSULTANT TEAM. Accordingly, modifications are hereby made to properly reflect the appointed role of CONSULTANT in Section I, Consultant Team and Subconsultants; Section II, Project Services; Section III, Standards; Section IV, Quality Control; Section V, Key Personnel; and Section VI, Coordination.

APPENDIX B BUDGET

APPENDIX B is hereby amended to also name CONSULTANT consistent with the CONSULTANT's appointed role. The following work products and related compensation are hereby assigned from ENGINEER to CONSULTANT:

1. Phase I.A, Public Facilities Policy Framework: \$15,000.
2. Phase II.A, Comprehensive Public Facilities Financing Plan: \$65,000
3. Phase II.C, Program Environmental Impact Report: \$75,000, plus an estimated \$25,000 for technical subconsultants.
4. Phase II.D, Project Study Reports and Environmental Assessments for Interchanges to Highway 60 and Interstate 10: \$100,000, plus an estimated \$25,000 for technical subconsultants.
5. Phase III, Project Implementation: Items B.1, Environmental and Planning, and B.3, Project Management: Time and materials, not to exceed 3.0 percent and 0.5 percent of the confirmed construction costs, including contingency, respectively.

APPENDIX C
ENGINEER AND CONSULTANT TEAM
CURRENT HOURLY RATE SCHEDULES

APPENDIX C is hereby amended to include CONSULTANT's Current Hourly Rate Schedule, attached hereto as Exhibit A.

II. COMPENSATION TO CONSULTANT


The fees in full compensation to CONSULTANT for the services rendered shall be consistent with the amendendments to the ORIGINAL AGREEMENT as set forth in this Agreement. For Additional Services as set forth in Article IV, Section I, of the ORIGINAL AGREEMENT, compensation shall be in accordance with the Hourly Rate Schedule attached to this Agreement as Exhibit "A", or based upon a negotiated fixed fee rate.

III. TERMINATION

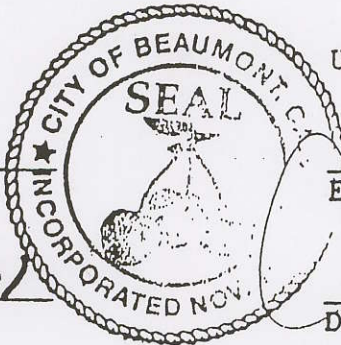
This Agreement may be terminated by CITY or CONSULTANT with or without cause, with minimum written notice of 60 days. In the event of such termination, CONSULTANT shall be compensated for such services up to the point of the effective date of the termination.

IN WITNESS HEREOF, CITY, CONSULTANT, ENGINEER, George McFarlin, Esq. and David Taussig and Associates have caused this Agreement to be executed by the duly authorized officers the day and year first above written in this Agreement.


CITY OF BEAUMONT

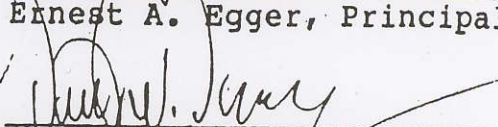

Jan Leja, Mayor


Julia White (Mayor)
City Clerk




URBAN LOGIC CONSULTANTS

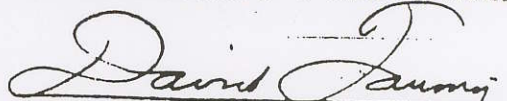

Ernest A. Egger, Principal


David W. Dillon, Principal

TRANS-PACIFIC CONSULTANTS, INC.


Won S. Yoo, President

DAVID TAUSSIG & ASSOCIATES


David Taussig, President

BOND COUNSEL

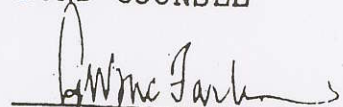

George McFarlin, Esq.

EXHIBIT "A"
HOURLY RATE SCHEDULE
URBAN LOGIC CONSULTANTS

PROFESSIONAL SERVICES:

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$100.00
Senior Associate	80.00
Associate	70.00
Administrative Assistant	55.00
Executive Secretary	35.00
Secretary	30.00

DIRECT SERVICES AND REIMBURSABLE COSTS:

Professional Sub-Consultant Services; Actual cost plus 15%

Document Reproduction and Copying: Actual cost plus 15%

Blue Prints: \$2.50 per sheet

Vehicle Mileage: \$0.32 per mile

Consultation in connection with litigation and court testimony will be quoted separately on an individual basis.

The above rates remain in effect through December 31, 1993.

EXHIBIT 2

ORIGINAL

AGREEMENT

AGREEMENT FOR PLANNING, ECONOMIC DEVELOPMENT
AND PUBLIC WORKS SERVICES

This AGREEMENT, made and entered into this 27th day of September, 1993, by and between the City of Beaumont, a municipal corporation located in the County of Riverside, State of California, hereinafter referred to as "CITY" and Urban Logic Consultants, a General Partnership under the laws of the State of California with mailing address of 27463 Enterprise Circle West, Temecula, California, 92590, hereinafter referred to as "CONSULTANT."

WITNESSETH

WHEREAS, CITY has the need for city planning, economic development and public works services; and

WHEREAS, CITY desires to contract for such services with a private consulting firm; and

WHEREAS, CONSULTANT is experienced in providing such services for municipal corporations and is able to provide personnel with the proper experience and background to carry out the duties involved; and

WHEREAS, CITY wishes to retain CONSULTANT for the performance of said services;

NOW, THEREFORE, in consideration of the mutual covenants, benefits and premises herein stated, the CITY and CONSULTANT agree as follows:

CITY does hereby appoint CONSULTANT in a contractual capacity to perform the following services in accordance with the terms and conditions hereinafter set forth:

I. Planning Services

I-A. General Administrative Functions:

1. Establish working relationships and coordination with City staff, public agencies, County departments, utilities and service purveyors involved in matters affecting the City.
2. Analyze and recommend planning programs consistent with the economic capabilities of the City. When directed, prepare and administer identified programs.

3. Direct and supervise the day to day functions and activities of the Planning and Economic Development Department including all planning and building functions and associated personnel.
4. Attend necessary meetings with City Council members, Planning Commissioners, City staff, public agencies, community groups, developers, contractors and the general public.
5. Provide recommendations regarding regulations and ordinances pertaining to planning matters and coordinate with the City Attorney in preparation of routine ordinances or amendments.
6. Provide zoning and planning related information to citizens and prospective applicants, conduct pre-submittal reviews, and assist individuals in coping with City processes.
7. Upgrade and maintain the City's base mapping and routine graphic needs.
8. Review, and as necessary adjust, the Planning Department's forms, processes and operational procedures to improve its efficiency, function and professional image, and bring the City's operations into the state-of-the-art, comparable with similarly sized communities.
9. Monitor and report on changes in State law, regional programs and changes in environmental regulations and adjust City processes to conform to statutory requirements.
10. Maintain an office presence at City Hall for 28 hours weekly, with the precise schedule of office hours determined through mutual agreement, with one of CONSULTANT's professional planning principals in attendance during office hours.

I-B. Development Review:

1. Review proposed land development projects, occupancies and business licenses with planning implications and notify applicants relative to zoning ordinance and General Plan compliance.
2. Coordinate and correspond with applicants and process applications in accordance with City codes and policy.
3. Review and process routine projects in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City's guidelines for its implementation. Prepare initial studies and negative declarations for routine projects.

4. Develop conditions of approval for routine projects consistent with State law and good planing practices; City policy and financing requirements; health, safety and welfare considerations; and with respect to protecting and maintaining neighborhood stability and quality of life in Beaumont.

I-C Planning Commission Staffing:

1. Provide complete staffing to the Planning Commission and act in the capacity of Planning Director/Secretary in the conduct of regularly scheduled meetings.
2. Provide professional presentations and recommendations to the Planning Commission to guide appropriately informed decision making on discretionary actions.
3. Prepare clear, professional quality graphics and other presentation materials to clarify planning issues and to convey a professional image to the public.
4. Prepare staff reports, regulations and meeting minutes, with the use of present City clerical support, for all Planning Commission meetings.
5. Utilizing City clerical support, prepare all required notices, agenda packets and other pertinent materials for Commission meetings.
6. Prepare and maintain a Planning Commissioner's Handbook to provide members with a useful reference guide on subjects including legal requirements, conducting of meetings, findings, conflict of interest and requirements of the Brown Act.

I-D City Council Staffing:

1. Utilizing City clerical staff, prepare planning notices and agenda items for meetings, including reports and resolutions.
2. Provide presentations and recommendations on planning issues and projects at regular Council meetings and hearings.
3. Provide graphic presentation materials of an appropriate quality to convey a professional image to the public at City Council meetings.
4. Attend City Council meetings on an as-need basis to provide counsel on planning issues and pertinent public comments.

II. Economic Development Services

II-A. Public Infrastructure Financing Programs:

1. Monitor and report on on-going efforts involving public infrastructure financing programs and coordinate these efforts with other City functions, including planning, engineering, building and safety, finance, redevelopment and other City programs.
2. Advise landowners and provide preliminary technical aid in the establishment of new financing programs, or in the annexation of properties to existing financing districts.
3. Advise the City on the sale of public infrastructure bonds for the incremental expansion and upgrading of the wastewater treatment plant and other public facilities.

II-B. Special Projects:

1. Assist the City in the planning for annexation of strategic projects into the City.
2. Establish a program for priority processing for projects of exceptional merit, such as industrial and commercial developments with substantial revenue and job creation benefits.
3. Coordinate the administrative process of enacting development agreements for major development projects in the City.
4. Assist the City Manager in establishing financing programs which can augment the City's budget (e.g. redevelopment, 308 Districts, Marks-Roos, mitigation fees).

II-C. Marketing of the City:

1. Assist the City Manager in outreach functions to enhance the process of attracting business, industry and quality development to Beaumont.
2. Assist the City manager in public relations matters to promote a positive image for Beaumont and City programs, and provide assistance in managing the press on relevant matters.
3. Assist the City in the procurement of grants and other funding for local projects from federal and State sources.
4. Provide Graphic Artist services for up to forty-three hours per month.

III. Review of Development Services Functions

CONSULTANT will prepare an independent operational analysis of the City's development services functions, processes, record keeping and communications.

III-A. Planning Department:

1. Interview current City staff, Planning Commissioners and City Council members to determine attitudes, priorities,, and preferences relative to the planning function and operations, and the adequacy of coordination with other City functions.
2. Interview selected current and past project applicants to solicit comments and potential suggestions for improvements in departmental operations.
3. Review files and records to ascertain public satisfaction or complaint history with current operations.
4. Review forms and public information materials to a) ensure ready availability, b) ensure that materials are complete and provide proper instructions to applicants, and c) verify that the City is retrieving reasonable printing and production costs for materials furnished to the public.
5. Make appropriate recommendations for modifications or improvements to planning services.

II-B. Building and Safety:

1. Interview existing staff and other departments to ascertain any potential issues and problems relative to building and safety services.
2. Review records and files to ascertain public satisfaction with services and complaint history, if any.
3. Evaluate turn-around time for building plan checking and response to requests for inspection.
4. Review forms and public information materials as described relative to the Planning Department evaluation above.
5. Make recommendations relative to potential modifications or improvements to Building and Safety services.

III-C. City Engineering:

1. Interview existing staff to identify any prevailing issues, problems, resources needs and other operational considerations.

2. Review files and records to ascertain any past problems and public satisfaction with services.
3. Review public works standards and other public information materials to ensure adequacy, clarity and completeness.
4. With the assistance of the existing staff, develop recommendations for improvements, where necessary.

III-D. Development Monitoring and Record Keeping:

1. Evaluate the City's record keeping system and capabilities, reporting process and information retrieval system for development related services.
2. Provide recommendations for improvement of data management systems, recognizing City budget limitations.

III-E. Report Preparation:

1. Prepare a preliminary report detailing findings and recommendations, for the review of the City Manager, in conjunction with reorganization of the City's development services staff and commencement of all services set forth herein.
2. Provide a final report inclusive of the City Manager's comments for presentation to the City Council as a discussion or "receive and file" item.

IV. Public Works and Engineering Services

The designated Director of Public Works will maintain a presence at City hall for 24 hours weekly, will report directly to the City Manager and will provide the following services.

1. Administer public works and engineering services including supervision of Public Works Department personnel and day to day operations of the Public Works Department as directed by the City Manager.
2. Direct maintenance and operation activities of the City's Public Works Department including those related to streets, public utilities, water, wastewater, reclaimed water and storm drain systems; motorized and non-motorized equipment; and routine contract administration.
3. Direct the Public Works Department design engineering, capital improvement projects (CIP), traffic engineering, construction inspection and material testing, surveying, construction management services and plan checking services.

4. Attend public meetings; assist the City Manager in preparation and maintenance of budgets; and provide leadership and motivation to all employees of the Public Works Department.

V. Plan Checking and Construction Inspection

The CONSULTANT shall provide all necessary plan checking and inspection services for public works projects in the City of Beaumont as follows:

V-A. Plan Checking

On behalf of the City, ULC, under the direction of the Director of Public Works, shall review the plans prepared by civil engineers and other appropriate professionals on behalf of the City or private development interests for compliance with the ordinances of the City. The Director of Public Works shall arrange reviews by other appropriate agencies having jurisdiction in such matters relative to the enforcement of relevant codes and compliance with UBC (Uniform Building Code, 1991) and Caltrans. Only when satisfied that all conditions of approval and the appropriate requirements of the City's codes and other relevant codes and standards have been met, the Public Works Director shall approve or recommend approval of plans as relevant.

V-B. Construction Inspection

On behalf of the City, ULC, under the supervision of the Director of Public Works, shall provide inspection services during all phases of construction to enforce compliance with codes and conditions of approval, provisions of the City ordinances, Uniform Building Code (1991) and other requirements set forth on the plans for which permits were issued for construction. In the performance of such duties, ULC shall provide inspection for each project during and after completion of various stages of construction to confirm compliance with approved plans.

VI. Facilities, Records and Support Personnel

The CITY shall provide an office for conducting the duties as set forth in this Agreement. Within this office, CONSULTANT shall assemble and maintain such records customarily maintained by a City Planning, Economic Development and Public Works Department. Such records shall at all times be the property of the CITY. The CITY shall also assign its Planning Department secretary to provide assistance in all of the required clerical support services directly related to the execution of the professional services set forth in this Agreement.

VII. Additional Services

CITY may from time-to-time have the need for other services not specifically listed in this Agreement for which CONSULTANT has the necessary experience and capabilities to provide. CITY may authorize CONSULTANT to perform such additional services on an as-needed basis. Additional services which may be required include, but are not necessarily limited to:

- A. Major ordinance or General Plan revisions.
- B. Specific Plan and Environmental Impact Report processing.
- C. Direct costs for printing and reproduction of City materials.
- D. Preparation of Environmental Impact Reports and other major planning documents.
- E. Major overhauling of City mapping systems.
- F. Clerical services beyond those available from City staff.
- G. Development Agreement Processing.
- H. Major Annexations.
- I. Economic Development assistance beyond tasks specified in this Agreement (e.g. marketing brochures).
- J. Specification Writing.
- K. Bid Document Preparation.

VIII. Fee Collection

All fees to be collected from any private developer, engineer, architect, applicant or representative in connection with carrying out the functions on behalf of the City as set forth in this Agreement, if collected by CONSULTANT, shall be collected in the name of the CITY. CONSULTANT shall employ record keeping measures acceptable to the CITY.

IX. Compensation to CONSULTANT

The fees in full compensation to CONSULTANT for the services rendered for the services as set forth in this Agreement shall be as follows:

1. For the services set forth in Sections I, II and IV, compensation shall be a monthly lump sum of \$15,000.00, to be renegotiated annually.
2. For the services set forth in Section V, compensation shall be on a time and materials basis not exceeding four and one-half percent (4.5%) of the confirmed construction cost of the public improvements to be constructed.
3. For the services set forth in Section III, there shall be no compensation. These services shall be provided in connection with the services set forth in Sections II and IV.
4. For Additional Services as set forth in Section VII, compensation shall be in accordance with the Hourly Rate Schedule attached to this Agreement as Exhibit "A", or based upon a negotiated fixed fee rate.

X. Termination

This Agreement may be terminated by CITY or CONSULTANT with or without cause, with minimum written notice of 60 days. In the event of such termination, CONSULTANT shall be compensated for such services up to the point of the effective date of the determination.

ORIGINAL

XI. General Provisions

1. CONSULTANT shall provide no services for any private entitlement project within the corporate boundaries or sphere of influence of the CITY or to any other city within the boundary of the San Gorgonio Pass Water Agency during the period that this Agreement is in effect, without the written approval of the City Manager.
2. CITY shall not be called upon to assume any liability for the direct payment of any salary, wage or other compensation to any person employed by CONSULTANT performing services hereunder for CITY.
3. CONSULTANT shall not assign this contract without the prior written consent of the CITY.

XII. Responsible Individuals

The individuals directly responsible for the execution of the services as set forth herein shall be Ernest A. Egger, David W. Dillon and Deepak Moorjani, principals for Urban Logic Consultants. Changes in responsible personnel are subject to mutual agreement with the CITY.

XIII. Commencement of Services, Duration and Effect of Agreement

Services as set forth in this Agreement shall be commenced on September 28, 1993. The duration of this Agreement shall be until such time as the Agreement is terminated by either party, or both. Upon Execution of this Agreement, any prior Agreement for the services provided for herein shall be superseded by this Agreement.

ORIGINAL

IN WITNESS HEREOF, CITY and CONSULTANT have caused this Agreement to be executed by the duly authorized officers the day and year first above written in this Agreement.

CITY OF BEAUMONT

URBAN LOGIC CONSULTANTS

Jan Leja, Mayor

Ernest A. Egger, Principal

City Clerk

David W. Dillon, Principal

Deepak Moorjani, Principal

EXHIBIT "A"

URBAN LOGIC CONSULTANTS

HOURLY RATE SCHEDULE

Professional Services:

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$100.00
Senior Associate (Planner/Engineer)	80.00
Associate (Planner/Engineer)	70.00
Public Works Plan Checker	60.00
Administrative Assistant	55.00
Public Works Construction Inspector	55.00
Executive Secretary	35.00
Secretary	30.00

Direct Services and Reimbursement Costs:

Professional Sub-Consultant Services - Actual cost plus 15%

Document Reproduction and Copying - Actual cost plus 15%

Blue Prints - \$2.50 per sheet

Vehicle Mileage - \$0.32 per mile

Consultation in connection with litigation and court testimony will be quoted separately on an individual basis.

The above rates remain in effect through December 31, 1994.

EXHIBIT 3

Jeannie Shaw



City of Beaumont

550 East Sixth Street
P.O. Box 158
Beaumont, CA 92223-0158

714-845-1171
FAX 845-8483

From the Office of: City Clerk

April 12, 1994

Deepak Moorjani, P.E., Principal
Ernest A. Egger, AICP, REA, Principal
David W. Dillon, Principal
27463 Enterprise Circle West
Temecula, CA 92590

Gentlemen:

At a meeting held April 11, 1994, the Beaumont City Council approved amendment no. 2 to your contract with the City. A copy of the contract, No. 94-15, bearing original signatures of the appropriate City officials, is enclosed for your files.

Sincerely,

Joyce Snider
Joyce Snider,
Deputy City Clerk

ENC C94-15

ACCOUNT NO.
150-8445
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK

DATE
8/16/94
<input type="checkbox"/> MONEY ORDER

87684

RECEIVED OF

ADDRESS

DOLLARS \$ 150

Copies

CITY OF BEAUMONT
CITY HALL
BEAUMONT, CALIFORNIA

bv

AGREEMENT

AGREEMENT AMENDING THE
AGREEMENT FOR PLANNING, ECONOMIC DEVELOPMENT
AND PUBLIC WORKS SERVICES

This AGREEMENT, made and entered into this 11th day of April, 1994, by and between the City of Beaumont, a municipal corporation located in the County of Riverside, State of California, hereinafter referred to as "CITY" and Urban Logic Consultants, Inc., a corporation under the laws of the State of California with mailing address of 27463 Enterprise Circle West, Temecula, California 92590, hereinafter referred to as "CONSULTANT."

WITNESSETH

WHEREAS, CITY has the need for city planning, economic development and public works services; and

WHEREAS, CITY wishes to retain CONSULTANT for the performance of Construction Management services necessitating modification of the agreement with CONSULTANT, executed by the Mayor of the City of Beaumont on the 23rd day of September, 1993, hereinafter referred to as "AMENDED AGREEMENT."

WHEREAS, CITY desires to contract for such services with a private consulting firm; and

WHEREAS, CONSULTANT is experienced in providing such services for municipal corporations and is able to provide personnel with the proper experience and background to carry out the duties involved; and

WHEREAS, CITY wishes to retain CONSULTANT for the performance of said services;

NOW, THEREFORE, in consideration of the mutual covenants, benefits and premises herein stated, the CITY and CONSULTANT agree as follows:

CITY does hereby cause the AMENDED AGREEMENT to be amended to facilitate appointment of CONSULTANT in a contractual capacity in accordance with the amendments to the AMENDED AGREEMENT and terms and conditions hereinafter set forth:

I. AMENDMENTS TO AMENDED AGREEMENT

SECTION V.

Plan Checking and Construction Inspection

SECTION V is hereby amended to include the following subsection:

V.1 Public Works Construction Management

On behalf of the City, ULC, under the supervision of the Director of Public Works, shall provide construction management services during all phases of public works construction to enforce compliance with codes and conditions of approval, provisions of the City ordinances, Uniform Building code (1991) and other requirements set forth on the plans and specifications for which permits are issued for construction. In the performance of such duties, ULC shall provide construction management for each public works project before, during and after completion of various stages of construction including the following services related to the planning, control, scheduling, estimating and value engineering of public works projects:

A. Construction Management Services

1. Coordinate, receive, review and evaluate bids
2. Award bids, make appropriate recommendations, and prepare contracts
3. Manage, coordinate and inspect all work
4. Provide contract and subcontract coordination
5. Prepare and monitor construction schedules
6. Make adjustments to accommodate changing and unforeseen conditions
7. Prepare progress reports
8. Review and recommend progress payments
9. Obtain, review and evaluate shop drawings
10. Provide laboratory testing of materials as required and monitor test results
11. Evaluate quality and workmanship of construction
12. Maintain daily logs and records and such other services as are required to manage the work in accordance with City objectives
13. Schedule project meetings
14. Liaison with controlling agencies and design and construction engineers
15. Monitor and record correspondence between City contractors, subcontractors and design professionals
16. Prepare transmittals and labor reports
17. Provide labor and payroll compliance
18. Provide change order management and coordination
19. Provide plan interpretation as required
20. Administer extensions of time (force majeure delay) reports
21. Administer release and waivers of lien

SECTION IX
Compensation to CONSULTANT

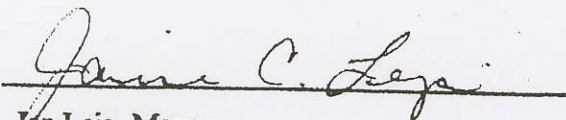
SECTION IX is hereby amended to include the following additional subsection:

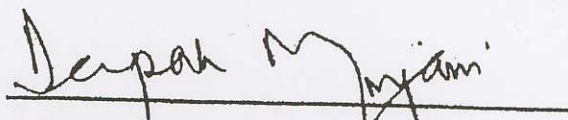
5. For the services set forth in SECTION V-1, compensation shall be on a time and materials basis not exceeding four and one-half percent (4.5%) of the bid price awarded by the City for each project.


IN WITNESS HEREOF, CITY and CONSULTANT have caused this Agreement to be executed by the duly authorized officers the day and year first above written in this Agreement.

CITY OF BEAUMONT

URBAN LOGIC CONSULTANTS, INC.


Jan Leja, Mayor


Deepak Moorjani, P.E., Principal


City Clerk


Ernest A. Egger, AICP, REA, Principal

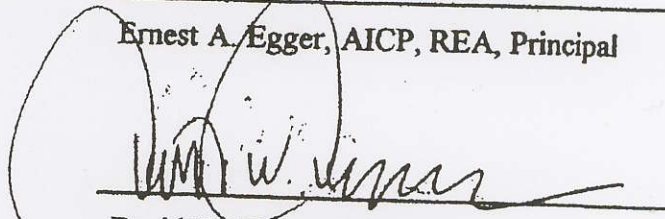

David W. Dillon, Principal

EXHIBIT 4

Initial Study and Negative Declaration

Title of Proposal: Beaumont Financing Sewer Revenue Bonds Upgrading and Expansion of City of Beaumont Wastewater Treatment Plant

Date Initial
Study Submitted: 7/2/93

Agency Requiring
Initial Study: City of Beaumont

Agency Address: 550 East Sixth Street

City/State/Zip: Beaumont, CA 92223

Agency Contact: Dayle Keller, City Manager Phone: (909) 845-1171

DETERMINATION

On the basis of this initial evaluation:

- a) I find that the proposed project *could not* have a significant effect on the environment, and

A NEGATIVE DECLARATION will be prepared ☐

- b) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the *mitigation* measures described on an attached sheet have been added to the project.

A NEGATIVE DECLARATION will be prepared ☒

- c) I find the proposed project *may* have a significant effect on the environment, and

An ENVIRONMENTAL IMPACT REPORT is required ☐



Signature

City of Beaumont

For

Ernest A. Egger, AICP, REA

Print Name

July 2, 1993

Date



EXHIBIT 5

URBAN LOGIC SERVICES
City of BMT

Exhibits

- A - Map
- B - NPDES Permit
- C - Computer System
- D - Hourly Rates

PROFESSIONAL SERVICES AGREEMENT:
OPERATION AND MAINTENANCE OF CITY OF BEAUMONT'S
WASTEWATER TREATMENT FACILITY AND SEWER SYSTEM

THIS AGREEMENT, is made and effective this 19th day of February, 2002,
by and between the CITY OF BEAUMONT, a municipal corporation ("OWNER") and the URBAN
LOGIC SERVICES, INC., a Nevada corporation ("CONSULTANT"). The OWNER and
CONSULTANT are sometimes referred to herein as the "PARTY" or, collectively, "PARTIES".

RECITALS

This Agreement is entered into on the basis of the following facts, mutual understanding and
intentions of the PARTIES:

A. The OWNER owns, operates and maintains a public sewage system and facilities
for the benefit of the OWNER's residents, consisting of a sewer pipeline collection and transport
system ("Collection Facilities"), and a 1.5 million gallon per day ("mgd") wastewater treatment and
disposal facility (now permitted as 2MGD subject to expansion/addition of equipment), located at
715 4th Street in the City of Beaumont ("Treatment Facilities"). Collection Facilities and Treatment
Facilities shall sometimes be collectively referred to herein as "OWNER's Facilities". A map
depicting the approximate location of the OWNER's Facilities is attached hereto as Exhibit "A" and
made a part hereof.

B. The OWNER is the holder of NPDES Permit, No. CA0105376 (the "NPDES
Permit"). The OWNER is informed and believes that, as of the date of this Agreement, it is in

substantial compliance with the conditions appurtenant to the NPDES Permit, a true and correct copy of which is attached hereto as Exhibit "B" and made a part hereof.

C. The OWNER has found and determined that significant savings in the cost of operating and maintaining the Collection Facilities and the Treatment Facilities can be obtained by contracting with a privately-owned firm knowledgeable in the operation and maintenance of such Facilities. The CONSULTANT has represented, warranted, and, in the provision of such services to the owner since 1995, demonstrated to the OWNER that the CONSULTANT possesses the necessary skills, qualifications, personnel and equipment to provide such services.

D. The PARTIES have agreed that the OWNER will retain the CONSULTANT for the purpose of operating and maintaining the Collection Facilities and Treatment Facilities on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants of the PARTIES, the OWNER and the CONSULTANT agree as follows:

1. CONSULTANT's Obligations. Subject to all of the provisions of this Agreement, the CONSULTANT is obligated to operate and maintain the OWNER's Collection Facilities and Treatment Facilities as follows:

a. Included Maintenance Activities: The CONSULTANT shall perform all routine and preventative maintenance and repair of the OWNER's Facilities, at the CONSULTANT's sole cost and expense. The CONSULTANT shall also supervise and coordinate the activities of contractors hired by the OWNER for the purpose of performing emergency and other non-routine repairs and replacements, in capital improvement projects. In the event that any such work requires competitive bidding, the CONSULTANT shall assist the OWNER in the preparation of bid documents and specifications.

b. Best Efforts: To use its best efforts and such time as is necessary to properly, timely and in a cost-effective manner, fulfill its duties under this Agreement and to carry out the desires and intentions of the PARTIES. The CONSULTANT shall likewise require all of its employees, agents, contractors and subcontractors to use their best efforts and such time as is necessary to properly, timely and in a cost effective manner fulfill their duties and to carry out the desires and intentions of the PARTIES.

c. Prompt Notification: To promptly notify the OWNER, upon gaining knowledge of a condition, event, or accumulation of events, which may affect the scope and/or cost of services provided pursuant to this Agreement, and the reasons therefor.

d. Compliance With Law: To strictly comply with the requirements of the NPDES Permit, and to strictly comply with all other applicable federal, state and county statutes, ordinances and regulations. If such compliance is impossible for reasons beyond its control, the CONSULTANT shall immediately notify the OWNER of the fact and the reasons therefor.

e. Wastewater Quality: To provide all labor, materials and equipment to perform necessary laboratory testing and analysis to determine whether the Treatment Facilities meets or exceeds NPDES Permit requirements and the requirements of law.

f. Licensing: To insure that all personnel assigned to perform the services required hereunder are properly licensed and/or certified to operate and maintain the Facilities.

g. Permitting: In the event the OWNER is required to obtain an approval, waiver, permit or other administrative, legislative, or judicial entitlements, CONSULTANT shall assist the OWNER by attending such meetings and providing such documents in the CONSULTANT's possession or control as are necessary.

h. Inventory of Consumables: To prepare and submit to the OWNER, on or before

December 31, 2001, an inventory of consumables on hand including, but not limited to, chemicals, lubricants, spare parts, materials and supplies reasonably required and necessary for the normal operation and maintenance of the OWNER's Facilities, including recommendations for any changes in such inventory. The OWNER and the CONSULTANT shall thereupon agree on appropriate adjustments to the inventory compiled by the CONSULTANT, and to the extent that the competitive bidding requirements applicable to OWNER are not violated, CONSULTANT shall thereafter arrange for and provide such consumables, at CONSULTANT's sole cost and expense throughout the term of this Agreement.

i. Inventory and Use of OWNER's Equipment: To prepare and submit to the OWNER, on or before December 31, 2001, an inventory of tools and equipment on hand including, but not limited to, spare parts, materials and supplies reasonably required and necessary for the normal operation and maintenance of such equipment, including recommendations for any changes in such inventory. The OWNER and the CONSULTANT thereupon agree on appropriate adjustments to the inventory compiled by the CONSULTANT. Throughout the term of this Agreement, the CONSULTANT may use OWNER's tools and equipment to the extent necessary to perform the services required of CONSULTANT hereunder, and the CONSULTANT agrees to perform all maintenance thereon at its sole cost and expense. Upon termination of this Agreement, CONSULTANT shall return all such tools and equipment to the OWNER in good condition, reasonable wear and tear excepted. The CONSULTANT shall not replace or dispose of any such tools or equipment without the OWNER's prior approval and in compliance with the laws governing the OWNER regarding competitive bidding and disposal or surplus property.

j. Customer Services: To develop and implement a plan, with the OWNER's approval, for high quality customer service.

k. Reports: To periodically report to the OWNER, as follows:

(1) Annually:

(a) The CONSULTANT shall prepare and submit a budget to the OWNER not later than 100 days before the commencement of any fiscal year (defined as July 1 to June 30), which budget shall reasonably estimate revenue and expenditures necessary for the operation, maintenance and repair of the Collection Facilities and the Treatment Facilities.

(b) The CONSULTANT shall evaluate the Collection Facilities and the Treatment Facilities for the purpose of identifying capital improvement needs (replacement, upgrade and expansion) and preparing and submitting to OWNER a Capital Improvement Plan;

(c) The CONSULTANT shall prepare and submit to the OWNER a proposed Capital Improvement Budget to accompany the evaluation required in Subparagraph (b) above, and the budget required in Subparagraph (a) above.

(2) Quarterly: The CONSULTANT shall prepare and submit to OWNER reports summarizing all operations and maintenance activities, detailing the operating conditions of critical Treatment Facilities (including, without limitation, emergency and safety equipment alarms).

(3) Monthly: The CONSULTANT shall keep accurate and complete records of all materials provided and services performed, and shall provide a monthly summary of the same in support of the CONSULTANT's monthly billings. All billings shall be presented to the OWNER on or before the 15th of each month and shall be paid no later than the end of the following month. The OWNER shall have the right to inspect and copy, at any

reasonable time, the records required under this subsection.

(4) Daily: The CONSULTANT shall maintain a daily log at the Treatment Facilities, which log shall include, but not be limited to, a general description of duties performed, special problems and occurrences, condition of the process units, unusual conditions, evidence of shock loads, slug loads, and non-permitted discharges.

(5) Periodically: The CONSULTANT shall also provide such other written or oral summary reports as may be reasonably requested by the OWNER.

l. Emergencies: To take such immediate and necessary steps as are necessary to assist OWNER in repairing the OWNER's Facilities during emergencies resulting in threats to public health and safety. During such emergencies, the CONSULTANT shall keep the OWNER informed to the fullest extent possible, and thereafter shall report, in writing, the extent of damage sustained, the repairs undertaken, and the costs thereof. Funds to defray the costs of emergency repairs shall be obtained from OWNER's Emergency Fund referred to in Paragraph 2 below.

m. Computer System: To provide, at CONSULTANT's sole cost and expense, computerized maintenance and data management systems which shall provide a record of each repair performed by the CONSULTANT or at the CONSULTANT's direction, to control the predictive and preventative maintenance systems, and to track information and system performance required for regulatory reporting including control parameters and water quality objectives. Such systems are presently in place and shall be maintained throughout the term of this Agreement. Upon termination of this Agreement, CONSULTANT shall transfer title and possession of all hardware and software to OWNER, and to provide appropriate training to OWNER's representatives. A complete description of the hardware and software referred to herein is described on Exhibit "C" attached hereto and made a part hereof.

n. Books and Records: To maintain, and retain for a period of not less than four years following termination of this Agreement, full and accurate books and accounts, in accordance with the practices established by or consistent with those utilized by the Controller of the State of California for public agencies. Such books and accounts shall be maintained on a fiscal year beginning on January 1, and ending on December 31, following. At OWNER's option and expense, such books and accounts shall be audited annually by an independent certified public accountant.

o. Insurance: To furnish and maintain, throughout the term of this Agreement, comprehensive, general liability insurance and automobile liability insurance coverage of no less than \$2,000,000 combined single limit. The OWNER shall be named therein as an additional insured. Such policies shall each provide that written notice shall be given to the OWNER at least 45 days prior to cancellation of such policy or policies. The CONSULTANT shall furnish to the OWNER certificates of insurance (including Worker's Compensation Insurance) to the OWNER for its approval and acceptance, on or before December 1, 2001, and annually thereafter.

p. Indemnification: To the extent permitted by law, and notwithstanding the insurance coverage requirements specified in Subparagraph o above, the CONSULTANT shall fully indemnify the OWNER against, and hold the OWNER and its employees and agents completely free and harmless from, any cost, expense, claim, demand, judgment, loss, injury and/or liability of any kind or nature, including person injury, death or property damage whether in contract or tort, that may arise from, directly or indirectly or be occasioned by, or be in any way connected with this Agreement or the maintenance and operation of the OWNER's Facilities or any negligent act or omission of the CONSULTANT, its employees, agents and/or subcontractors. The CONSULTANT shall not be obligated to indemnify the OWNER against OWNER's negligence. Except as otherwise expressly provided for in this Agreement, it is the intent of the PARTIES that the OWNER shall not

be obligated to contribute, voluntarily or involuntarily, any of its own funds to the operation and maintenance of the Collection Facilities and/or the Treatment Facilities and that all costs, expenses, and liabilities associated with the Facilities shall be borne by the CONSULTANT.

q. Inspection: To permit immediate inspection of the Collection Facilities and the Treatment Facilities by OWNER's representatives and representatives of regulatory agencies.

r. Office Space: The CONSULTANT may occupy and use the OWNER's offices and other structures situated at the Treatment Facilities site during the term of this Agreement; provided, however, upon termination of this Agreement, CONSULTANT shall vacate the same, leaving them in good and broom-clean condition, reasonable wear and tear excepted.

s. Safety: The CONSULTANT shall assume the sole and complete responsibility for the safety of all persons and property during performance of services pursuant to this Agreement. This requirement shall apply continuously and not be limited to normal working hours. The CONSULTANT's duty to ensure safety shall include, without limitation, the erection and maintenance of temporary fences and barriers, the placement of guards, lights and signals, and all other precautions necessary to maintain the highest standards of safety. The CONSULTANT shall actively seek to prevent accidents and shall notify anyone in the vicinity of CONSULTANT's work sites of safety practice violations, whether or not such people are in its or its subcontractors' employ. The CONSULTANT is encouraged to employ a safety leader with training in first aid. First aid supplies required by law shall be continuously available.

Any duty on the part of the OWNER or the OWNER's agents and/or representatives to monitor and/or review the CONSULTANT's activities and performance shall not be construed to include the review of the adequacy of the CONSULTANT's safety measures. Nothing herein shall relieve the CONSULTANT of its sole and complete responsibility for safety conditions.

t. Hazardous Materials: The CONSULTANT shall not permit, authorize, or suffer at any time the presence, use, manufacture, handling, generation, storage, treatment, discharge, release, burial or disposal on, under or about OWNER's Facilities of any hazardous substance and/or materials, or the transportation to or from the OWNER's Facilities of any hazardous substance or materials except as required by, and pursuant to, applicable federal and state law, rules, regulations and permits. The CONSULTANT hereby specifically acknowledges and agrees to indemnify, defend, protect and herein hold harmless the OWNER, its officials, officers, employees, agents, OWNER's Facilities and property from and against all claims, actual damages (including, without limitation, special and consequential damages), punitive damages, injuries, costs, response costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal or administrative proceedings, interest fines, charges, penalties and expenses of any kind whatsoever paid, incurred or suffered by, or asserted against, the OWNER and/or OWNER's Facilities directly or indirectly arising from or attributable to (i) a spill, leak or the escape or release of any hazardous substance or material into the environment, or (ii) any repair, cleanup or detoxification, or preparation and implementation of any removal, remedial, response, closure or other plan concerning a hazardous substance and/or material on, under or about OWNER's Facilities and/or property, regardless of whether undertaken due to governmental action. To the fullest extent permitted by law, the foregoing indemnification shall apply regardless of the fault, active or passive negligence, breach of warranty of CONSULTANT; provided, however, that the CONSULTANT shall not be obligated to indemnify OWNER against any unlawful discharges by third parties into OWNER's Facilities that could not have been reasonably foreseen by CONSULTANT.

For purposes of this Agreement, the term "hazardous substance" and the term "hazardous material" means any substance, product, waste or other material of any nature whatsoever which is

or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), the California Hazardous Waste Control Act (Health and Safety Code Section 25100 et seq.), the California Hazardous Substance Account Act (Health and Safety Code Section 25330 et seq.), the California Safe Drinking Water and Toxic Enforcement Act (Health and Safety Code Section 25249.5 et seq.), the California Hazardous Waste Management Act (Health and Safety Code Section 25170.1 et seq.), the California Porter-Cologne Water Quality Control Act (Water Code Section 1300 et seq.), all as amended, or any other federal, state or local statute, law, ordinance, resolution, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect.

The said terms shall also mean any substance, product, waste or other material of any nature whatsoever which may give rise to liability under any of the above-statutes or under any statutory or common law theory based on negligence, trespass, intentional tort, nuisance or strict liability or under any reported decision of a state or federal court, and shall also mean and include petroleum or crude oil and asbestos.

u. Competitive Bidding: CONSULTANT shall not perform, and is not obligated to perform, any work in violation of the competitive bidding laws applicable to the OWNER; provided, however, that the CONSULTANT shall promptly notify the OWNER, in writing and as far in advance as possible, of the need to perform any work or to purchase any supplies or materials reasonably necessary to properly and efficiently operate and maintain the OWNER's Facilities, the

purchase and/or performance thereof requires compliance with the applicable competitive bidding statute.

2. OWNER's Obligations. The OWNER is obligated to:

a. Emergency Fund: Fund and maintain an Emergency Fund in an amount of not more than \$25,000.00 nor less than \$15,000.00, accrued interest included, for the sole purpose of funding emergency repairs to the OWNER's Facilities. The OWNER shall promptly replenish this Emergency Fund as needed.

b. CONSULTANT Compensation: To pay to the CONSULTANT, for services rendered by CONSULTANT pursuant to this Agreement, a total lump sum annual fee of \$416,442.24, to be paid in 12 equal monthly installments of \$34,703.52. The annual fee shall be adjusted on or about each anniversary date of this Agreement in accordance with increases in the U.S. Department of Labor Consumer Price Index for the Orange-Riverside-San Bernardino County area, its successor index, or as otherwise mutually agreed upon by the PARTIES.

c. Extra Work Compensation: In addition to the annual fee described in Subparagraph b above, OWNER shall pay for extra work, labor and services provided by CONSULTANT on a time and materials basis, in accordance with CONSULTANT's Hourly Rate Schedule attached hereto as Exhibit "D" and made a part hereof. OWNER and CONSULTANT agree that any changes in hourly rates and other fees and costs referred to on Exhibit "D" shall be made pursuant to the Consumer Price Index or mutual agreement of the PARTIES.

As used herein, "extra work" means and includes compliance with, or performance of, new and additional operating requirements imposed by the OWNER or by regulatory agencies, emergencies resulting from natural disasters and other catastrophic occurrences.

d. Liaison: The OWNER hereby designates its City Manager as liaison between the

OWNER and CONSULTANT; provided, however, the OWNER reserves the right to change, from time to time, this designation.

e. Utilities: To arrange and directly pay for all utility services necessary to the operation of OWNER's Facilities.

f. Assistance to CONSULTANT: The OWNER shall provide or otherwise make available to CONSULTANT all information, requirements, criteria, existing studies and reports in OWNER's possession or control.

3. Miscellaneous Provisions.

a. Commencement and Termination of Agreement: The CONSULTANT shall commence the management, operation and maintenance of the Collection and Treatment Facilities on or before December 1, 2001. The CONSULTANT shall continue to operate and maintain the OWNER's Facilities for a period of five (5) years, with said period renewable for successive five-year periods at each contract anniversary date (commencing with December 1, 2002), subject to successful and satisfactory services by the CONSULTANT for the preceding year as determined by the OWNER. This Agreement shall remain valid until terminated as follows:

(1) Earlier by mutual agreement of the PARTIES; or

(2) Either PARTY terminates this Agreement at its option, and without prejudice to any other remedy to which it may be entitled at law or in equity, by giving the other PARTY written notice of termination if any of the following events occur:

(i) The notified PARTY fails to perform to the satisfaction of the other PARTY or has defaulted in the performance of any obligation or payment of any indebtedness under this Agreement and has failed to cure the default within 30 days after written notice of the default had been given by the non-breaching PARTY.

(ii) After good faith negotiations, the PARTIES fail to agree on the purposes, expenses, operations or other material aspects of the OWNER's Facilities.

(iii) Circumstances arise which are beyond control of the PARTIES (such as Court orders or regulatory decisions) and which make the termination of this Agreement desirable or necessary.

Notwithstanding the termination of this Agreement, the PARTIES shall be required to carry out all provisions of this Agreement which contemplate performance subsequent to such termination, and termination shall not affect any liability or other obligation that accrued prior to the date of termination.

In the event of termination the PARTIES agree that OWNER shall not be liable to pay to CONSULTANT the unearned balance or any portion thereof of the compensation provided for in this Agreement.

b. Independent Contractor: The CONSULTANT shall perform the services required hereunder in the CONSULTANT's own way as an independent contractor, and in pursuit of CONSULTANT's independent calling, and not as an employee of the OWNER. The CONSULTANT shall be under the control of the OWNER only as to the result to be accomplished and the personnel assigned to perform services. However, the CONSULTANT shall regularly confer with the OWNER's designated liaison and other authorized agents and representatives, as provided for in this Agreement. The CONSULTANT hereby warrants and represents to the OWNER that the services to be provided hereunder shall be performed in accordance with the standards customarily applied to an experienced and competent professional organization rendering the same or similar services, and that the individual signing this Agreement on behalf of the CONSULTANT has the full authority to bind the CONSULTANT to all of the terms, conditions, covenants and promises

contained in this Agreement.

- c. Subcontractors: The CONSULTANT may, at its sole cost and expense, employ such competent and qualified professionals, consultants and subcontractors as CONSULTANT deems necessary.
- d. Specific Enforcement: This Agreement may be specifically enforced by either PARTY.
- e. Assignment: Neither this Agreement nor any duties or obligations hereunder shall be assigned by the CONSULTANT without the prior written consent of the OWNER.
- f. Further Acts: Each PARTY agrees to execute and deliver all documents and perform all further acts that may be reasonably necessary to carry out the provisions of this Agreement.
- g. Amendment: This Agreement may be amended in writing by mutual agreement of the PARTIES.
- h. Protests: In the event the CONSULTANT considers a request by OWNER to perform a service the CONSULTANT believes to be outside the scope of this Agreement, or if the CONSULTANT considers any order or ruling of the OWNER's liaison to be unfair, it may immediately request that it be confirmed and delivered in writing. Within 10 days after receipt of such writing, and without delaying performance of such request, order or ruling, file a written protest with the OWNER stating clearly and in detail its objections and the reasons therefor. Except for such grounds of protest or objections as are made of record in the manner specified and within the time stated herein, the CONSULTANT hereby waives all grounds for protests or objections, and hereby agrees that as to all matters not included in such protests, the orders, instructions and decisions of the OWNER shall be final and conclusive.

i. Arbitration: Any dispute which may arise by and between the OWNER and the CONSULTANT, including the CONSULTANT's subcontractors, laborers, and suppliers, shall be submitted to binding arbitration. Arbitration shall be conducted by the Judicial Arbitration and Mediation Services, Inc., in accordance with its construction industry rules in effect at the time of the commencement of the arbitration proceeding, and as set forth in this Paragraph. Arbitration shall be conducted before a panel of three arbitrators, unless the PARTIES agree in writing to submit the matter before a single arbitrator. The arbitrators must decide each and every dispute in accordance with the laws of the State of California, and all other applicable laws. The arbitrators' decision and award are subject to judicial review for errors of fact or law in accordance with Section 1296 of the Code of Civil Procedure, by a Superior Court of competent venue and jurisdiction. Discovery may be conducted in the arbitration proceeding pursuant to Section 1283.05 of the Code of Civil Procedure. Unless the PARTIES stipulate to the contrary, prior to the appointment of the arbitrators, all disputes shall first be submitted to non-binding mediation, conducted by either the American Arbitration Association or Judicial Arbitration and Mediation Services, Inc., in accordance with their respective rules and procedures for such mediation. In any arbitration or litigation arising out of this Agreement, or the performance of any obligation under this Agreement, the arbitrators or the court in such arbitration or litigation shall award costs and expenses of arbitration or litigation, including mediation and arbitration fees and expenses, expert witness fees and attorneys' fees, to the prevailing PARTY.

j. Integration: This Agreement supersedes any and all previous agreements, either oral or written, between the PARTIES with respect to the OWNER's Facilities, and contains all of the covenants and agreements between the PARTIES with respect to the OWNER's Facilities.

k. Severability: If any one or more of the terms, provisions, promises, covenants or

conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable, for any reason whatsoever, each and all of the remaining terms, provisions, promises, covenants and conditions of the Agreement shall be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

l. Ownership of Wastewater: The OWNER shall retain title and ownership to all wastewater and treatment process byproducts.

m. Ownership of Documents: All draft and final reports, budgets, plans, drawings, studies, maps, photographs, specifications, data, notes and all other documents of any kind or nature prepared or developed by CONSULTANT in connection with the performance of services hereunder shall become the sole property of the OWNER, and the CONSULTANT shall promptly deliver all such materials to the OWNER. At the OWNER's sole discretion, the CONSULTANT may be permitted to retain original documents and furnish reproductions. If the OWNER uses such documents for any purpose other than for which they were prepared without the CONSULTANT's prior written approval, the OWNER hereby waives any claims against the CONSULTANT and will hold CONSULTANT harmless from any claim or liability for injury or loss arising from the OWNER's unauthorized use.

n. Financial Disclosure: If required by law, CONSULTANT shall annually prepare and file with OWNER a Conflict of Interest Statement.

IN WITNESS WHEREOF, the PARTIES have executed this Agreement to be effective on the day first above written.

OWNER:
CITY OF BEAUMONT

By 
Mayor

CONSULTANT
URBAN LOGIC SERVICES, INC.

By

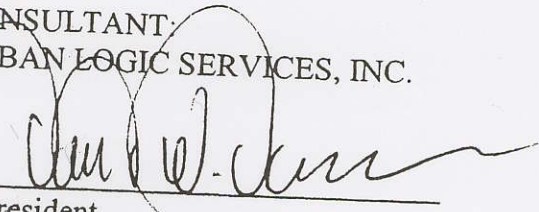

President

Exhibit A

NOTE: THIS AREA WILL REMAIN IN ITS EXISTING
STAGE OF DEVELOPMENT, UTILIZING THE
SEPTIC SEWERAGE SYSTEM.

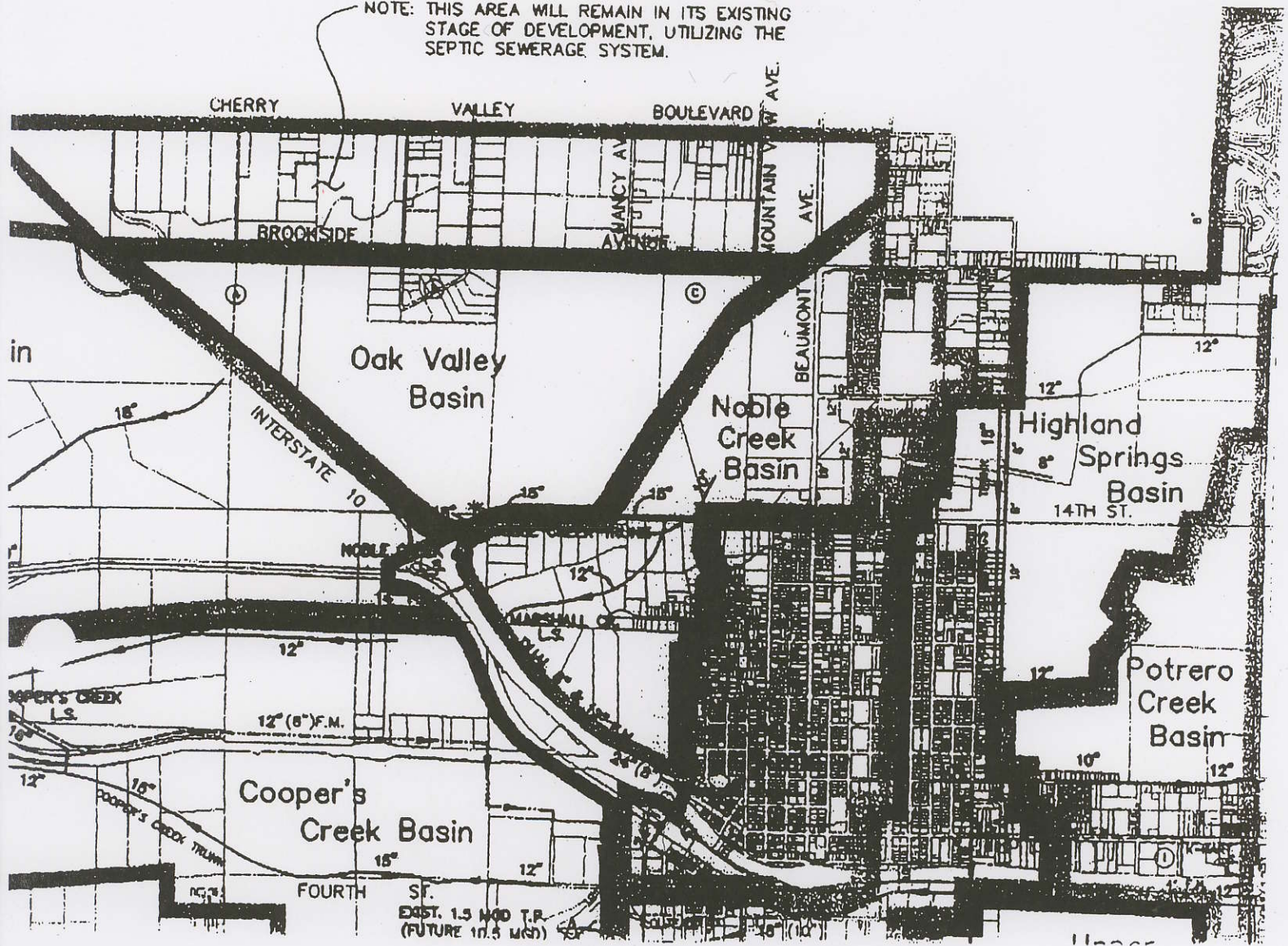


EXHIBIT 6

Please type or print in ink

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER
MOORJANI	DEEPAK		(909) 676 1944
MAILING ADDRESS (May be business address)	STREET	CITY	STATE ZIP CODE
43517 RIDGE PARK DR TEMECULA CA 92590			
OPTIONAL: FAX / E-MAIL ADDRESS			

1. Office, Agency or Court

Name of Office, Agency or Court:

CITY OF BEAUMONT

Division, Board, District, if applicable:

PUBLIC WORKS & ENGINEERING

Your Position:

DIRECTOR OF PUBLIC WORKS

⇒ If filing for multiple positions, list additional agency(ies)/ position(s): (Attach a separate sheet if necessary.)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

- ☐ State
- ☐ County of _____
- ☒ City of BEAUMONT
- ☐ Multi-County _____
- ☐ Other _____

3. Type of Statement (Check at least one box)

- ☐ Assuming Office/Initial Date: _____
- ☐ Annual: The period covered is January 1, 2003, through December 31, 2003.
- or-
- ☐ The period covered is _____ through December 31, 2003.
- ☐ Leaving Office Date Left: _____ (Check one)
- ☐ The period covered is January 1, 2003, through the date of leaving office.
- or-
- ☐ The period covered is _____ through the date of leaving office.
- ☐ Candidate

4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

⇒ During the reporting period, did you have any reportable interests to disclose on:

Schedule A-1 ☐ Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☒ Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B ☐ Yes - schedule attached
Real Property

Schedule C ☒ Yes - schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

Schedule D ☐ Yes - schedule attached
Income - Loans

Schedule E ☐ Yes - schedule attached
Income - Gifts

Schedule F ☐ Yes - schedule attached
Income - Travel Payments

-or-

⇒ ☐ No reportable interests on any schedule

Total number of pages

completed including this cover page: _____

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed: _____ (month, day, year)

Signature: Deepak Moorjani
(Print the originally signed statement with your filing official)

SCHEDULE A-2
Treatments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM **700**

Name
DEEPAK MOORJANI

URBAN LOGIC CONSULTANTS/URBAN LOGIC SERVICES
Name
4357 RIDGE PARK DR. TEMECULA CA 92590
Address

Check one

☐ Trust, go to 2 ☒ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☒ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☐ Other

YOUR BUSINESS POSITION VP - URBAN LOGIC CONSULTANTS
VP - URBAN LOGIC SERVICES

- ☐ \$0 - \$499
☐ \$500 - \$1,000
☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000
☐ OVER \$100,000

**CONSULTING & STAFFING SERVICES
TO CITY OF BEAUMONT**

Check one box

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold ☐ Other
Yes, remaining

☐ Check box if additional schedules reporting investments or real property are attached

Comments:

Name

Address

Check one

☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☐ Other

YOUR BUSINESS POSITION

- ☐ \$0 - \$499
☐ \$500 - \$1,000
☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000
☐ OVER \$100,000

Check one box

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold ☐ Other
Yes, remaining

☐ Check box if additional schedules reporting investments or real property are attached

SCHEDULE C
Income & Business Positions
(Income Other than Loans, Gifts, and
Travel Payments)

NAME DEEPAK MOORTJAN

> NAME OF SOURCE
URBAN LOGIC CONSULTANTS/URBAN LOGIC SERVICES
ADDRESS
43577 RIDGE PARK DR. TEMECULA CA 92590
BUSINESS ACTIVITY, IF ANY, OF SOURCE
CONSULTING/STAFFING SERVICES TO BEAUMONT
YOUR BUSINESS POSITION
VP / VP

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☒ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, not each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, not each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, not each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, not each source of \$10,000 or more

☐ Other _____
(Describe)

Comments:

EXHIBIT 7

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

A Public Document

RECEIVED
Date Received
Official Use Only
JAN - 6 2004
CITY OF BEAUMONT
CITY CLERK
DAYTIME TELEPHONE NUMBER
(909) 676-1944
OPTIONAL: FAX / E-MAIL ADDRESS

Please type or print in ink

NAME (LAST) (FIRST) (MIDDLE)
EGGER ERNEST A.
MAILING ADDRESS (May be business address) STREET CITY STATE ZIP CODE
43517 RIDGE PARK DRIVE STE 200 TEMECULA CA 92590
OPTIONAL: FAX / E-MAIL ADDRESS

1. Office, Agency or Court

Name of Office, Agency or Court:

CITY OF BEAUMONT

Division, Board, District, if applicable:

PLANNING DEPARTMENT

Your Position:

DIRECTOR OF PLANNING

⇒ If filing for multiple positions, list additional agency(ies)/
position(s): (Attach a separate sheet if necessary.)

Agency:

Position:

2. Jurisdiction of Office (Check at least one box)

☐ State

☐ County of _____

☒ City of BEAUMONT

☐ Multi-County _____

☐ Other _____

3. Type of Statement (Check at least one box)

☐ Assuming Office/Initial

Date: ____/____/____

☒ Annual: The period covered is January 1, 2003,
through December 31, 2003.

-or-

☐ The period covered is ____/____/____, through
December 31, 2003.

☐ Leaving Office Date Left: ____/____/____
(Check one)

☐ The period covered is January 1, 2003, through
the date of leaving office.

-or-

☐ The period covered is ____/____/____, through
the date of leaving office.

☐ Candidate

4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

⇒ During the reporting period, did you have any reportable
interests to disclose on:

Schedule A-1 ☐ Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☒ Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B ☐ Yes - schedule attached
Real Property

Schedule C ☒ Yes - schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

Schedule D ☐ Yes - schedule attached
Income - Loans

Schedule E ☐ Yes - schedule attached
Income - Gifts

Schedule F ☐ Yes - schedule attached
Income - Travel Payments

-or-

⇒ ☐ No reportable interests on any schedule

Total number of pages
completed including this cover page: _____

5. Verification

I have used all reasonable diligence in preparing this
statement. I have reviewed this statement and to the best of
my knowledge the information contained herein and in any
attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State
of California that the foregoing is true and correct.

Date Signed 1/6/04
(month, day, year)

Signature _____
(File the originally signed statement with your filing official.)

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name
Ernest A. Egger

> 1. BUSINESS ENTITY OR TRUST

Urban Logic Consultants/Urban Logic Services
Name
43517 Ridgeway Dr. #200 Temecula CA
Address
92590

Check one
☐ Trust, go to 2 ☒ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000
☒ \$10,001 - \$100,000 / /03 / /03
☐ \$100,001 - \$1,000,000 ACQUIRED DISPOSED
☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☐ President - Urban Logic Cons.
YOUR BUSINESS POSITION President - Urban Logic Serv

> 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

☐ \$0 - \$499 ☒ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

> 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

Consulting and Staffing Services
to the City of Beaumont

> 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:
☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or
Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000 / /03 / /03
☐ \$100,001 - \$1,000,000 ACQUIRED DISPOSED
☐ Over \$1,000,000

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold ☐ Other
Yrs. remaining

☐ Check box if additional schedules reporting investments or real property are attached

Comments: _____

> 1. BUSINESS ENTITY OR TRUST

Name
Address

Check one
☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000 / /03 / /03
☐ \$100,001 - \$1,000,000 ACQUIRED DISPOSED
☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☐ Other

YOUR BUSINESS POSITION _____

> 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

> 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

> 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:
☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or
Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000 / /03 / /03
☐ \$100,001 - \$1,000,000 ACQUIRED DISPOSED
☐ Over \$1,000,000

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold ☐ Other
Yrs. remaining

☐ Check box if additional schedules reporting investments or real property are attached

SCHEDULE C
Income & Business Positions
(Income Other than Loans, Gifts, and
Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name
Ernest A. Egger

> NAME OF SOURCE
Urban Logic Consultants/Urban Logic Services

ADDRESS
43517 Ridge Park Dr. #200 Temecula CA 92590

BUSINESS ACTIVITY, IF ANY, OF SOURCE
Consulting / Staffing Services to Beaumont

YOUR BUSINESS POSITION
President / Vice President

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☒ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

Comments: _____

EXHIBIT 8

STATEMENT OF ECONOMIC INTERESTS

Date Received
Official Use Only

COVER PAGE

A Public Document

Please type or print in ink

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER
Dillon	David	W.	(909) 749-8550
MAILING ADDRESS (May be business address)	STREET	CITY	STATE ZIP CODE
550 E. 6th St.	Beaumont, CA	92223	OPTIONAL: FAX / E-MAIL ADDRESS

1. Office, Agency or Court

Name of Office, Agency or Court: City of Beaumont
San Joaquin Watershed Management Authority

Division, Board, District, if applicable:

Your Position: Economic Development
Director, Commissioner

→ If filing for multiple positions, list additional agency(ies)/position(s): (Attach a separate sheet if necessary.)

Agency: See above

Position:

2. Jurisdiction of Office (Check at least one box)

- ☐ State
- ☐ County of _____
- ☐ City of _____
- ☐ Multi-County _____
- ☐ Other _____

3. Type of Statement (Check at least one box)

☐ Assuming Office/Initial Date: ____/____/____

☒ Annual: The period covered is January 1, 2003, through December 31, 2003.

-or-

☐ The period covered is ____/____/____, through December 31, 2003.

☐ Leaving Office Date Left: ____/____/____ (Check one)

☐ The period covered is January 1, 2003, through the date of leaving office.

-or-

☐ The period covered is ____/____/____, through the date of leaving office.

☐ Candidate

4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

→ During the reporting period, did you have any reportable interests to disclose on:

Schedule A-1 ☐ Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☒ Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B ☐ Yes - schedule attached
Real Property

Schedule C ☒ Yes - schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

Schedule D ☐ Yes - schedule attached
Income - Loans

Schedule E ☐ Yes - schedule attached
Income - Gifts

Schedule F ☐ Yes - schedule attached
Income - Travel Payments

-or-

→ ☐ No reportable interests on any schedule

Total number of pages
completed including this cover page: _____

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 1-31-04
(month, day, year)

Signature [Signature]
(File the originally signed statement with your filing official.)

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

1. BUSINESS ENTITY OR TRUST

Name Urban Logic Consultants/Services

Address _____

Check one

☐ Trust, go to 2 ☒ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☒ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☒ Corp ☐ Other

YOUR BUSINESS POSITION Principal

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☒ OVER \$100,000
☐ \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

Consulting and Staff Services
to City of Beaumont

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property _____

Description of Business Activity or
City or Other Precise Location of Real Property _____

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____
Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

Comments: _____

1. BUSINESS ENTITY OR TRUST

Name _____

Address _____

Check one

☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Sole Proprietorship ☐ Partnership ☐ Other

YOUR BUSINESS POSITION _____

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property _____

Description of Business Activity or
City or Other Precise Location of Real Property _____

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/03
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____
Yrs. remaining ☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

SCHEDULE C
Income & Business Positions
(Income Other than Loans, Gifts, and
Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

> NAME OF SOURCE
Urban Logic Consultants/Services
ADDRESS
43517 Ridge Park Drive #200
BUSINESS ACTIVITY, IF ANY, OF SOURCE
Temecula, CA 92590
YOUR BUSINESS POSITION
Principal

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☒ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- ☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- ☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- ☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

> NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- ☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____
(Property, car, boat, etc.)
☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

Comments: _____

EXHIBIT 9

Please type or print in ink

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER
LOVE	JAMES	HT71	(909) 845-8972
MAILING ADDRESS (May be business address)		CITY	STATE ZIP CODE
877 1/2 4th Street, Ste A, Beaumont CA 92223		CA	909 709-8388
		OPTIONAL FAX OR E-MAIL ADDRESS	

1. Office, Agency or Court

Name of Office, Agency or Court:

Planning Commissioner

Division, Board, District, if applicable:

Your Position:

Commissioner

— If filing for multiple positions, list additional agency(ies)/position(s): (Attach a separate sheet if necessary.)

Agency:

Position:

2. Jurisdiction of Office (Check at least one box)

☐ State

☐ County of

☒ City of

Beaumont

☐ Multi-County

☐ Other

3. Type of Statement (Check at least one box)

☐ Assuming Office/Initial

Date: / /

☒ Annual: The period covered is January 1, 2003, through December 31, 2003.

-or-

☐ The period covered is / / through December 31, 2003.

☐ Leaving Office Date Left: / / (Check one)

☐ The period covered is January 1, 2003, through the date of leaving office.

-or-

☐ The period covered is / / through the date of leaving office.

☐ Candidate

4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

— During the reporting period, did you have any reportable interests to disclose on:

Schedule A-1 ☐ Yes — schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☒ Yes — schedule attached
Investments (10% or greater Ownership)

Schedule B ☐ Yes — schedule attached
Real Property

Schedule C ☒ Yes — schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

Schedule D ☐ Yes — schedule attached
Income — Loans

Schedule E ☐ Yes — schedule attached
Income — Gifts

Schedule F ☐ Yes — schedule attached
Income — Travel Payments

-or-

— ☐ No reportable interests on any schedule

Total number of pages

completed including this cover page: 3

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed

2/10/04

(month, day, year)

Signature

James H. Love

(File the originally signed statement with your filing official.)

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
 (Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
 PART 1: IDENTIFY THE BUSINESS ENTITY OR TRUST
 Name JAMES A. LOVE

1. IDENTIFY THE BUSINESS ENTITY OR TRUST
 Name Berment Electric, Inc
 Address _____
 Check one
☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
electrical contracting
 FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000 / / 03
☒ \$10,001 - \$100,000 / / 03
☐ \$100,001 - \$1,000,000 / / 03
☐ Over \$1,000,000 / / 03
 ACQUIRED DISPOSED
 NATURE OF INVESTMENT
☐ Sole Proprietorship ☐ Partnership ☒ 10% stock
 YOUR BUSINESS POSITION _____

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)
☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☒ OVER \$100,000
☐ \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE
NONE

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST
 Check one box:
☐ INVESTMENT ☐ REAL PROPERTY
NONE
 Name of Business Entity or
 Street Address or Assessor's Parcel Number of Real Property
NONE
 Description of Business Activity or
 City or Other Precise Location of Real Property
 FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000 / / 03
☐ \$10,001 - \$100,000 / / 03
☐ \$100,001 - \$1,000,000 / / 03
☐ Over \$1,000,000 / / 03
 ACQUIRED DISPOSED
 NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☒ Stock ☐ Partnership
☐ Leasehold Yrs. remaining ☐ Other
☐ Check box if additional schedules reporting investments or real property are attached

Comments: _____

1. IDENTIFY THE BUSINESS ENTITY OR TRUST
 Name _____
 Address _____
 Check one
☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
 FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000 / / 03
☐ \$10,001 - \$100,000 / / 03
☐ \$100,001 - \$1,000,000 / / 03
☐ Over \$1,000,000 / / 03
 ACQUIRED DISPOSED
 NATURE OF INVESTMENT
☐ Sole Proprietorship ☐ Partnership ☐ Other
 YOUR BUSINESS POSITION _____

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)
☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST
 Check one box:
☐ INVESTMENT ☐ REAL PROPERTY
 Name of Business Entity or
 Street Address or Assessor's Parcel Number of Real Property
 Description of Business Activity or
 City or Other Precise Location of Real Property
 FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
☐ \$2,000 - \$10,000 / / 03
☐ \$10,001 - \$100,000 / / 03
☐ \$100,001 - \$1,000,000 / / 03
☐ Over \$1,000,000 / / 03
 ACQUIRED DISPOSED
 NATURE OF INTEREST
☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership
☐ Leasehold Yrs. remaining ☐ Other
☐ Check box if additional schedules reporting investments or real property are attached

SCHEDULE C
Income & Business Positions
 (Income Other than Loans, Gifts, and
 Travel Payments)

CALIFORNIA FORM 700
 (Use for Individuals and Estates)
 Name James H. Love
Spouse income

NAME OF SOURCE Berument Electric, Inc.
ADDRESS 877 W. 4th St. Street Berument
BUSINESS ACTIVITY, IF ANY, OF SOURCE Contracting
YOUR BUSINESS POSITION 90% owner

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☒ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☒ Salary ☒ Spouse's income ☐ Loan repayment
☐ Sale of _____ (Property, car, boat, etc.)
☐ Commission or ☐ Rental income, list each source of \$10,000 or more

In spouse's trust

☐ Other _____ (Describe)

NAME OF SOURCE Berument Industrial Park
ADDRESS 871 & 877 W. 4th Street Berument
BUSINESS ACTIVITY, IF ANY, OF SOURCE Rental Property
YOUR BUSINESS POSITION owner

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☒ Spouse's income ☐ Loan repayment
☐ Sale of _____ (Property, car, boat, etc.)
☐ Commission or ☒ Rental income, list each source of \$10,000 or more

In Spouse's trust

☐ Other _____ (Describe)

NAME OF SOURCE Love's Sporting Goods
ADDRESS 226 E. 6th Street
BUSINESS ACTIVITY, IF ANY, OF SOURCE Rental Property
YOUR BUSINESS POSITION owner

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____ (Property, car, boat, etc.)
☐ Commission or ☒ Rental income, list each source of \$10,000 or more

In spouse's trust

☐ Other _____ (Describe)

NAME OF SOURCE _____
ADDRESS _____
BUSINESS ACTIVITY, IF ANY, OF SOURCE _____
YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED
☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
☐ Salary ☐ Spouse's income ☐ Loan repayment
☐ Sale of _____ (Property, car, boat, etc.)
☐ Commission or ☐ Rental income, list each source of \$10,000 or more

☐ Other _____ (Describe)

Comments: _____

Tracey Love

note address

EXHIBIT 10

STAFF REPORT

Agenda Item 2.n

To: Mayor and Council Members
From: Community and Economic Development Department
Date: September 21, 2004
Subject: Lease Agreement with Dispatch Trucking, Inc. for Potrero Boulevard

Background and Analysis:

The proposed Agreement would provide for the removal of up to 200,000 cubic yards of dirt from the property owned by the City for Potrero Boulevard over a three month period. The Agreement is with the Dispatch Trucking, Inc.(DT) which has extensive experience excavating dirt including work for Eastern Municipal Water District, Western Municipal Water District, Metropolitan Water District of Southern California and Riverside County Flood Control District. DT would pay a royalty of \$0.20 per cubic yard of material removed from the property and would rough grade segments of Potrero Boulevard needed for the San Timoteo Sewer. All grading would be done in accordance with a grading and erosion control plan provided by the City who would also provide recycled water for dust control. DT would also pay the City \$4,000 in additional rent, gate the property, obtain all necessary permits including those from Union Pacific Railroad and Caltrans, and would be required to indemnify the City from claims and losses resulting from the operations.

Fiscal Impact: The Agreement will save the City roughly \$375,000 - \$880,000 in excavation and grading costs related to the San Timoteo Sewer and Potrero Boulevard construction. The Agreement will also generate \$18,000 - \$44,000 in revenue for the City over a sixth month period

Recommendation: Staff recommends APPROVAL of the Lease Agreement and AUTHORIZATION of the Mayor to execute the Agreement subject to the authority of the City Attorney to make non-substantive changes. A Project Progress Report attached to the staff report is also recommended for APPROVAL.

Respectfully submitted;



David W. Dillon
Economic Development Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds: Beaumont Utility Authority Series 2003 B Bonds	Project Name: San Timoteo Sewer
Contract Date: Construction Services: 5-20-03 Professional Services: 11-92 & 3-93	Lessor: Dispatch Trucking, Inc.
Const. Budget: N/A	Subcontractors: Approved CIP Contractors Project Start Date: 9-04
Work Completed During Report Period: A. Prepared, processed and plan-checked Plans and Specifications, materials report, topography and boundary control	
Problems or Delays During Report Period: • No delays in reporting period	
Change Orders: • No Change Orders	
Recommendation(s) for City Council Action: Approve and authorize staff and qualified entities and contractors to complete the following work: Dispatch Trucking, Inc.: • Work in accordance with Lease Agreement Urban Logic: • Complete the planning, engineering, environmental, inspection and construction management process.	
Report Submitted by:	
Mayor Signature	Date of City Council Approval

EXHIBIT 11

STAFF REPORT

Agenda Item 1.1

TO: Mayor and Council Members

FROM: Community and Economic Development Department

DATE: February 15, 2005

SUBJECT: Award Street Repair Task Order for Block Wall - First Street and Viele Avenue

Background and Analysis:

The City Council has authorized approximately \$2.173 Million for the First Street Rehabilitation and Viele Avenue Extension project. The extension and resurfacing of Viele Avenue and First Street will result in additional traffic on both streets which will generate additional noise impacts as the area builds out over the next few decades. In order to mitigate potential impacts from noise, an acoustical study has been prepared which recommended construction of an 8 foot high block wall adjacent to existing residential properties. The block wall will result in the maintenance of existing noise levels within City standards as traffic increases. The proposed task order would authorize Moody Construction to proceed with construction of approximately 886 linear feet of block wall in accordance with the recommendations in the noise study.

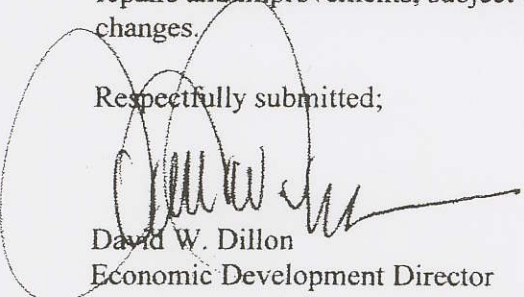
Fiscal Impact:

The Project will be funded entirely with funds designated for transportation repairs and improvements. No General Fund revenues will be utilized and all administrative costs will be recovered. The total cost of the project will be \$104,232.

Recommendation:

Staff recommends APPROVAL of the Task Order with Moody Construction in accordance with the approved quantity contract and of the Project Status Report for the street repairs and improvements, subject to the authority of the City Attorney to make non-substantive changes.

Respectfully submitted;



David W. Dillon
Economic Development Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds: RDA: Emergency Preparedness Mitigation Fees Loan	Project Name: Viele Ave. Extension/First Street Rehabilitation
Contract Date: Construction Services: 02-05	Contractors: Moody Construction
Const. Budget: \$104,232	Subcontractors: See approved contractors list.
A&E Budget: See Approved CIP	Project Start Date: 12-03 Report Period: 11-05 through 02-05
Work Completed During Report Period: <ul style="list-style-type: none"> • Prepared and processed bids. 	
Problems or Delays During Report Period: <ul style="list-style-type: none"> • No problems or delays 	
Change Orders: <ul style="list-style-type: none"> • No Change Orders 	
Recommendation(s) for City Council Action: Approve and authorize staff and qualified contractors to complete the following work. Moody Construction: <ul style="list-style-type: none"> • Construct street repairs and block wall improvements in accordance with attached proposal and task order. City and Qualified Contractors: <ul style="list-style-type: none"> • Provide surveying, plan checking, inspection and construction management services. 	
Report Submitted by:	
_____ City Manager Signature	_____ Date of City Council Approval



City of Beaumont

550 East Sixth Street
Beaumont, CA 92223
(909) 769-8520
FAX (909) 769-8526
FAX (909) 769-8525

TASK ORDER #13

DATE: February 3, 2005

PROJECT:

Miscellaneous
Construction Contract
Source of Funding: Transportation

CONTRACTOR:

R Moody Construction, Inc.
39821 Lincoln Street
Cherry Valley, CA 92223

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Const. 405 LF 8' High Block Wall along Viele Street	\$45,810.00	\$0.00
2. Const. 481 LF 8' High Block Wall along First Street	\$58,422.00	\$0.00
3. _____	\$0.00	\$0.00
TOTAL	\$104,232.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____
City of Beaumont

DATE: _____

NOTE: This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

R. Moody Construction Inc.

39821 Lincoln Street
Cherry Valley, CA 92223

Estimate

Date	Estimate #
2/3/2005	369

Name / Address
City of Beaumont 550 E. Sixth St. Beaumont, CA 92223 First St. Block Wall

			Project
Description	Qty	Rate	Total
(481) LF x 6' high 6 x 8 x 16 tan precision CMU. (\$96.00 per LF). Construct (12) columns at \$ 780.00 each. <i>102.-</i>	481	96.00 9,360.00	46,176.00 4,906.2
Total			<i>58,422.-</i> 955,336.00

R. Moody Construction Inc.

39821 Lincoln Street
Cherry Valley, CA 92223

Estimate

Date	Estimate #
1/7/2005	125

Name / Address
Beaumont City Contract 550 E. Sixth St. Beaumont, CA 92223 Job: Block Wall - 1st & Veile

			Project
Description	Qty	Rate	Total
Construction of block wall at the end of 1st St. and Veile Ave.			
1. (405) LF @ 8' high 6x8x16 tan precision CMU wall with rough mortar cap. (405 LF @ \$102.00)		41,310.00	41,310.00
2. Five (5) 16x16x8' - 8" tall tan precision CMU columns.		4,500.00	4,500.00
Total			\$45,810.00

EXHIBIT 12

STAFF REPORT

To: Mayor and Council Members
From: Public Works Department
Date: March 4, 2008
Subject: Task Order for Wastewater Treatment Plant Aeration Basin Maintenance

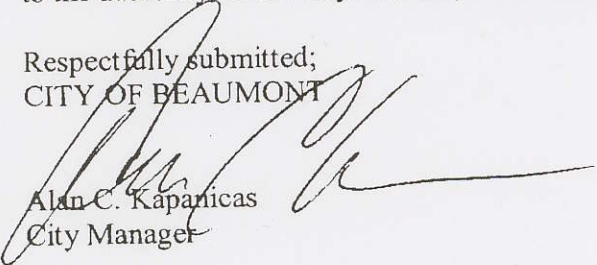
Background and Analysis:

The proposed task order would authorize a change order to the existing contract for construction of the Phase II-IV of the wastewater treatment plant in the amount of \$603,653 to perform maintenance work on Aeration Basins Nos. 1 and 2. The aeration basins were constructed in and have been operational since 1994. Maintenance is required at this time to drain the basins and inspect the basin liners, diffusers, air lines and other equipment. The maintenance work will include removal, transport and disposal of sludge, grit and sediment. The basin liners will be cleaned and all necessary repairs will be made to the equipment. The basins will be refilled and made operational. It is critical the maintenance be done at this time when there is sufficient excess capacity in Basin Nos. 3-5 to handle existing flows. It is additionally timely to maintain the basins at this time while a contractor is currently mobilized at the site.

Recommendation:

Staff recommends the APPROVAL of the Task Order and Project Report subject to the authority of the City Attorney to make non-substantive changes.

Respectfully submitted;
CITY OF BEAUMONT


Alan C. Kapanicas
City Manager

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds:	Wastewater Enterprise Funds	Project Name: Aeration Basin Nos. 1&2 Maintenance
Contract Date:	March 4, 2008	Contractors: J.F. Shea
Const. Budget: \$603,653		Subcontractors: As per approved CIP contractor list
A&E Budget: As per approved contractor agreements		Project Start Date: February, 2008 Report Period: March, 2008
Work Completed During Report Period: Reviewed maintenance protocol and obtained quotes.		
Problems or Delays During Report Period: No problems or delays.		
Change Orders: No change orders.		
Recommendation(s) for City Council Action: Approve the task order and authorize the City Manager to expend funds. Authorize the City Manager and approved CIP contractors to administer the task order and provide support services.		
Report Approved by:		
Mayor's Signature	Date of City Council Approval	



City of Beaumont
CHANGE ORDER & TASK ORDER AUTHORIZATION REQUEST
Existing Public Works Contracts

NAME OF PROJECT: Beaumont Wastewater Treatment Plant

PROJECT NO. 05-00900
(internal use)

FUNDING SOURCE: As per Approved CIP

CONTRACT DATE: May, 2003

CONTRACTOR: J. F. Shea Construction

CONTRACT AMOUNT: \$3,856,000

CHANGE ORDER NO. 15

1. **TYPE OF CHANGE ORDER** (check one):



ADDITIVE



DEDUCTIVE

2. **AMOUNT OF CHANGE ORDER:** \$603,653.00

3. **REASON FOR CHANGE ORDER:** Drain and clean aeration basins 1 & 2 located at the Waste Water Treatment Facility.

4. **WHO MUST AUTHORIZE:**



City Manager:

- a. For contracts of \$50,000 dollars or less, a change or cumulative change shall not exceed the total of \$5,000.00 dollars.
- b. For contracts of more than \$50,000.00 but less than \$250,000.00, a change or cumulative changes shall not exceed a total of 10% or the original contract amount.
- c. For contracts of \$250,000.00 or more, a change order or cumulative change orders shall not exceed \$25,000.00 plus 2% of the original contract in excess of \$250,000.00.



City Council: for change orders and task orders which exceed the City Manager's authority.

TASK ORDER NO.

1. **DESCRIPTION OF WORK:**

2. **AMOUNT OF TASK ORDER:**

3. **QUALIFIED TASK** (check one):



YES



NO

4. **UNIT PRICING CONFORMS TO CONTRACT** (check one):



YES



NO

I have reviewed and prepared this change order / task order request in accordance with Beaumont Municipal Code:

Title 3 - Section 3.02.

Public Works Director:

[Signature]

Date: 2-22-08

City Attorney:

Date:

AUTHORIZATION

City Manager:

Date:

Mayor (as applies):

Date:

CITY OF BEAUMONT

INDEPENDENT CONTRACTOR'S CHANGE ORDER
(Project Title: Waste Water Treatment Plant Expansion Project)

CHANGE ORDER NO.: 15

CONTRACTOR: Name: J. F. Shea Construction, Inc.
 Address: 667 Brea Canyon Road
 Walnut, CA 91789
 Telephone: (909) 595-4397
 Fax: (909) 444-4268

THIS CHANGE ORDER is issued pursuant to that certain Agreement for Services by Independent Contractor between the CITY OF BEAUMONT ("OWNER") and J. F. SHEA CONSTRUCTION, INC. ("CONTRACTOR") dated May, 2003 (the "AGREEMENT").

1. Change to be Performed. CONTRACTOR shall provide all labor, materials and equipment to perform the following change (choose and check one):

____ See Exhibit "A", attached hereto
 x Description of Change: Provide the necessary equipment, personnel and solids handling disposal facility to evacuate and clean the existing aeration basins 1 and 2 at the Waste Water Treatment Plant.

2. Time of Performance. Time is of the essence. Therefore, CONTRACTOR shall begin work within 5 days of the date this Change Order is signed by the OWNER and shall complete performance of such services within 60 working days.

3. Liaison of OWNER. Mr. John Wilder shall serve as liaison between OWNER and CONTRACTOR.

4. Staff Assignments. CONTRACTOR will assign the following personnel to perform the services required by this Change Order: (Check if this Paragraph 4 Not Applicable: X)

5. Deliverables. CONTRACTOR shall deliver to OWNER not later than the date or dates indicated, the following: (Check if this Paragraph 5 Not Applicable: X)

6. Compensation. For all services rendered by CONTRACTOR pursuant to this Change Order, CONTRACTOR shall receive a total not-to-exceed lump sum of \$603,653 payable as follows: progress payments less 10% retention until job completion.

7. Reimbursable Expenses. In addition to the compensation provided for in Paragraph 6 above, CONTRACTOR (choose and check one:) shall/ X shall not /be entitled to reimbursement for expenses. If authorized by this Change Order, reimbursable expenses shall be limited to:

8. Miscellaneous Matters. The following additional matters are made a part of this Change Order (choose and check one):

 X Not applicable

 See Exhibit "A", attached hereto; or

 Description: _____

IN WITNESS WHEREOF, the parties have executed this Change Order on the date indicated below.

CITY OF BEAMONT

Dated: _____

By _____

CONTRACTOR:

Dated: _____

By _____

Print Name

Title

EXHIBIT 13

STAFF REPORT

Agenda Item **2.h**

TO: Mayor and Council Members

FROM: Community and Economic Development Department

DATE: June 21, 2005

SUBJECT: Approve Plans and Award Task Orders for Street Repairs and Pavement Management Projects

Background and Analysis:

On January 18, 2005 the City Council approved the Capital Improvement Plan and the Five Year Measure "A" Plan which authorized work on several street repair and pavement management projects. On February 15, 2005 the City Council approved a task order for construction of block walls along First Street in conjunction with street repairs for Viele Avenue between Fourth Street and First Street and for First Street between Viele Avenue and Pennsylvania Avenue as approved by the City Council on March 1, 2005. On January 18, 2005 the City Council Authorized Staff to prepare and submit a grant application to Riverside County Transportation Agency (RCTC) for the Palm Avenue Rehabilitation Project. In April, 2005, RCTC approved the grant request for \$115,456. Additional funding for the Palm Avenue Rehabilitation Project was approved as part of the Five Year Measure "A" Plan.

Last year, the City completed pavement rehabilitation and street repairs on several residential subdivisions north of Oak Valley Parkway and along the Fourth Street area between California Avenue and Viele Avenue. This year's plan for pavement management and street repairs is proposed for the north-south streets between Elm Avenue and Beaumont Avenue, excepting a segment of Wellwood Avenue between Eleventh and Twelfth Street which is an inverted street section that has some drainage issues which must be addressed before moving forward with repairs in that block. The east-west streets are not proposed for repair at this time due to the potential for the construction of collector sewers in the future which are planned to tie into the recently completed segment of the Elm Avenue Interceptor Sewer as part of the ongoing Sewer Repair Project. Pavement management and street repair work required is proposed to be completed pursuant to the attached Task Orders for Nelson Paving and Tyner Paving and the quantity contracts which were approved by the City Council on September 21, 2004.

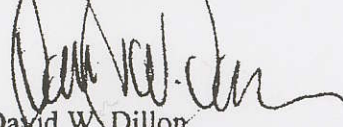
Following the approval of the street repair task orders for First Street and Viele Avenue, staff worked with the property owners, Southern California Edison, Southern California Gas Company, Beaumont Cherry-Valley Water District and other utilities and agencies to finalize the design of the project. As a result of the input received, several hundred feet of additional block wall will be required along First Street and a new task orders for Moody Construction will be

required in the amount of \$363,600 for 2,200 more linear feet of block walls and for Tyner Paving in the amount of \$655,000 to protect the high pressure gas lines in place and provide additional paving to accommodate four travel lanes between Viele Avenue and Pennsylvania Avenue. Additionally, detailed improvement plans and specifications have been proposed for the Palm Avenue rehabilitation project in accordance with state and federal transportation funding requirements. A listing of the proposed actions is provided below:

- Approve the Plans and Specifications for Viele Avenue and First Street Repair Project
- Approve the Plans and Specifications for the Palm Avenue Rehabilitation Project and Authorize the City Clerk to advertise for public bids
- Authorize Task Orders for Nelson Paving and Tyner Paving for the Pavement Management and Street Repair Project

Recommendation: Staff recommends APPROVAL of the plans, specifications, task orders and Project Progress Report for the street repair and pavement management projects and AUTHORIZATION of the City Clerk to advertise for public bids for the Palm Avenue Rehabilitation Project.

Respectfully submitted;



David W. Dillon
Economic Development Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds:	See Approved CIP Sources and Uses of Funds	Project Name: Street Repair, Rehabilitation and Pavement Management Projects
Contract Date:	Construction Services: On file with the City Clerk	Contractors: Approved CIP Contractors List
Const. Budget:	See approved CIP Project Budgets and attached Task Orders.	Subcontractors: Approved CIP Contractors
A&E Budget:	See Approved CIP Project Budgets	Project Start Date: 1-05 Report Period: 1-05 through 6-05
Work Completed During Report Period:		
<ul style="list-style-type: none"> • Prepared plans and specifications, coordinated design with utilities and agencies • Prepared and submitted RCTC Grant Application • Provided plan check, inspection and construction management services 		
Problems or Delays During Report Period:		
<ul style="list-style-type: none"> • The water lines in Viele Avenue ruptured and segments needed to be realigned • The gas lines in First Street required pot-holing to determine location 		
Change Orders:		
<ul style="list-style-type: none"> • No Change Orders; however an additional task order is required for the block wall construction on first Street 		
Recommendation(s) for City Council Action:		
<p>Approve and authorize staff and qualified contractors to complete the following work in accordance with the Staff Report.</p> <ul style="list-style-type: none"> • Planning, Engineering, Plan Check, Inspection, Construction Management and Construction Services as required to complete the projects. 		
Report Submitted by:		
<div style="border-top: 1px solid black; width: 100%; height: 20px; margin-bottom: 5px;"></div> Mayor Signature		<div style="border-top: 1px solid black; width: 100%; height: 20px; margin-bottom: 5px;"></div> Date of City Council Approval



City of Beaumont

550 E. 6th Street

Beaumont, CA 92223

(909) 769-8520

FAX (909) 769-8526

Email: cityhall@ci.beaumont.ca.us

www.ci.beaumont.ca.us

TASK ORDER #14

DATE: June 21, 2005

PROJECT:

City Wide Task Order Contract

First Street From Viele Ave. To

Pennsylvania Ave.

Source of Funding: CFD 93-1 2000A

CONTRACTOR:

Tyner Paving

2005 San Fernando Road

Los Angeles, CA 90065

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Construct protective barrier over existing 30" high pressure gas transmission main and additional paving	\$655,000.00	\$0.00
2. _____	\$0.00	\$0.00
TOTAL	\$655,000.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.



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TASK ORDER #15

DATE: June 21, 2005

PROJECT:

Miscellaneous

Construction Contract

Source of Funding: Transportation

CONTRACTOR:

R Moody Construction, Inc.

39821 Lincoln Street

Cherry Valley, CA 92223

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Const. 2,200 LF 8' High Block Wall along First Street	\$325,600.00	\$0.00
2. Const. 40 Ea. Block Wall Pilasters	\$38,000.00	\$0.00
3. _____	\$0.00	\$0.00
TOTAL	\$363,600.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.



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TASK ORDER #15

DATE: June 21, 2005

PROJECT:

City Wide Task Order Contract
Pavement Rehabilitation per
Attached Map
Source of Funding: CIP Pavement Rehabilitation

CONTRACTOR:

Tyner Paving
2005 San Fernando Road
Los Angeles, CA 90065

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Construct Type II Road Slurry	\$115,000.00	\$0.00
2. Construct 6" Curb and Gutter	\$134,000.00	\$0.00
TOTAL	\$249,000.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

EXHIBIT 14

STAFF REPORT

Agenda Item _____

TO: Mayor and Council Members

FROM: Community and Economic Development Department

DATE: July 19, 2005

SUBJECT: Award Task Orders for First Street, Viele Avenue and Fourth Street Rehabilitation and Repair Projects

Background and Analysis:

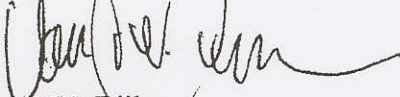
On January 18, 2005 the City Council approved the Capital Improvement Plan which included authorization to complete the First Street Rehabilitation Project between Pennsylvania Avenue and Viele Avenue and the Viele Avenue Rehabilitation Project between First Street and Fourth Street. On March 1, 2005 the City Council approved task orders for the repair and rehabilitation work on First Street and Viele Avenue. On November 6, 2001 the City Council awarded a contract to the Dirt Connection to export approximately 3 million yards of dirt from the wastewater treatment plant which among other benefits to the City included generation of between \$350,000-\$400,000 to repair Fourth Street.

The proposed Task Orders would be issued in accordance with the standing Quantity Contract with Ron Moody Construction, Beaumont Electric and Tyner Paving for street repairs. The proposed improvements covered by the task orders will consist of removal and replacement of portions of the existing sub-grade and paving and the addition of sections of new curb and gutter on Fourth Street. The improvements will complement privately constructed currently improvements underway in the area and the recently completed pavement management project in residential areas along Fourth Street. The total estimated cost of the repairs and improvements on Fourth Street is \$400,000 as set forth on the proposed task order for Tyner Paving. The proposed task orders for the First Street and Viele Avenue project include \$34,200 for Ron Moody Construction to remove 63 mostly eucalyptus trees on the south side of First Street between Beaumont Avenue and Pennsylvania Avenue in order to complete curb and gutter repairs. Also proposed is a Task Order for \$187,275 with Beaumont Electric to install 38 street lights for a total cost of \$187,275 along Viele Avenue between First Street and Fourth Street, and on First Street between Viele Avenue and Pennsylvania Avenue.

Fiscal Impact: The Project will be funded entirely from non-General Fund sources as set forth in the Capital Improvement Plan.

Recommendation: Staff recommends APPROVAL of the Project Report and AWARD of the task orders subject to the final review and approval of construction contracts by the City Attorney and Public Works Director.

Respectfully submitted;

A handwritten signature in black ink, appearing to read "David W. Dillon", with a long, sweeping horizontal stroke extending to the right.

David W. Dillon
Economic Development Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds: Dirt Connection Agreement and TUMF	Project Name: Street Repair and Pavement Management Projects
Contract Date: See attached Task Orders	Contractors: Tyner Paving, Ron Moody Construction and Beaumont Electric
Const. Budget: See attached Task Orders	Subcontractors: Approved CIP Contractors Project Start Date: 7-05
Work Completed During Report Period: 1. Prepared, processed and plan-checked Plans and Specifications, materials report, topography, boundary control and water district coordination.	
Problems or Delays During Report Period: • No delays in reporting period	
Change Orders: • No Change Orders	
Recommendation(s) for City Council Action: Approve and authorize staff and qualified contractors to complete the following work: Tyner Paving: • Construct Street Repairs Ron Moody Construction: • Remove trees Beaumont Electric • Construct Street Lights	
Report Submitted by:	
Mayor Signature	Date of City Council Approval



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(909) 769-8520

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www.ci.beaumont.ca.us

TASK ORDER #16

DATE: July 13, 2005

PROJECT:

Miscellaneous

Construction Contract

Source of Funding: Transportation

CONTRACTOR:

R Moody Construction, Inc.

39821 Lincoln Street

Cherry Valley, CA 92223

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Tree removals along First Street (63 trees total)	\$34,200.00	\$0.00
2. _____	\$0.00	\$0.00
3. _____	\$0.00	\$0.00
TOTAL	\$34,200.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

R. Moody Construction Inc.

39821 Lincoln Street
Cherry Valley, CA 92223

Estimate

Date	Estimate #
7/6/2005	373

Name / Address
City of Beaumont 550 E. Sixth St. Beaumont, CA 92223 Re: Tree Removal

			Project
Description	Qty	Rate	Total
Tree Removal on 1st St. between Veile and Pennsylvania: 298 1st St. - (1) Eucalyptus. 585 1st St. - (3) Olive (1) Eucalyptus. 851 1st St. - (1) Almond. 909 1st St. - (2) Deodora. 1051 1st St. - (3) Trees. Between Maple & Palm on 1st St. - (52) Eucalyptus.		34,200.00	34,200.00
		Total	\$34,200.00



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TASK ORDER #16

DATE: July 13, 2005

PROJECT:

City Wide Task Order Contract
Pavement Rehabilitation
Fourth Street from Vile to California
Source of Funding: CIP Pavement Rehabilitation

CONTRACTOR:

Tyner Paving
2005 San Fernando Road
Los Angeles, CA 90065

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Remove 4" Existing Asphalt (63,470 SF)	\$50,776.00	\$0.00
2. Excavate (2,350 CY)	\$139,825.00	\$0.00
2. Class II Base (1840 CY)	\$105,064.00	\$0.00
2. Asphalt Paving (1200 TN)	\$82,800.00	\$0.00
2. Striping (1 LS)	\$21,000.00	\$0.00
TOTAL	\$399,465.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

PROPOSAL and CONTRACT
TYNER PAVING COMPANY

2005 San Fernando Road • Los Angeles, California 90065-1235 • (323) 225-8014 • Fax (323) 225-0161

TO: City of Beaumont: John Wilder

Date: July 6, 2005

Address: 550 East Sixth Street
Beaumont, CA. 92223

Job Address: Viele & California, Beaumont CA. 9222
Ph 951-769-8520 Fx 951-769-8526

(hereinafter referred to as "customer" or "buyer")

Where customer is acting as general contractor, please provide the following information regarding the owner:

Name _____

Address _____

4th Street Reconstruction

TYNER PAVING CO. (hereinafter "TYNER") hereby proposes to furnish all material and perform all labor necessary to complete the following:

We propose the following:

- | | |
|--|----------------|
| 1. Remove 4" asphalt - 63,470 Sq. Ft. @ \$0.80 per | = \$ 50,776.00 |
| 2. Excavate - 2,350 Cy. @ \$59.50 per | = \$139,825.00 |
| 3. Class II Base - 1,840 Cy. @ \$57.10 per | = \$105,064.00 |
| 4. Asphalt - 1,200 Ton @ \$69.00 per | = \$ 82,800.00 |
| 5. Striping - Lump Sum | = \$ 21,000.00 |

Total Bid \$399,465.00

- Notes: 1. Prices exclude Engineering, Testing, and Permits.
2. Some of the traffic will need to run on compacted subgrade or Class II Base grade.
3. No concrete improvements figured in this bid.

Starting date: _____ Finishing date: _____

All of the work to be completed in a substantial and workmanlike manner according to standard practices for the sum of \$ 399,465.00

By Don Thomas
Company Officer - TYNER PAVING COMPANY

GENERAL TERMS AND CONDITIONS OF SALE

IMPORTANT CONDITIONS-TERMS UNLESS SPECIFIED TO THE CONTRARY ABOVE, NET CASH TO BE PAID ON COMPLETION OF JOB, AS DEFINED IN CALIFORNIA CIVIL CODE § 3086.

TYNER shall not be liable for any damage to or breakage of underground pipes and/or conduits not visible from the surface of the ground nor for any damage to approaches (including sidewalk) from the street to property line.

- ★ 1. No guarantee of drainage on re-surfacing jobs unless otherwise specified in the above contract.
- ★ 2. No guarantee of re-growth of vegetation on re-surfacing jobs unless otherwise specified in the above contract.
- ★ 3. No guarantee on cracking on re-surface jobs unless otherwise specified on above contract.
- ★ 4. No guarantee on patch of potholes, depressions, ruts, or other defects on above contract.



City of Beaumont

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www.ci.beaumont.ca.us

TASK ORDER #1

DATE: July 13, 2005

PROJECT:

City Wide Task Order Contract
First Street From Viele Ave. To
Pennsylvania Ave. And Viele Ave.
First Street to Fourth Street
Source of Funding: CFD 93-1 2000A

CONTRACTOR:

Beaumont Electric
877 W. Fourth Street, Suite A
Beaumont, CA 92223

The City of Beaumont hereby agrees pursuant to the Quantity Contract for the following as specified below:

CONTRACT TASK ORDER	ADDITIVE	DEDUCTIVE
1. Street Lighting per attached estimate	\$187,275.00	\$0.00
2. _____	\$0.00	\$0.00
TOTAL	\$187,275.00	\$0.00

ACCEPTED: _____

DATE: _____

APPROVED: _____

DATE: _____

City of Beaumont

NOTE:

This Task Order becomes part of and in conformance with the existing contract. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

[illegible][illegible]

EXHIBIT 15

STAFF REPORT

Agenda Item 2.2

TO: Mayor and Council Members
FROM: Community and Economic Development Department
DATE: October 18, 2005
SUBJECT: Reject Bid for First Street Widening and Viele Avenue Extension Project

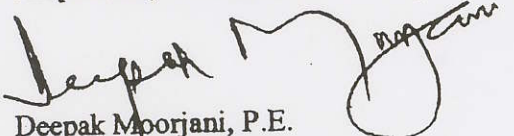
Background and Analysis:

The City Council has approved the plans and specifications and authorized the issuance of a Notice Inviting Public Bids for the First Street Widening and Viele Avenue Extension Project. The notice was issued and bids were received and opened; however, only one bid was received. A bidder's summary sheet is attached. Based on the lack of competing bids, it would be appropriate to rebid the project.

Recommendation:

Staff recommends REJECTION of the bid received and AUTHORIZATION of staff to amend the plans as needed to save costs and to advertise for public bids again.

Respectfully submitted;


Deepak Moorjani, P.E.
Public Works Director

FIRST STREET AND VIELE AVENUE

[illegible]

EXHIBIT 16

STAFF REPORT

Agenda Item 21

TO: Mayor and Council Members

FROM: Community and Economic Development Department

DATE: February 7, 2006

SUBJECT: Award Construction Contract for Viele Avenue between First Street and Fourth Street

Background and Analysis:

On June 21, 2005, the City Council approved the plans and specifications for the construction of Viele Avenue between First Street and Fourth Street. The plans were coupled with plans to rehabilitate and widen First Street between Viele Avenue and Pennsylvania Avenue. On October 18, 2005, the City Council rejected all bids for the project based on the findings that the bids significantly exceeded the engineer's cost estimate and directed staff to redesign and rebid the project. On November 15, 2005, the City Council approved the rehabilitation, repair and widening of First Street on an emergency basis between Viele Avenue and California Avenue due to the impact of utility trenching and heavy rains that made the street unpassable.

As part of the redesign of the Viele Avenue and First Street project, staff separated the Viele Avenue portion of the project and advertised for public bids. The Viele Avenue portion of the project had very little design changes compared to the multitude of design issues affecting First Street. On January 30, 2006, bids were opened. A copy of the bid sheet is attached to the staff report.

Fiscal Impact: The Project will be funded entirely from Transportation Uniform Mitigation Fee (TUMF) funds. No General Fund revenues will be utilized and all administrative costs will be recovered.

Recommendation: Staff recommends AWARD of a contract to the lowest responsible bidder to construct the Project subject to the final review and approval of the bid documents by the City Attorney, and APPROVAL of the Project Progress Report attached to the staff report.

Respectfully submitted;



David W. Dillon
Economic Development Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds: TUMF	Project Name: Viele Avenue Extension
Contract Date: February 7, 2006	Contractors: Tyner Paving
Const. Budget: \$624,976	Subcontractors: See CIP contractors list Project Start Date: 2-06 Report Period: 11-05 through 2-06
Work Completed During Report Period: <ol style="list-style-type: none"> 1. Prepared plans and specifications, coordinated design with the utilities and land owners. 2. Managed the bidding process. 	
Problems or Delays During Report Period: <ul style="list-style-type: none"> • No problems during the reporting period. 	
Change Orders: <ul style="list-style-type: none"> • No Change Orders 	
Recommendation(s) for City Council Action: Approve and authorize staff and qualified contractors to complete the following work: Urban Logic: <ul style="list-style-type: none"> • Complete the inspection, survey and construction management of the project. Tyner Paving: <ul style="list-style-type: none"> • Construct the project in accordance with approved plans and specifications. 	
Report Submitted by:	
_____ City Manager Signature	_____ Date of City Council Approval



City of Beaumont

AWARD OF NEW PUBLIC WORKS CONTRACT

NAME OF PROJECT: Viele Avenue Street Improvements

PROJECT NO. 06-00100-T
(internal use)

FUNDING SOURCE: TUMF

CONTRACT DATE: January, 2006

CONTRACTOR: Tyner Paving

CONTRACT AMOUNT: \$624,976.00

TYPE OF CONTRACT

BIDDING REQUIREMENTS

WHO SHALL AUTHORIZE

1. Road & Sewer Maintenance/Repair

- ___ a. \$0-\$10,000.00
___ b. Over \$10,000.00

a. & b. No formal bids, but must obtain informal proposals, unless sole source only, no competitive bid proposals, or public emergency.

- a. City Manager
b. City Council

2. All Projects except road and sewer maintenance/repairs.

- ___ a. \$0 - \$5,000.00
___ b. \$5,001.00 - \$10,000.00
X c. Over \$10,000.00

- a. No Formal bid, but must obtain informal proposals unless: (see above).
b. Formal bidding required, unless CM finds bidding impossible and unnecessary, sole source only, or emergency (see No. 3 below).
c. Formal bidding required, unless CM finds bidding impossible and unnecessary, sole source only, or emergency (see No. 3 below).

- a. City Manager
b. City Manager
c. City Council

3. Emergency (There must be a threat to public health, safety, property).

- ___ a. Road and sewer emergencies:
(i) \$0 - \$10,000.00
(ii) Over \$10,000.00

___ b. All other emergencies:
(i) \$0 - \$5000.00
(ii) Over \$5,000.00

- a. No formal bids or informal proposals.

b. No formal bids or informal proposals.

- (i) City Manager
(ii) City Manager, with subsequent City Council ratification by 4/5 vote.

(i) City Manager
(ii) City Council with sequent City Council ratification by 4/5 vote.

I have reviewed the award of work under this contract in accordance with Beaumont Municipal Code: Title 3 - Section 3.02.

Public Works Director: _____

Date: _____

City Attorney: _____

Date: _____

AUTHORIZATION

City Manager: _____ Date: _____

Mayor: (as applies) _____ Date: _____

PROPOSAL

FOR ANY QUESTIONS REGARDING THE PLANS, SPECIFICATIONS, PROPOSAL OR OTHER BIDDING DOCUMENTS, PLEASE CONTACT THE DEPARTMENT OF PUBLIC WORKS OFFICE. MR. DEEPAK MOORJANI, TELEPHONE (909) 769-8520.

BIDS TO BE RECEIVED ON JANUARY 30TH, 2006 UNTIL 10:00 a.m.

LIQUIDATED DAMAGES: \$250 (PER CALENDAR DAY)

NUMBER OF PAGES IN THIS PROPOSAL: TEN

BIDDER SHALL COMPLETE:

CLASS "A" CONTRACTOR'S LICENSE # 026175 A, C12
EXPIRATION DATE 5-31-07

C-1

1/30/06
H. Kelly
1/30/06 10:01

PROPOSAL
FOR THE VIELE AVENUE
STREET IMPROVEMENTS
IN THE CITY OF BEAUMONT

TO THE CITY OF BEAUMONT, as Owner:

In accordance with Owner's Notice Inviting Sealed Bids, and the instructions to bidders, the undersigned bidder hereby proposes to furnish all materials, equipment, tools, labor, transportation and incidentals required for the above stated project as set forth in the Contract Documents, Plans, Specifications, and to perform all work in the manner and time prescribed therein.

Bidder declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, bidder agrees to enter into a contract with Owner at the unit and/or lump sum prices set forth in the following Bid Schedule. Bidder understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to Owner of the guarantee accompanying this proposal.

Bidder understands that a bid is required for the entire work that the estimated quantities set forth in the Bid Schedule are solely for the purpose of comparing bids, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed. **THE OWNER RESERVES THE RIGHT TO INCREASE OR DECREASE THE CONTRACT.** It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties, and fees. In the case of discrepancies in the amounts bid, unit prices shall govern over extended amounts, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the bidder's default in executing the required contract and filing the necessary bonds and insurance certificates within ten days, not including Saturdays, Sundays and legal holidays, after the Owner has mailed notice of the award of contract to the bidder, the proceeds of the security accompanying this bid shall become the property of the Owner as provided in Section 20174 of the Public Contract Code and this bid and the acceptance hereof may, at the Owner's option, be considered null and void.

UNIT PRICE LIST - FIGURES

WORK IDENTIFICATION:

STREET IMPROVEMENTS FOR
VIELE AVENUE
CITY OF BEAUMONT

NAME OF BIDDER: TYLER PAVING

ITEM NO.	ESTIMATED QUANTITY	DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	UNIT PRICE IN FIGURES	UNIT	TOTAL IN FIGURES
1.	<u>L.S.</u>	Grading and Materials Removal	\$150,956.00	Lump Sum	\$150,956.00
2.	<u>75,000</u>	Construct 0.40' Asphalt Concrete Pvm't	\$2.75	/S.F.	\$206,250.00
3.	<u>75,000</u>	Construct 0.85' Aggregate Base Class 2	\$1.90	/S.F. 1.90	\$142,500.00
4.	<u>500</u>	Construct 6" Curb & Gutter	\$36.00	/L.F. 36.00	\$18,000.00
5.	<u>1</u>	Construct PCC Pedestrian Access Ramp	\$2,000.00	/Each	\$2,000.00
6.	<u>No Sidewalk shown on plan</u>	Construct 4" thick PCC Sidewalk, W = 6'	\$ —	/S.F.	\$ —
7.	<u>4</u>	Concrete Drive Approach	\$4,000.00	/Each	\$16,000.00
8.	<u>1</u>	Storm Drain w/Down Drain	\$20,500.00	/Lump Sum	\$20,500.00
9.	<u>717</u>	Guard Rail	\$60.00	/L.F.	\$43,020.00
10.	<u>L.S.</u>	Striping	\$9,250.00	Lump Sum	\$9,250.00
11.	<u>L.S.</u>	Street Light (Equipment Supplied By Owner)	\$14,500.00	Lump Sum	\$14,500.00
Total					\$624,976.00

PROPOSAL

DESIGNATION OF SUBCONTRACTORS

Bidder proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

NAME, ADDRESS, AND PHONE
NUMBER OF SUBCONTRACTORS,
SUPPLIERS, AND VENDORS

PORTION OF WORK,
MATERIALS, OR EQUIPMENT

MATICH CORP.
NEWARK & SOULS

ASPHALT
CLASS II BASE

REFERENCES

The following are the names, addresses, and phone numbers for three public agencies for which bidder has performed similar work within the past two years:

1. L.A. COUNTY SANITATION, 1955 WORKMAN AVE RD. WHITTIER, CA.
Name and address of owner

HABIB KHERAT, 562-699-7411 x 6010
Name and telephone number of person familiar with project

\$541,973.00 ASPHALT PAVING 12-05
Contract Amount Type of Work Date Completed

MOUNTAIN VIEW SCHOOL DIST., 3300 GILLMAN RD, EL MONTE, CA.
Name and address of owner

MIKE MORGANO, 714-288-9788
Name and telephone number of person familiar with project

\$259,489 ASPHALT LOT 10-05
Contract Amount Type of work Date completed

3.

CITY OF BEAUMONT

Name and address of owner

JOHN WILCOX 951-676-1944 X 115

Name and telephone number of person familiar with project

1.35 Mil.

Contract Amount

ROAD WORK

Type of work

PENDING

Date completed

The following are the names, addresses, and phone numbers for all brokers and sureties from whom bidder intends to procure insurance bonds:

PAYMENT AND PERFORMANCE BONDS ON FILE WITH CITY OF BEAUMONT

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Bidder certifies that in all previous contracts and subcontracts, all reports which may have been due under the requirements of any Owner, State, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

NON-COLLUSION AFFIDAVIT

Bidder declares that the only persons or parties interested in this proposal as principals are those names herein: that no officer, agent, or employee of the Owner is personally interested, directly or indirectly, in this proposal; that this proposal is made without connection to any other individual, firm, or corporation making a bid for the same work and that this proposal is in all respects fair and without collusion or fraud.

AFFIRMATIVE ACTION CERTIFICATION

Bidder certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of the work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, bidder certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

BIDDER'S INFORMATION

Bidder certifies that the representations made herein are true and correct are made under penalty of perjury.

Bidder's Name CRAIG THOMAS

Business Address 2005 SAN FERNANDO RD.
L.A., CA 90065

Telephone 323-225-8014

State Contractor's License No. and Class 676195 A, C12

Original Date Issued 7-93 Expiration Date 8/31/07

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

CRAIG THOMAS, Pres.

RICHARD QUINN, V.P.

The date of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

—

All current and prior DBA's, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

IN WITNESS WHEREOF, bidder executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 30 day of JANUARY, 2006.

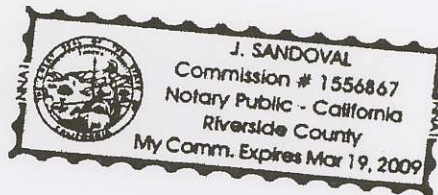
Bidder

Forney Paint Co.
[Signature]

Subscribed and sworn to this 30 day of January, 2006.

NOTARY PUBLIC

[Signature]





City of Beaumont

550 E. 6th Street
Beaumont, CA 92223
(909) 769-8520
FAX (909) 769-8526
Email: cityhall@ci.beaumont.ca.us
www.ci.beaumont.ca.us

NOTICE TO CONTRACTORS

NOTICE INVITING SEALED BIDS CITY OF BEAUMONT

STREET IMPROVEMENTS FOR VIELE AVENUE

NOTICE IS HEREBY GIVEN that the City of Beaumont, acting by and through its City Council, hereinafter referred to as the City, will receive up to, but not later than, Monday, January 30 at 10:00am, sealed bids for the Street Improvements for Viele Avenue.

Bids shall be received in the Office of the Public Works Director, 550 East 6th Street, Beaumont, CA 92223, and shall be publicly opened and read aloud at the stated time and place.

Each bid must conform and be responsive to the bid specifications, copies of which are now on file and may be obtained from the Public Works Department, 550 East 6th Street, Beaumont, CA 92223, telephone (951) 769-8520, by obtaining them in person only for a non-refundable fee of \$100.00.

The City reserves the right to reject any or all bids or to waive any irregularities of information in any bids or in the bidding process.

Any bidder inquiries shall be done in writing and sent by facsimile to the City of Beaumont, Attention John Wilder, at (951) 769-8526. All said inquiries shall reference the appropriate specification section and/or drawing number.

Signed:

John Wilder (HK)
Assistant Public Works Director

Dated:

1/20/06



City of Beaumont

550 E. 6th Street
Beaumont, CA 92223

(909) 769-8520

FAX (909) 769-8526

Email: cityhall@ci.beaumont.ca.us

www.ci.beaumont.ca.us

NOTICE TO CONTRACTORS

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The City reserves the right to reject any or all bids or to waive any irregularities of information in any bids or in the bidding process.

Any bidder inquiries shall be done in writing and sent by facsimile to the City of Beaumont, Attention John Wilder, at (951) 769-8526. All said inquiries shall reference the appropriate specification section and/or drawing number.

Signed:

John Wilder (AK)
Assistant Public Works Director

Dated:

1/20/06

EXHIBIT 17

STAFF REPORT

Agenda Item 3.1

TO: Mayor and Council Members
FROM: Department of Public Works
DATE: January 22, 2008
SUBJECT: Award Construction Contract for North Sewer Rehabilitation Phase III

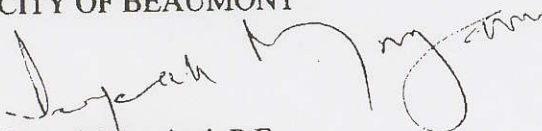
Background and Analysis:

The Public Works Department, at the direction of the City Council publicly bid the North Sewer Rehabilitation Phase III project. There was only one bidder that proposed on the project.

Recommendation:

Staff recommends AWARD of the North Sewer Rehabilitation Phase III Project to Moody Construction with a bid of \$988,440 subject to the verification of all bidding requirements by the City Attorney and APPROVAL of the attached Project Report.

Respectfully submitted:
CITY OF BEAUMONT



Deepak Moorjani, P.E.
Public Works Director

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds:	As per approved CIP	Project Name: North Sewer Rehabilitation Ph. III
Contract Date:	January 22, 2008	Contractors: Moody Construction
Const. Budget: \$ 988,440		Professional Services Subcontractors:
A&E Budget: As per Approved CIP		Project Start Date: 1-08 Report Period:
Work Completed During Report Period: <ul style="list-style-type: none"> • Prepared bid documents, held pre-bid conference and advertised for public bids. 		
Problems or Delays During Report Period: <ul style="list-style-type: none"> • No delays in reporting period. One (1) bid was received and opened. 		
Change Orders: <ul style="list-style-type: none"> • No Change Orders 		
Recommendation(s) for City Council Action: Approve and authorize staff, qualified contractors and approved contractors to complete the work as set forth in attached Contract Agreement.		
Approved and authorized by:		
Mayor Signature	Date of City Council Approval	

NORTH SEWER REHAB PHASE III

City Of Beaumont

SECTION C

PROPOSAL

SEWER PIPE REPAIR / INSTALLATION FOR
THE CITY OF BEAUMONT
CALIFORNIA

FOR ANY QUESTIONS REGARDING THE PLANS, SPECIFICATIONS, PROPOSAL OR OTHER
BIDDING DOCUMENTS, PLEASE CONTACT THE DEPARTMENT OF PUBLIC WORKS OFFICE.
MR. JOHN WILDER, TELEPHONE (909) 769-8520.

NUMBER OF PLAN SHEETS: 5

BIDS TO BE RECEIVED ON AUGUST 13TH, 2007 UNTIL 10:00 a.m.

COMPLETION TIME: TBD

LIABILITY INSURANCE CLASS REQUIRED: L-B

NUMBER OF CALENDAR DAYS ALLOWED TO AGENCY TO AWARD CONTRACT IN
ACCORDANCE WITH SECTION 2-1 OF THE STANDARD SPECIFICATIONS GENERAL
PROVISIONS: SIXTY (60)

BIDDER SHALL COMPLETE:

R NAME R. Moody Construction, Inc.

STREET 39821 Lincoln St
ADDRESS _____

CITY Cherry Valley STATE CA ZIP CODE 92223

TELEPHONE NO. 951-769-3752

CLASS "A" CONTRACTOR'S LICENSE # A B
EXPIRATION DATE 1/28/08

PROPOSAL

SEWER PIPE REPAIR / INSTALLATION FOR THE CITY OF BEAUMONT

TO THE CITY OF BEAUMONT, as Owner:

In accordance with Owner's Notice Inviting Sealed Bids, and the instructions to bidders, the undersigned bidder hereby proposes to furnish all materials, equipment, tools, labor, transportation and incidentals required for the above stated project as set forth in the Contract Documents, Bid Items, Specifications, and to perform all work in the manner and time prescribed therein.

Bidder declares that this proposal is based upon careful examination of the Bid Items, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, bidder agrees to enter into a contract with Owner at the unit and/or lump sum prices set forth in the following Bid Schedule. Bidder understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to Owner of the guarantee accompanying this proposal.

Bidder understands that a bid is required for the entire work, that the estimated quantities set forth in the Bid Schedule are solely for the purpose of comparing bids, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed. THE OWNER RESERVES THE RIGHT TO INCREASE OR DECREASE THE CONTRACT. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties, and fees. In the case of discrepancies in the amounts bid, unit prices shall govern over extended amounts, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the bidder's default in executing the required contract and filing the necessary bonds and insurance certificates within ten days, not including Saturdays, Sundays and legal holidays, after the Owner has mailed notice of the award of contract to the bidder, the proceeds of the security accompanying this bid shall become the property of the Owner as provided in Section 20174 of the Public Contract Code and this bid and the acceptance hereof may, at the Owner's option, be considered null and void.

DESIGNATION OF SUBCONTRACTORS

Bidder proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

NAME, ADDRESS, AND PHONE
NUMBER OF SUBCONTRACTORS,
SUPPLIERS, AND VENDORS

PORTION OF WORK,
MATERIALS, OR EQUIPMENT

REFERENCES

The following are the names, addresses, and phone numbers for three public agencies for which bidder has performed similar work within the past two years:

1. PLEASE SEE ATTACHED LIST
Name and address of owner

Name and telephone number of person familiar with project

Contract Amount Type of Work Date Completed

Name and address of owner

Name and telephone number of person familiar with project

Contract Amount Type of work Date completed

UNIT PRICE LIST - FIGURES

WORK IDENTIFICATION: SEWER PIPE REPAIR / INSTALLATION
FOR

THE CITY OF BEAUMONT

NAME OF BIDDER: _____

ITEM NO.	ESTIMATED QUANTITY	DESCRIPTION AND UNIT PRICE WRITTEN IN WORDS	UNIT PRICE IN FIGURES	UNIT	TOTAL IN FIGURES
1.	1	Mobilization _____ Per Lump Sum	\$ 18,000 ⁰⁰	/LS	\$18,000 ⁰⁰
2.	1	Traffic Control _____ Per Lump Sum	\$ 36,000 ⁰⁰	/LS	\$ 36,000 ⁰⁰
3.	7635	8" PVC SDR35 Sewer Pipe _____ Per Linear Foot	\$ 1.05	/L.F.	\$801,675 ⁰⁰
4.	190	4" PVC SDR35 Sewer Lateral _____ Per Each	\$ 2,200 ⁰⁰	/EA.	\$418,000 ⁰⁰
5.		N/A _____ _____	\$ 0		\$ 0
6.	27	48" Pre-cast Sewer Manhole _____ Per Each	\$ 2,800 ⁰⁰	/EA.	\$ 75,600 ⁰⁰

Total Bid

\$ 1,349,275⁰⁰

[Signature]
8/13/07
22.

JOB REFERENCES
R. Moody Construction, Inc.

City of Beaumont
550 E. Sixth St.
Beaumont, CA 92223
951-769-8520

Sewer Rehab. Project

Beaumont, CA

City of Chino
P.O. Box 667
Chino, CA 91708
909-464-0768 Mike Kolling

CDF Helipad Project

Alvord Unified School District
10365 Keller Avenue
Riverside, CA 92505
509-5049 351-2132 fax

La Sierra Phase II
4145 La Sierra Avenue
Riverside, CA 92505
Dennis Hadaway

3.

Name and address of owner

Name and telephone number of person familiar with project

Contract Amount

Type of work

Date completed

The following are the names, addresses, and phone numbers for all brokers and sureties from whom bidder intends to procure insurance bonds:

Crosby Insurance - PO Box 31150, Anaheim Hills, CA 92809

714-221-5200

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Bidder certifies that in all previous contracts and subcontracts, all reports which may have been due under the requirements of any Owner, State, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

NON-COLLUSION AFFIDAVIT

Bidder declares that the only persons or parties interested in this proposal as principals are those names herein: that no officer, agent, or employee of the Owner is personally interested, directly or indirectly, in this proposal; that this proposal is made without connection to any other individual, firm, or corporation making a bid for the same work and that this proposal is in all respects fair and without collusion or fraud.

AFFIRMATIVE ACTION CERTIFICATION

Bidder certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of the work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, bidder certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

BIDDER'S INFORMATION

Bidder certifies that the representations made herein are true and correct are made under penalty of perjury.

Bidder's Name R. Moody Construction, Inc.

Business Address 39821 Lincoln St.

Cherry Valley, CA 92223

Telephone 951-769-3752

State Contractor's License No. and Class 774281 A B

Original Date Issued 1/28/98 Expiration Date 1/28/08

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

Ronald Moody, same as above President

Suzanne Moody, same as above Secretary, Vice. President

The date of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

n/a

All current and prior DBA's, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

IN WITNESS WHEREOF, bidder executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 13 day of Aug., 2007.

Bidder

R. Moody Construction Inc.
Paul Moody President

Subscribed and sworn to this 13 day of Aug., 2007.

NOTARY PUBLIC

Jennifer L. Cass



BID BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, R. MOODY CONSTRUCTION, INC. (hereinafter "Bidder") intends to submit a bid to the City of Beaumont, California, a municipal corporation, (hereinafter "Owner") for the work described as follows:

**SEWER PIPE REPAIR / INSTALLATION FOR
THE CITY OF BEAUMONT**

NOW, THEREFORE, we, the Bidder, as Principal, and a corporation organized and existing under the laws of the State of WASHINGTON and duly authorized to transact business under the laws of the State of California, as Surety, are held and firmly bound unto the Owner, as Obligee, in the sum of FIFTY THOUSAND dollars (\$50,000.00) lawful money of the United States of America, said sum being for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the said Obligee shall accept the bid of the said Principal and said Principal shall enter into an Agreement with said Obligee in accordance with the terms of the bid, and shall give such bond or bonds as may be specified in the Instructions to Bidders in the Contract Documents and Specifications with good and sufficient surety for the faithful performance of such Agreement and for the prompt payment of labor and material furnished in the prosecution thereof, and such certificates of insurance and other writings as may be specified in the Contract Documents, or in the event of the failure of said Principal to enter such agreement and give such bonds, certificates and other writings, if said Principal shall pay to said Obligee the difference not to exceed the penalty thereof between the amount specified in said bid and such larger amount for which said Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. In case suit is brought upon this bond, the court shall fix and award and the surety shall pay, in addition to the face amount hereof, costs and reasonable attorney's fees incurred by the Owner in successfully enforcing said obligation.

IN WITNESS THEREOF, we have hereunto set our hands and seals this 7TH day of
AUGUST 2007.

(Corporate Seal)

R. MOODY CONSTRUCTION, INC.

(Principal)

By *[Signature]*

PRESIDENT

(Title)

(Corporate Seal)

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA

(Surety)

By *[Signature]*

DWIGHT REILLY, ATTORNEY-IN-FACT

(Title)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of ORANGE

SS.

On AUGUST 7, 2007, before me, SUSAN PUGH, NOTARY PUBLIC

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared DWIGHT REILLY

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

SUSAN PUGH

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: BID BOND

Document Date: AUGUST 7, 2007

Number of Pages: 2

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer

Signer's Name: DWIGHT REILLY

☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☒ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: FIRST NATIONAL INSURANCE COMPANY OF AMERICA

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



FIRST NATIONAL SURETY
PO BOX 34526
SEATTLE, WA 98124-1526

POWER
OF ATTORNEY

FIRST NATIONAL INSURANCE COMPANY OF AMERICA
PO BOX 34526
SEATTLE, WA 98124-1526

No. 9551

KNOW ALL BY THESE PRESENTS:

That FIRST NATIONAL INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint

.....J. J. DUECK; DWIGHT REILLY; Anaheim, California.....

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind FIRST NATIONAL INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, FIRST NATIONAL INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 11th day of January, 2005

CB Mead

CHRISTINE MEAD, SECRETARY

Mike McGavick

MIKE MCGAVICK, PRESIDENT

CERTIFICATE

Extract from the By-Laws of FIRST NATIONAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be attested by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of
FIRST NATIONAL INSURANCE COMPANY OF AMERICA adopted July 26, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Christine Mead, Secretary of FIRST NATIONAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 7TH day of AUGUST, 2007



CB Mead

CHRISTINE MEAD, SECRETARY

EXHIBIT 18

Agenda Item No. 4.a

STAFF REPORT

To: Mayor and Council Members
From: Public Works Department
Date: April 1, 2008
Subject: Award Contracts for Street Repairs

Background and Analysis:

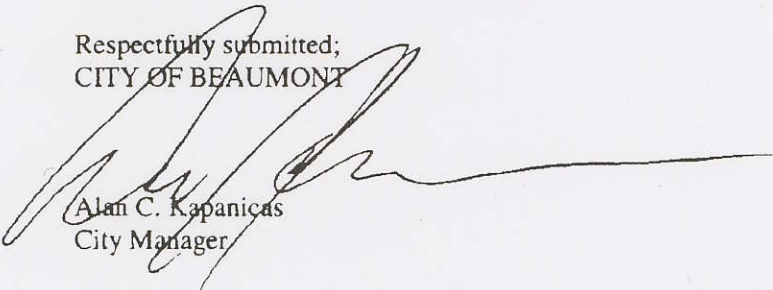
On February 19, 2008, the City Council authorized public bids for the street repair project. The bid was divided into two parts, one part related to repairs and upgrades to the existing streets and one part related to the repair and upgrade of the existing lighting street lighting system in the older areas of town. Bids were opened for the street lighting portion of the project on March 17, 2008 and for the street repair portion on March 24, 2008. One bid was received for the street lighting portion and four were received for the street repair work. The low bids for each item are listed below. In addition, the street lighting bid included an optional bid of \$690,238 for a camera and computer based traffic and street monitoring and system to be installed along with upgraded street lights and repairs. Four bids were received for the street repair portion of the project with a high bid of \$1,334,142. One bid was received for the street lighting repair and upgrade portion of the project. The project is a continuing effort to bring the streets in the older areas of town into conformance with current city standards.

- Street Repairs and Upgrades: \$757,461
- Street Lighting Repairs and Upgrades: \$791,365

Recommendation:

Staff recommends the APPROVAL of the Project Progress Report and AWARD of contracts for the base and optional bids to the lowest responsible bidders to the authority of the City Attorney to make non-substantive changes and the final review of the bid documents by the City Manager.

Respectfully submitted;
CITY OF BEAUMONT


Alan C. Kapanicas
City Manager

**CITY OF BEAUMONT
PROJECT PROGRESS REPORT
CAPITAL IMPROVEMENT PLAN**

Source of Funds:	Redevelopment Agency	Project Name: Street Repair Project
Contract Date:	April 1, 2008	Contractors: Tyner Paving Beaumont Electric
Const. Budget: Streets: \$757,416.11 Street Lights Base: \$ 791,365.00, Street Lights Optional: \$690,238.00		Subcontractors: As per approved CIP contractor list
A&E Budget: As per approved contractor agreements		Project Start Date: February, 2008 Report Period: March, 2008
Work Completed During Report Period: Prepared plans and specifications. Managed public bidding process.		
Problems or Delays During Report Period: No problems or delays.		
Change Orders: No change orders.		
Recommendation(s) for City Council Action: Approve the agreement and authorize the City Manager to expend funds flowing confirmation of compliance with all public contracting requirements. Authorize the City Manager and approved CIP contractors to administer the construction contracts.		
Report Approved by:		
Mayor's Signature		Date of City Council Approval

Beaumont Street Light Rehr		
NAME OF CONTRACTOR		Bid Amount
VT Electric		
Beaumont Electric		BASE 791,305
Sierra Pacific		
Cora Constructors, Inc.		
CSI Electrical		
Temo Electrical		
DBX Inc.		
So. Calif. West Coast Electric		
Christopher Morales Inc.		
Par Electrical		
Pro Tech Engineering		
Steiny & Company		
Pouk & Steinle		
PTM Engineering		



City of Beaumont
AWARD OF NEW PUBLIC WORKS CONTRACT

NAME OF PROJECT: Street Lighting Rehab. & Surveillance Dev.

PROJECT NO. 08-02250

(internal use)

FUNDING SOURCE: Redevelopment Agency Funds

CONTRACT DATE: April 1, 2008

CONTRACTOR: Beaumont Electric, Inc.

CONTRACT AMOUNT: \$791,365.00

TYPE OF CONTRACT	BIDDING REQUIREMENTS	WHO SHALL AUTHORIZE
1. Road & Sewer Maintenance/Repair	a. & b. No formal bids, but must obtain informal proposals, unless sole source only, no competitive bid proposals, or public emergency.	a. City Manager b. City Council
<input type="checkbox"/> a. \$0-\$10,000.00		
<input type="checkbox"/> b. Over \$10,000.00		
2. All Projects except road and sewer maintenance/repairs.		
<input type="checkbox"/> a. \$0 - \$5,000.00	a. No Formal bid, but must obtain informal proposals unless: (see above).	a. City Manager
<input type="checkbox"/> b. \$5,001.00 - \$10,000.00	b. Formal bidding required, unless CM finds bidding impossible and unnecessary, sole source only, or emergency (see No. 3 below).	b. City Manager
<input checked="" type="checkbox"/> c. Over \$10,000.00	c. Formal bidding required, unless CM finds bidding impossible and unnecessary, sole source only, or emergency (see No. 3 below).	c. City Council
3. Emergency (There must be a threat to public health, safety, property).		
<input type="checkbox"/> a. Road and sewer emergencies:	a. No formal bids or informal proposals.	(i) City Manager (ii) City Manager, with subsequent City Council ratification by 4/5 vote.
(i) \$0 - \$10,000.00		
(ii) Over \$10,000.00		
<input type="checkbox"/> b. All other emergencies:	b. No formal bids or informal proposals.	(i) City Manager (ii) City Council with subsequent City Council ratification by 4/5 vote.
(i) \$0 - \$5000.00		
(ii) Over \$5,000.00		

I have reviewed the award of work under this contract in accordance with Beaumont Municipal Code: Title 3 - Section 3.02.

Public Works Director: [Signature]

Date: 3-28-08

City Attorney: [Signature]

Date: _____

AUTHORIZATION

City Manager: _____ Date: _____

Mayor: (as applies) _____ Date: _____

EXHIBIT 19

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



August 17, 2010

Mr. Ernest Egger, Director
Planning Department
City of Beaumont
550 East Sixth Street
Beaumont, CA 92223

Dear Mr. Egger:

RE: Review of the City of Beaumont's Revised Draft Housing Element

Thank you for submitting Beaumont's revised draft housing element received for review on June 22, 2010 along with additional revisions on August 10 and 11, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with you and Mr. Ralph Castaneda, the City's consultant, facilitated the review.

The Department commends Beaumont for addressing its housing and community development needs in the Urban Village Specific Plan by promoting higher residential densities in the downtown and along its transit corridors. The revised draft element addresses the statutory requirements described in the Department's October 22, 2009 review. As a result, the element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

The Department appreciates your efforts and looks forward to receiving Beaumont's adopted housing element. If you have any questions or need additional technical assistance, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,

Alan A. Carson
Assistant Deputy

for
Cathy E. Creswell
Deputy Director

EXHIBIT 20

SECTION D

AGREEMENT

Public Works Contract

THIS AGREEMENT, made and entered into this 6th day of May, 2008 in the city of Beaumont, County of Riverside, State of California, by and between the City of Beaumont, a municipal corporation (hereafter "Owner") and, Beaumont Electric, Inc. (hereinafter "Contractor").

WHEREAS, the City Council of the City of Beaumont at a meeting held on the 6th day of May, 2008, authorized the Mayor and City Clerk to enter into this agreement after public bidding in accordance with California Public Code Section 20160, et seq.

NOW, THEREFORE, it is hereby agreed by and between the parties that:

1. Defined Terms

1.1 Terms used in this agreement which are defined in the General Provisions and Special Provisions have the meaning assigned to them in the General Provisions and Special Provisions of the Contract Documents and Specifications.

2. Scope of Work

2.1 The Contractor shall furnish all of the labor, materials, tools, equipment, services and transportation necessary to perform all of the work described as follows:

Construct street lighting, interconnecting wiring and conduit based on multiple service points. Includes trench repairs as directed by Owner.

2.2 The Contractor shall perform all of the work in strict accordance with the Contract Documents as enumerated in Article 8 hereof.

2.3 The Contractor shall be liable to the Owner for any damages arising from, or as a result of, a failure to fully comply with the Contract Documents. Contractor shall not be excused with respect to any failure to so comply by any act or omission of the Owner, its officers, employees or agents, unless such act or omission actually prevents the Contractor from fully complying with the requirements of the Contract Documents.

3. Schedule

3.1 The Contractor shall commence the work on the date stated in the Notice to Proceed and shall diligently pursue the work to completion upon the work schedule, if any, as specified in the Special Provisions, except as such time may be extended in writing by the Owner in accordance with the Specifications, time being of the essence.

4. Liquidated Damages

4.1 If the Contractor fails to complete the work, or any portion thereof, within the time period required by Article 3 herein or as duly extended in writing by the Owner, he shall forfeit and pay to the Owner, as liquidated damages, the sum of \$250.00 per day for each calendar day the work, or portion thereof, remains uncompleted after the above specified completion date. The liquidated damages shall be deducted from any payments due or to become due to the Contractor under the terms of this contract. [Govt C. Sec. 53069.85] Progress payments made by the Owner after the above specified completion date shall not constitute a waiver of liquidated damages by the Owner.

5. Contract Price

5.1 The Owner shall pay to the Contractor as full consideration for the faithful performance of the contract entered into by this Agreement, subject to any additions or deductions as provided in the Contract Documents the sum \$3,096,304.00, sums being the total amount of the amounts stipulated in the Contractor's Proposal attached as Exhibit "B" of this Agreement.

6. Payments

6.1 If the Special Provisions do not provide for progress payments, the Contractor shall be paid within 60 calendar days after Contractor furnishes Owner with a release of all undisputed contract amounts, if required by Owner, and final acceptance of the work by the City Council.

6.2 If progress payments are to be made pursuant to the Special Provisions, Contractor shall submit the required monthly statement to the Engineer commencing on the 10th day of month after the Owner issues the Notice To Proceed and, if required by the Engineer, a release of all undisputed contract amounts related to said statement.

6.3 In the event there is any claim specifically excluded by Contractor from the operation of the release, there shall be retained by Owner an amount not to exceed the amount of the disputed claim. [P.C.C. Sec. 7100]

7. Legal Requirements

7.1 Pursuant to California Labor Code Section 1810, et seq., eight (8) hours labor constitutes a legal day's work. Contractor shall forfeit as a penalty to Owner the sum of \$25.00 for each worker employed in the execution of the contract by Contractor or any subcontractor for each calendar day during which such worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of Labor Code Section 1815. [Labor Code Sec. 1813]

7.2 (A) copies of the determination of the Director of the Department of Industrial Relations of the rate of per diem wages for each craft, classification or type of worker needed to execute the contract are on file in, and available at, the office of the City of Beaumont city Clerk 550 E. Sixth Street, Beaumont, CA 92223. [Labor Code Sec. 1773.2]

(B) The Contractor shall post at the work site, for the duration of the contract, a copy of the determination of the specified prevailing rate of per diem wages. [Labor Code Sec. 1773.2]

(C) The Contractor, and any subcontractor, under the Contractor, shall pay not less than the specified prevailing rate of per diem wages to all workers employed in the execution of the contract. [Labor Code Sec. 1771] The Contractor shall have responsibility for compliance with California Labor Code Section 1776 relative to the retention and inspection of payroll records. [Labor Code Sec. 1776]

7.3 The Owner shall withhold penalties and forfeitures from payments due to the Contract for noncompliance with the California Labor Code. [Labor Code Sec. 1727]

7.4 Nothing in this contract shall prevent the Contractor or any subcontractor from employing properly registered apprentices in the execution of the contract. The Contractor shall have responsibility for compliance with California Labor Code Section 1777.5 for all apprentice occupations. [Labor Code Sec. 1777.5]

7.5 Neither the Contractor, nor any subcontractor under the Contractor, shall discriminate in the employment of persons upon the work because of the race, religious creed, color, national origin, ancestry, physical handicap, medical conditions, marital status or sex of such person, except as provided in Section 12940 of the Government Code. The Contractor shall have responsibility for compliance with this Section. [Labor Code Sec. 1735]

10. Indemnification

10.1 The Contractor hereby agrees to indemnify, defend and hold harmless the Owner, and its officers, employees, servants and agents from and against any and all claims, liability, loss, damage, cost, and expense, including court costs and attorneys' fees, whether or not litigation be commenced, of whatever nature or type, that the Owner or any of its officers, employees or agents, may hereinafter suffer, incur, be put to pay or lay out by reason of:

(A) Any injury or death to any person or damage to any property sustained or alleged to have been sustained as a result of the work, or the performance thereof, contemplated hereby, or any defect in material, equipment or workmanship that becomes evident within one year after the date of recordation for the notice of completion.

(B) Any other act or omission of the Contractor, its agents, representatives or other persons who are at any time engaged in the course of work or in the repair, replacement or restoration of any portion of the work made necessary by any defect in material or workmanship including, but not limited to, subcontractors, laborers, materialism and suppliers; or

(C) Any breach or default of the Contractor in the performance of its obligations hereunder.

10.2 The aforesaid Indemnification and Held Harmless Agreement shall not include any claims of liability arising from the established sole negligence of willful misconduct of the Owner or its officers, employees, servants or agents.

10.3 The aforesaid Indemnification and Held Harmless Agreement shall apply regardless of whether or not the insurance policies specified in this agreement or other Contract Document shall have been determined to be applicable to the claim, liability, loss, damage, cost or expense.

11. Insurance

11.1 Contractor shall not commence the work until he shall have purchased, at his sole expense, from one or more good and responsible companies doing insurance business in the State of California and shall have furnished to the City Clerk certificates of all insurance required under this Article and such insurance shall have been approved by the Owner as to form, amount and terms; nor shall Contractor allow any subcontractor to commence work on his subcontract until all similar insurance required on the subcontractor shall have been so obtained and approved. Each such policy of insurance shall be maintained in full force and effect for the duration of the contract and shall bear an endorsement or shall have attached a rider whereby it is provided that, in the event of expiration or proposed cancellation or amendment of the policy for any reason whatsoever, the City Clerk shall be notified by registered mail, postage prepaid, return receipt requested, not less than thirty (30) days before the expiration, cancellation or amendment is effective.

11.2 Contractor, and every subcontractor, shall provide comprehensive liability insurance in which the Owner is the named insured or is named as an additional insured. Notwithstanding any inconsistent statement in the policy or any subsequent endorsement attached thereto, the protection offered by the policy shall:

(A) Insure the Owner and its officers, employees, servants and agents from claims for damages for personal injury to any person, including death, and for damage to the property of any person which may arise or result from Contractor's or any subcontractor's execution of the work or other obligation under the execution of the work or other obligation under the Contract Documents, whether such execution be by Contractor or by any subcontractor or by anyone directly or indirectly employed by either Contractor or any subcontractor.

(B) Provide the minimum limits set forth in the Specifications

11.3 Contractor, and every subcontractor, shall provide complete workers' compensation insurance in accordance with the requirements of Section 3800 of the California Labor Code. If any class of employees engaged in the work is not protected under any workers' compensation law, Contractor shall provide, and shall cause each subcontractor to provide, adequate insurance for the protection not otherwise protected. Contractor shall indemnify, defend and hold harmless the Owner and its officers, employees, servants and agents from any claim resulting from failure of either Contractor or any subcontractor to take out or maintain such insurance.

12. Owner's Right to Terminate

12.1 If the Contractor refuses or fails to prosecute the work or any separable part thereof with such diligence as will insure its completion within the time specified or any extension thereof, or fails to complete said work within such time, or if the Contractor should become insolvent, be adjudged a bankrupt, or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, or if he should persistently or repeatedly refuse or should fail, except in cases for which extension of time is provided to supply enough properly skilled workers or proper materials to complete the work in the time specified, or if he should fail to make prompt payment to subcontractors or for material or labor, or persistently disregard laws, ordinances or instructions of the Owner, or otherwise breach any reasons for such intention to terminate.

Unless within five (5) days after the service of such notice such condition or violation shall cease or satisfactory arrangements for the correction thereof be made, this contract shall upon the expiration of said five (5) days, cease and terminate. In such case, Contractor shall not be entitled to receive any further payment until the work is finished.

12.2 Performance by Surety or Owner. In event of any such termination, the Owner shall immediately serve written notice thereof upon surety and Contractor, and surety shall have the right to take over and perform this contract, provided, however, that if surety within five (5) days after service upon it of said notice of termination does not give the Owner written notice of its intention to take over and perform this contract or does not commence performance thereof within ten (10) days from the date of serving such notice, the Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable for the account and at the expense of Contractor, and he and his surety shall be liable to the Owner for any excess cost or other damages occasioned the Owner thereby.

If the Owner takes over the work as hereinabove provided, the Owner may, without liability for so doing, take possession of, and utilize in completing the work, such materials, appliances, plant, and other property belonging to the Contractor as may be on the site of the work and necessary therefore.

Additional costs of finishing work, including compensation for additional engineering, architectural, managerial, and administrative services, shall be paid to the Owner, without prejudice to any other rights or remedies available at law or in equity to the Owner.

13. Notice

13.1 Whenever it shall be necessary for either party to serve notice on the other respecting the contract, such notice shall be served by registered mail, postage prepaid, return receipt required, addressed to the City of Beaumont 550 E. Sixth Street, Beaumont, CA 92223 and to the Contractor at 877 Fourth Street, Suite A, Beaumont, CA 92223 unless and until different addresses may be furnished in writing by either party to the other.

13.2 Notice shall be deemed to have been served seventy-two (72) hours after the same has been deposited in the United States postal service. This shall be a valid and sufficient service of notice for all purposes.

14. Assignment

14.1 The Contractor shall not assign the performance of the contract, nor any part thereof, nor any monies due or to become due hereunder, without the prior written consent of the Owner. It is understood and acknowledged by the parties that the contractor is the lowest responsible bidder qualified to perform the work.

14.2 Subject to the provision of this Article regarding assignment, the contract shall be binding upon the heirs, executors, administrators, successors, and assigns of the Contractor.

15. Attorney's Fees

15.1 If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of the contract, the prevailing party shall be entitled to reasonable attorney's fees, court costs and necessary disbursements, in addition to any other relief to which it may be entitled.

16. Miscellaneous Provisions

16.1 Should a change be contemplated in the name or nature of the Contractor's legal entity, the Contractor shall first notify the Owner in order that proper steps may be taken to have the change reflected in the Contract Documents.

16.2 The contract shall be effective from and after the date that this Agreement is signed by the representatives of the Owner.

16.3 This Agreement is made in three (3) duplicate originals.

16.4 The Captions of the articles, sections, subsections, paragraphs and subparagraphs of the Contract Documents are for reference only and are not to be construed in any way as a part of the contract.

16.5 The remedies contained in this agreement are cumulative, and in addition to and not limitation of, any remedy law or in equity to which the Owner may be entitled.

17. Entire Agreement

17.1 The Contract Documents integrate all terms and conditions in connection with the work called for herein and supersede all negotiations and prior understandings, either oral or in writing, in respect to the subject matter hereof.

17.2 The Contract Documents are intended to be complimentary. Work required by one of the Contract Documents and Specifications and not by others shall be done as if required by all.

17.3 Each and every provision of law and clause required to be inserted into the Contract Documents shall be deemed to be inserted therein, and if through mistake or otherwise any such provisions is not inserted, or is not inserted correctly, then upon application of either party, the Contract Documents shall forthwith be amended in writing to make such insertion or correction.

17.4 The Contract Documents shall not be amended except by a writing duly executed by the parties.

IN WITNESS WHEREOF, the parties; hereto have caused this Agreement to be executed the day and year first above written.

CITY OF BEAUMONT

By Ben E. [Signature]
Mayor of City of Beaumont

Date: 5/6/08

CONTRACTOR

By [Signature]

Title U-P

Date 3-25-08

ATTEST:

[Signature] (Deputy)
City Clerk of the City of Beaumont

Date: 5/6/08

Exhibit "B"

UNIT PRICE LIST - FIGURES

WORK IDENTIFICATION: **OLD TOWN BEAUMONT STREET LIGHTING
REHABILITATION AND SURVEILLANCE
DEVELOPMENT PROJECT FOR**

CITY OF BEAUMONT

NAME OF BIDDER: Beaumont Electric, Inc.

ITEM NO.	ESTIMATED QUANTITY	DESCRIPTION	UNIT PRICE IN UNIT FIGURES	TOTAL IN FIGURES
BASE BID				
1.	<u>137</u>	Residential Areas, Pole Type B-A (intersections, cul-de-sacs, and knuckles)	<u>\$ 4855</u> /Each	<u>\$ 665,135</u>
3.	<u>26</u>	Park Areas, Pole Type B-A (around all parks in development area)	<u>\$ 4855</u> /Each	<u>\$ 126,230</u>
Base Bid Total:				<u>\$ 791,365</u>

OPTIONS

A.	<u>29</u>	School Areas, Pole Type B-A (around all schools in development area)	<u>\$ 7052</u> /Each	<u>\$ 204,508</u>
B.	<u>10</u>	Oak Valley, Pole Type BB (Beaumont Ave., west to Elm Ave.)	<u>\$ 7146</u> /Each	<u>\$ 71,460</u>
C.	<u>40</u>	Beaumont Ave, Pole Type BC-1 (southerly city limit to Oak Valley)	<u>\$ 6590</u> /Each	<u>\$ 263,600</u>
D.	<u>32</u>	6th Street, Pole Type BC-1 (Viele to Highland Springs)	<u>\$ 7252</u> /Each	<u>\$ 232,064</u>
E.	<u>23</u>	6th Street, Pole Type BC-2 (Viele to Highland Springs)	<u>6615</u> /Each	<u>\$ 152,145</u>
F.	<u>103</u>	Commercial Upgrade, Pole Type C-1	<u>6708</u> /Each	<u>\$ 690,924</u>
G.	<u>1</u>	Surveillance Network (including cameras, wireless connection and server)	<u>\$ 690,238</u> /Lump sum	<u>\$ 690,238</u>

EXHIBIT 21

85/08/2008 14:01

1951760^226

CITY OF BEAUMONT



RECEIVED
City of Beaumont

JUN 03 2008

Public Works Dept.

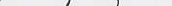
CLAIM FORM

CITY OF BEAUMONT
550 East Sixth Street
Beaumont, California 92223
Telephone: 951-769-8520

1. Date this Claim form was filled out: 05/29/2008
2. Name of Claimant: Sierra Pacific Electrical Engineers
3. Mailing Address of Claimant: 2542 Avalon Street
Riverside, California 92509
4. Mailing Address to which Claimant desires notices to be sent:
1325 Spruce Street, Suite 300, Riverside, California 92507
5. The date of the occurrence or transaction which gave rise to the Claim:
May 6, 2008
6. The place of the occurrence or transaction which gave rise to the Claim:
The Beaumont City Council Meeting
7. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known to the Claimant: (attach additional sheets if necessary)
See Attachment
8. The name or names of the public employee or employees causing the injury, damage, or loss, if known: John Wilder and other employees of the city of Beaumont
9. The amount of the Claim: \$ 20,000.00

ATTACH SUPPORTING INFORMATION

I hereby declare, under penalty of perjury under the laws of the State of California, that the information presented in this claim is true and correct.

10. Claimant's signature: 
Print Name: David Loop
Date this Claim is signed: 8/29/08

ATTACHMENT TO CLAIM FORM
CITY OF BEAUMONT

7. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known to the claimant:

The City of Beaumont has violated multiple sections of the California Public Contracts Code in the course of awarding the Old Beaumont Street Light Rehabilitation and Surveillance Development Project to Beaumont Electric on May 6, 2008. The city failed to provide all qualified bidders with a fair opportunity to enter into the bidding process under Public Contracts Code Section 100(c). Further, the city entered into a collusive agreement with Beaumont Electric to award such contract to same. Finally, the City of Beaumont's plans and specifications were inadequate due to this agreement such that Beaumont Electric was the only bidder with sufficient information to make a complete bid on the project. Sierra Pacific Electrical Engineering requests that you rescind and not award the contract to Beaumont Electric and reinitiate the bidding process. Further, we request that the City of Beaumont cease all fraudulent actions, including any collusive agreements between Beaumont Electric and the City of Beaumont. Sierra Pacific Electrical Engineering expended numerous costs and fees in an attempt to submit a good faith bid on the project which was unsuccessful due to the inadequate information provided by the City of Beaumont. As such Sierra Pacific Electrical Engineering was damaged by the City of Beaumont.

EXHIBIT 22



City of Beaumont

550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
FAX (951) 769-8526

Email: cityhall@ci.beaumont.ca.us
www.ci.beaumont.ca.us

(A)

September 2, 2009

BARKER, GREGORY D & MARILYN S
202 MYRL DR
BEAUMONT, CA 92223

Re: Land Use and Opinion of Your Property (APN:417-130-016)

Dear Sir or Madam:

The City was contacted by property owners within your block area for consideration of re-zoning the properties from its current designation of (R-SF) Residential Single-Family to (M) Manufacturing. The boundaries of this prospective proposal are Fourth Street to the North, Elm Avenue to the West, Second Street to the South, and Olive Avenue to the East.

As you are undoubtedly aware, this area has mix of residential, industrial, and vacant land; and the City would like to know your opinion as to the best ultimate use for this area.

In order to assess this proposal, staff is compiling an inventory of all structures and types of structures located within this block area. In order to assist with this effort please indicated below all structures and types of structures (examples include: houses, garages, sheds, storage buildings, etc.) located on your property. In addition, please indicate your land-use preferences and any comments you may have in the section below.

Structure(s):

VACANT LAND

Please Indicate Your Land Use Preference and any Comments You May Have:

☒ (M) Manufacturing

MOST OTHER PARCELS IN THIS AREA ARE

BEING USED AS MANUFACTURING OR

☐ (R-SF) Res. Single-Family

LIGHT INDUSTRIAL - THIS MAKES GOOD

SENSE TO BE MANUFACTURING ZONED.

Please return this completed survey letter in accompanying pre-paid postage envelope by October 5, 2009. Your assistance with providing this information will be greatly appreciated. If you have any further questions regarding the above mention items, please feel free to contact me or my staff at the Planning Department at (951) 769-8518.

Very truly yours,
CITY OF BEAUMONT



Ernest A. Egger, AICP, REA
Director of Planning

EXHIBIT 23

Reed 545-80



City of Beaumont

550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520

FAX (951) 769-8526

Email: cityhall@ci.beaumont.ca.us

www.ci.beaumont.ca.us

B

May 11, 2010

THOMAS and WILLIAM DANIEL C/O WILLIAM DANIEL
P O BOX 2041
BEAUMONT, CA 92223

Re: Land Use and Opinion of Your Property (APN:421-110-030)

Dear Sir or Madam:

At the April 6, 2010 City Council hearing there was discussion item regarding the potential annexation parcels located in the southern section of the City around the California Avenue and the Highway 79 intersection. The boundaries of this prospective proposal are the northern property lines of 421-090-004 and 421-110-024 to the North, parcels aligned with Green Acres Drive to the West, the southern boundary of 421-100-006 to the South, and Highway 79 to the East.

As you may be aware, this area has mix of rural residential, light commercial/industrial, and vacant land; and the City would like to know your opinion as to the best ultimate use for this area.

In order to assess this proposal, staff is compiling an inventory of all structures and types of structures located within this block area. In order to assist with this effort please indicated below all structures and types of structures (examples include: houses, garages, sheds, storage buildings, etc.) located on your property. In addition, please indicate your land-use preferences and any comments you may have in the section below.

Structure(s):

_____	_____	_____
_____	_____	_____

Please Indicate Your Land Use Preference and any Comments You May Have:

_____ (M) Manufacturing

_____ (R-R) Res. Rural

_____ (C-G) Comm. General

MAY 19, 2010
We see no
benefit of
annexing into
Beaumont at
this time

Please return this completed survey letter in accompanying pre-paid postage envelope by June 1, 2010. Your assistance with providing this information will be greatly appreciated. If you have any further questions regarding the above mention items, please feel free to contact me or my staff at the Planning Department at (951) 769-8518.

Very truly yours,
CITY OF BEAUMONT

Ernest A. Egger, AICP, REA
Director of Planning

EXHIBIT 24

PLANNING DEPARTMENT
CITY OF BEAUMONT, CALIFORNIA

In my capacity as Hearing Officer, I have found and determined (a) that there is substantial evidence to support a finding that Sections 8.32.070 & 17.02.130 (D) of the Beaumont Municipal Code (BMC) were violated, (b) the non-compliance to the conditions of approval, outlined in 09-APP-34, that are the subject of this nuisance abatement proceeding, shall be complied with as a public nuisance pursuant to BMC Section 8.32.390, and (c) that the owner thereof shall comply and satisfy the conditions of approval unless the owner timely appeals my decision to the City Council in accordance with BMC Section 8.32.495.

II. INTRODUCTION AND BACKGROUND

On June 2, 2009 Planning Department issued conditions of approval outlined in administrative plot plan 09-APP-34. In this approval, conditions were outlined with a timeline for completion.

On May 5, 2010 Code Enforcement issued a Stop Work Notice for trailers and storage containers moved on site without Planning approval or building permits.

On June 7, 2010 Code Enforcement issued a citation (\$100.), and a compliance order along with a copy of 09-APP-34 to Abundant Life Fellowship requiring compliance with the conditions of approval and to obtain approval for the trailers and storage containers recently moved onto the premises.

On June 29, a second citation (\$500.) was issued.

On August 3, 2010 a third citation (\$1000.) was issued.

On August 22, 2010 an Order to Abate was issued requiring Abundant Life Fellowship to meet the Conditions of Approval, as outlined in 09-APP-34 and to obtain approval for the trailers and storage containers on the property.

On September 3, 2010, the City issued and served to the Owner a "Notice of Hearing to Abate Public Nuisance" pursuant to BMC Section 8.32.355. Thereafter, in accordance with the provisions of BMC Section 8.32.360 et seq., a hearing was conducted on September 30, 2010 for the purpose of receiving testimony and taking evidence with respect to the compliance with conditions of approval as outlined in 09-APP-34 and to obtain approval for the trailers and storage containers on the premises.

III. PERSONS IN ATTENDANCE

1. Hearing Officer: Ernie Egger
2. For the City: Christina Bowser, Code Enforcement Officer; Keith Hightower, Building Official.
3. For the Owner: Robert Ruehle

IV. LAW APPLICABLE TO THE CASE

The owner of the property, in which the conditions of approval have not been met, was cited pursuant to BMC Section 8.32.070 which provides as follows:

"Any premises, including, but not limited to, any building, sign or other structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the City's zoning ordinance, as amended, and any use of premises, including, but not limited to, land or building, established, conducted, operated or

maintained contrary to the provisions of the City's zoning ordinance, as amended, is declared a public nuisance. Any and all uses not expressly permitted in the City's zoning ordinance, as amended, are not permitted, and are declared a public nuisance."

Additionally, the owner was cited to BMC Section 17.02.130 (D) which provides as follows:

"Actions Deemed a Nuisance. Any building or structure erected or maintained, or any use of property contrary to the provisions of this Zoning Ordinance shall be declared to be unlawful and a public nuisance, subject to abatement pursuant to the City of Beaumont Municipal Code."

V. SUMMARY OF THE EVIDENCE

Christina Bowser, Code Enforcement Officer, stated that the Conditions of Approval, outlined in 09-APP-34, have not been met.

Robert Ruehle, owner of Abundant Life Fellowship, argued his facility is not a business and is exempt from complying with said conditions of approval.

Ernie Egger, Hearing Officer, stated that irrespective of the tax-status, the conditions, land use requirements, and zoning ordinance need to be met and complied with. By filing an application, and having conditions of approval issued at the start of operations at the site, Mr. Ruehle acknowledges that the conditions are effective and apply to him.

Keith Hightower, Building Official, clarified for Mr. Ruehle that the stop work notice was issued for the trailers and storage units moved onto the property and would require set up permits.

Mr. Ruehle denied that he needed to comply with any of the conditions of approval, including maintaining a business license.

Mr. Egger stated that regardless of arguing the business license status, land use is the issue at hand and the requirement of complying with the conditions of approval.

VI. CONCLUSION

The non-compliance to the conditions of approval violates the Beaumont Municipal Code and is declared a public nuisance.

It is concluded that within 30 days from the date of the hearing, the owner shall comply with the conditions of approval as outlined in 09-APP-34.

ORDER TO ABATE PUBLIC NUISANCE

In accordance with my conclusion that there is non-compliance to the conditions of approval, as outlined in 09-APP-34, which is the subject of this nuisance hearing, I hereby order the abatement of such public nuisance in accordance with BMC Section 8.32.390:

- A. Statement of Particulars: I hereby incorporate, by this reference, my decision, findings and determination as set forth above, as though set forth in full.
- B. Things Required to be Done to Abate the Nuisance: The Owner shall, within the time allowed, comply with the conditions of approval as outlined in 09-APP-34.
- C. Deadline for Compliance: The owner shall comply with this Order to Abate and contact the City Code Compliance Department by November 1, 2010.
- D. Authorization to Abate: The occupant, lessee or another person in possession or charge, or any mortgagee, beneficiary under any deed of trust, or other person having interest or estate in the subject premises, may, at his own risk, abate the nuisance.
- E. Appeal to the City Council: The Owner may appeal my Decision and the Order to Abate by filing a Notice of Appeal with the City Clerk within 15 days from the date of this Decision and Order, in accordance with BMC Section 8.32.495.
- F. Abatement by the City: In the event this Order to Abate Public Nuisance has not been complied within the time allowed, the City Manager shall have the power to abate the public nuisance in accordance with BMC Section 8.32.420 et seq., and the cost of such abatement shall become a lien on the subject premises.

Dated: October 5, 2010

CITY OF BEAUMONT

By 

ERNEST A. EGGER
Hearing Officer

EXHIBIT 25



ERNEST A. EGGER, AICP, REA
Director of Planning

CITY OF BEAUMONT
550 E. SIXTH STREET
BEAUMONT, CA 92223

(909) 769-8520
FAX (909) 769-8526



City of Beaumont

DEEPAK MOORJANI, P.E.
Director of Public Works

550 E. 6th Street
Beaumont, CA 92223

(909) 769-8520
FAX (909) 769-8526



DAVID W. DILLON
Economic Development Director

CITY OF BEAUMONT
550 E. SIXTH STREET
BEAUMONT, CA 92223

(909) 769-8520
FAX (909) 769-8526

EXHIBIT 26

City Of Beaumont

To: URBAN LOGIC CONSULTANTS

URBA002

Check Number:

047232

Date:

08/16/2004

Invoice Number	Date	Description	Amount	Discount	Paid Amount
2004-212	August 16, 2004	SERVICE	\$142,376.25	\$.00	\$142,376.25
213	August 16, 2004	SERVICE	\$15,000.00	\$.00	\$15,000.00

TOTALS

\$157,376.25

\$.00

\$157,376.25

VDG498



Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
Temecula, CA 92590
(909) 676-1944

INVOICE NO.

2004-213

INVOICE DATE

08/12/04

W.O. DISTRIBUTION

TO: City of Beaumont
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

Billing for Professional Community and Economic Development
and Public Works Services for the period of July 11, 2004
through August 6, 2004:

Consultant Services (see attached Breakdown):

<u>Category</u>	<u>Hours</u>
Principal (David Dillon, Ernie Egger, Deepak Moorjani)	186.50

Total Monthly Consultant Retainer: \$15,000.00

Total Amount Due: \$15,000.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

FILE NAME: URBANLGC

CITY OF BEAUMONT
URBAN LOGIC INVOICE ALLOCATION
AS OF AUGUST 6, 2004

ALLOCATION AMOUNT \$15,000.00

		% OR HOURS	ALLOCATION	OTHER	TOTAL
1350	4060	172.5	13,873.99	0.00	13,873.99✓
3100	4035	0.0	0.00	0.00	0.00
3100	4052	0.0	0.00	0.00	0.00
3100	4060	0.0	0.00	0.00	0.00✓
4050	4060	14.0	1,126.01	0.00	1,126.01
3600	4060	0.0	0.00	0.00	0.00
4000	5001	0.0	0.00	0.00	0.00
4000	5002	0.0	0.00	0.00	0.00
4050	4052	0.0	0.00	0.00	0.00
4050	4035	0.0	0.00	0.00	0.00
4080	4060	0.0	0.00	0.00	0.00
4080	4035	0.0	0.00	0.00	0.00
8000	5001	0.0	0.00	0.00	0.00
8000	5002	0.0	0.00	0.00	0.00
9030	4035	0.0	0.00	0.00	0.00
9030	4052	0.0	0.00	0.00	0.00
9030	4060	0.0	0.00	0.00	0.00
9030	5001	0.0	0.00	0.00	0.00
9030	5002	0.0	0.00	0.00	0.00
9050	4035	0.0	0.00	0.00	0.00
9050	4052	0.0	0.00	0.00	0.00
9050	4060	0.0	0.00	0.00	0.00
9050	5001	0.0	0.00	0.00	0.00
9050	5002	0.0	0.00	0.00	0.00
4080	4052	0.0	0.00	0.00	0.00
4080	5001	0.0	0.00	0.00	0.00
4080	5002	0.0	0.00	0.00	0.00
9350	4035	0.0	0.00	0.00	0.00
9350	4060	0.0	0.00	0.00	0.00
9801	4035	0.0	0.00	0.00	0.00
9801	4052	0.0	0.00	0.00	0.00
9801	4060	0.0	0.00	0.00	0.00
9801	5002	0.0	0.00	0.00	0.00
		186.50	15000.0	0.00	15,000.00

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

W.O. DISTRIBUTION

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of July 11, 2004 through August 10, 2004:**

General Fund/Development Fees

Oak Valley Greens (1350-4060)	Principal:	4.00 hours @ \$125.00	\$500.00
Oak Valley Greens (1350-4060)	Senior Associate:	11.00 hours @ \$90.00	\$990.00
Oak Valley Greens (1350-4060)	Inspector:	100.00 hours @ \$70.00	\$7,000.00
Oak Valley Greens (1350-4060)	Plan Checker:	29.00 hours @ \$70.00	\$2,030.00
Oak Valley Greens (1350-4060)	Planner:	27.00 hours @ \$70.00	\$1,890.00
Cougar Ranch (1350-4060)	Principal:	1.00 hours @ \$125.00	\$125.00
Cougar Ranch (1350-4060)	Senior Associate:	7.00 hours @ \$90.00	\$630.00
Cougar Ranch (1350-4060)	Inspector:	26.50 hours @ \$70.00	\$1,855.00
Cougar Ranch (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50
Cougar Ranch (1350-4060)	Plan Checker:	2.00 hours @ \$70.00	\$140.00
Cougar Ranch (1350-4060)	Planner:	6.00 hours @ \$70.00	\$420.00
Cougar Ranch (1350-4060)	Surveyor:	7.00 hours @ \$85.00	\$595.00
Blockbuster Video (1350-4060)	Plan Checker:	11.00 hours @ \$70.00	\$770.00
Holiday Inn (1350-4060)	Plan Checker:	2.00 hours @ \$70.00	\$140.00

Subtotal: \$17,107.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

W.O. DISTRIBUTION

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of July 11, 2004 through August 10, 2004:**

General Fund/Development Fees

Pardee Homes (1350-4060)	Principal:	25.00 hours @ \$125.00	\$3,125.00
Pardee Homes (1350-4060)	Senior Associate:	3.00 hours @ \$90.00	\$270.00
Pardee Homes (1350-4060)	Inspector:	174.00 hours @ \$70.00	\$12,180.00
Pardee Homes (1350-4060)	Plan Checker:	32.00 hours @ \$70.00	\$2,240.00
Pardee Homes (1350-4060)	Surveyor:	10.50 hours @ \$85.00	\$892.50
Pardee Homes (1350-4060)	Planner:	24.00 hours @ \$70.00	\$1,680.00
Lowe's Flat Bed Dist. (1350-4060)	Principal:	9.00 hours @ \$125.00	\$1,125.00
Lowe's Flat Bed Dist. (1350-4060)	Sr. Associate:	1.00 hours @ \$90.00	\$90.00
Lowe's Flat Bed Dist. (1350-4060)	Inspector:	30.50 hours @ \$70.00	\$2,135.00
Lowe's Flat Bed Dist. (1350-4060)	Plan Checker:	3.00 hours @ \$70.00	\$210.00
Lowe's Flat Bed Dist. (1350-4060)	Exec. Secretary:	1.00 hours @ \$45.00	\$45.00
Home Depot (1350-4060)	Surveyor:	2.50 hours @ \$85.00	\$212.50
Home Depot (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50
Curtis Development (1350-4060)	Inspector:	17.00 hours @ \$70.00	\$1,190.00
Curtis Development (1350-4060)	Plan Checker:	11.00 hours @ \$70.00	\$770.00

Subtotal: \$26,187.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04TO: **City of Beaumont****550 East Sixth Street****Beaumont, CA 92223****Attn: Alan Kapanicas, City Manager**

W.O. DISTRIBUTION

**Billing for Public Works Services provided for the
 Period of July 11, 2004 through August 10, 2004:**

General Fund/Development Fees

Victoria Homes (1350-4060)	Sr. Associate:	5.00 hours @ \$90.00	\$450.00
Victoria Homes (1350-4060)	Inspector:	15.50 hours @ \$70.00	\$1,085.00
Oak Valley/Pardee (1350-4060)	Principal:	3.00 hours @ \$125.00	\$375.00
Oak Valley/Pardee (1350-4060)	Senior Associate:	17.00 hours @ \$90.00	\$1,530.00
Oak Valley/Pardee (1350-4060)	Inspector:	37.00 hours @ \$70.00	\$2,590.00
Pacific Community Builders (1350-4060)	Inspector:	12.00 hours @ \$70.00	\$840.00
Oak Valley Town Ctr. (1350-4060)	Inspector:	41.00 hours @ \$70.00	\$2,870.00
Pardee PGA (1350-4060)	Plan Checker:	4.00 hours @ \$70.00	\$280.00
Oak Valley/Pardee Grading (1350-4060)	Inspector:	1.00 hours @ \$70.00	\$70.00
Beaumont 72 (1350-4060)	Inspector:	45.50 hours @ \$70.00	\$3,185.00
Sun Cal Grading (1350-4060)	Senior Associate:	15.00 hours @ \$90.00	\$1,350.00
Sun Cal Grading (1350-4060)	Plan Checker:	124.00 hours @ \$70.00	\$8,680.00
Sun Cal Grading (1350-4060)	Surveyor:	13.50 hours @ \$85.00	\$1,147.50
Sun Cal Grading (1350-4060)	Inspector:	31.00 hours @ \$70.00	\$2,170.00
Fairway Drive (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50

Subtotal: \$26,645.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
Temecula, CA 92590
(909) 676-1944

Page 4 of 7

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

W.O. DISTRIBUTION

TO: City of Beaumont
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

Billing for Public Works Services provided for the Period of July 11, 2004 through August 10, 2004:

General Fund/Development Fees

Omega Homes (1350-4060)	Planner:	18.00 hours @ \$70.00	\$1,260.00
Empire Seneca Springs (1350-4060)	Principal:	7.00 hours @ \$125.00	\$875.00
Empire Seneca Springs (1350-4060)	Planner:	6.00 hours @ \$70.00	\$420.00
K Hovnanian/Hovchild (1350-4060)	Principal:	23.00 hours @ \$125.00	\$2,875.00
K Hovnanian/Hovchild (1350-4060)	Planner:	36.00 hours @ \$70.00	\$2,520.00
K Hovnanian/Hovchild (1350-4060)	Plan Checker:	90.00 hours @ \$70.00	\$6,300.00
K Hovnanian/Hovchild (1350-4060)	Exec. Secretary:	1.50 hours @ \$45.00	\$67.50
Oak Valley PGA (1350-4060)	Principal:	22.00 hours @ \$125.00	\$2,750.00
Oak Valley PGA (1350-4060)	Planner:	37.00 hours @ \$70.00	\$2,590.00
Corman-Leigh (1350-4060)	Principal:	9.00 hours @ \$125.00	\$1,125.00
Corman-Leigh (1350-4060)	Surveyor:	9.00 hours @ \$85.00	\$765.00
Corman-Leigh (1350-4060)	Plan Checker:	12.00 hours @ \$70.00	\$840.00
Corman-Leigh (1350-4060)	Inspector:	77.00 hours @ \$70.00	\$5,390.00
Corman-Leigh (1350-4060)	Planner:	5.00 hours @ \$70.00	\$350.00
Corman-Leigh (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50

Subtotal: \$28,150.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

W.O. DISTRIBUTION

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of July 11, 2004 through August 10, 2004:**

General Fund/Development Fees

Pardee Homes Grading (1350-4060)	Inspector:	2.00 hours @ \$70.00	\$140.00
Sewer Replacement Project (1350-4060)	Principal:	12.00 hours @ \$125.00	\$1,500.00
Sewer Replacement Project (1350-4060)	Sr. Associate:	7.00 hours @ \$90.00	\$630.00
Sewer Replacement Project (1350-4060)	Surveyor:	76.50 hours @ \$85.00	\$6,502.50
Sewer Replacement Project (1350-4060)	Inspector:	94.00 hours @ \$70.00	\$6,580.00
Sewer Replacement Project (1350-4060)	Exec. Secretary:	2.00 hours @ \$45.00	\$90.00
Sewer Replacement Project (1350-4060)	Survey Crew:	14.00 hours @ \$140.00	\$1,960.00
Sewer Replacement Project (1350-4060)	2-Man Survey Crew:	31.50 hours @ \$180.00	\$5,670.00
Cameo Homes (1350-4060)	Plan Checker:	4.00 hours @ \$70.00	\$280.00
Cherry Ranch (1350-4060)	Inspector:	30.00 hours @ \$70.00	\$2,100.00
Cherry Ranch (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50
Wal-Mart (1350-4060)	Exec. Secretary:	1.00 hours @ \$45.00	\$45.00
Victoria Homes Com'l (1350-4060)	Inspector:	3.00 hours @ \$70.00	\$210.00
Cokely Tract 23570 (1350-4060)	Inspector:	10.00 hours @ \$70.00	\$700.00
USA Tickets (1350-4060)	Inspector:	47.00 hours @ \$70.00	\$3,290.00

Subtotal: \$29,720.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

W.O. DISTRIBUTION

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of July 11, 2004 through August 10, 2004:**

General Fund/Development Fees

Pavement Mgmt. (1350-4060)	Inspector:	8.00 hours @ \$70.00	\$560.00
Pulte Homes (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50
Pulte Homes (1350-4060)	Plan Checker:	30.00 hours @ \$70.00	\$2,100.00
Pulte Homes (1350-4060)	Inspector:	20.00 hours @ \$70.00	\$1,400.00
Tract 30779 (1350-4060)	Sr. Associate:	3.00 hours @ \$90.00	\$270.00
Tract 30779 (1350-4060)	Exec. Secretary:	0.50 hours @ \$45.00	\$22.50
SunCal In Tract (1350-4060)	Inspector:	14.00 hours @ \$70.00	\$980.00
SunCal In Tract (1350-4060)	Exec. Secretary:	1.50 hours @ \$45.00	\$67.50
Sundance Tract 30332 (1350-4060)	Exec. Secretary:	1.50 hours @ \$45.00	\$67.50
Tract 30891 (1350-4060)	Sr. Associate:	10.00 hours @ \$90.00	\$900.00
Heartland Com'l (1350-4060)	Surveyor:	2.25 hours @ \$85.00	\$191.25
Lot Line Adjustments (1350-4060)	Surveyor:	4.00 hours @ \$85.00	\$340.00
Mayers & Asso. (1350-4060)	Surveyor:	4.50 hours @ \$85.00	\$382.50
Silver Oaks (1350-4060)	Surveyor:	12.50 hours @ \$85.00	\$1,062.50
Seneca Springs (1350-4060)	Plan Checker:	11.00 hours @ \$70.00	\$770.00

Subtotal: **\$9,136.25**

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200

Temecula, CA 92590

(909) 676-1944

INVOICE NO.

2004-212

INVOICE DATE

08/11/04

TO: City of Beaumont

550 East Sixth Street

Beaumont, CA 92223

Attn: Alan Kapanicas, City Manager

W.O. DISTRIBUTION

**Billing for Public Works Services provided for the
Period of July 11, 2004 through August 10, 2004:****General Fund/Development Fees**

4th St. Temp. Repair (1350-4060)	Inspector:	5.00 hours @ \$70.00	\$350.00
Illinois Ave. Apartments (1350-4060)	Plan Checker:	8.00 hours @ \$70.00	\$560.00
Jiffy Lube (1350-4060)	Plan Checker:	9.00 hours @ \$70.00	\$630.00
Palm Ave./Cougar Way (1350-4060)	Plan Checker:	5.00 hours @ \$70.00	\$350.00
Pulido Residence (1350-4060)	Plan Checker:	8.00 hours @ \$70.00	\$560.00
RCTC Meeting (1350-4060)	Sr. Associate:	9.00 hours @ \$90.00	\$810.00
Russo/Desert Pass (1350-4060)	Inspector:	3.00 hours @ \$70.00	\$210.00
Maple St. Rehab. (1350-4060)	Surveyor:	4.00 hours @ \$85.00	\$340.00
Maple St. Rehab. (1350-4060)	Survey Crew: (@ Prev. Wage)	9.00 hours @ \$180.00	\$1,620.00

Subtotal: \$5,430.00

Total Amount Due: \$142,376.25

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

EXHIBIT 27

City Of Beaumont

To: URBAN LOGIC CONSULTANTS

URBA

Check Number:

049168

Date:

02/16/2005

Invoice Number

Date

Description

Amount

Discount

Paid Amount

05-126
2005-125

February 15, 2005
February 15, 2005

\$134,690.15
\$15,000.00

\$.00
\$.00

\$134,690.15
\$15,000.00

TOTALS

\$149,690.15

\$.00

\$149,690.15



VDG498

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200

Temecula, CA 92590

(909) 676-1944

INVOICE NO.

2005-125

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

TO: City of Beaumont

550 East Sixth Street

Beaumont, CA 92223

Attn: Alan Kapanicas, City Manager

~~1350-4060~~
See Attached

Billing for Professional Community and Economic Development
and Public Works Services for the period of January 8, 2005
through February 4, 2005:

Consultant Services (see attached Breakdown):

<u>Category</u>	<u>Hours</u>
Principal (David Dillon, Ernie Egger, Deepak Moorjani)	304.00

Total Monthly Consultant Retainer: \$15,000.00

Total Amount Due: \$15,000.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

FILE NAME: URBANLGC

CITY OF BEAUMONT
URBAN LOGIC INVOICE ALLOCATION
AS OF FEBRUARY 4, 2005

ALLOCATION AMOUNT \$15,000.00

		% OR HOURS	ALLOCATION	OTHER	TOTAL
1350	4060	278.0	13,717.11	0.00	13,717.11
3100	4035	0.0	0.00	0.00	0.00
3100	4052	0.0	0.00	0.00	0.00
3100	4060	0.0	0.00	0.00	0.00
4050	4060	16.0	789.47	0.00	789.47
3600	4060	10.0	493.42	0.00	493.42
4000	5001	0.0	0.00	0.00	0.00
4000	5002	0.0	0.00	0.00	0.00
4050	4052	0.0	0.00	0.00	0.00
4050	4035	0.0	0.00	0.00	0.00
4080	4060	0.0	0.00	0.00	0.00
4080	4035	0.0	0.00	0.00	0.00
8000	5001	0.0	0.00	0.00	0.00
8000	5002	0.0	0.00	0.00	0.00
9030	4035	0.0	0.00	0.00	0.00
9030	4052	0.0	0.00	0.00	0.00
9030	4060	0.0	0.00	0.00	0.00
9030	5001	0.0	0.00	0.00	0.00
9030	5002	0.0	0.00	0.00	0.00
9050	4035	0.0	0.00	0.00	0.00
9050	4052	0.0	0.00	0.00	0.00
9050	4060	0.0	0.00	0.00	0.00
9050	5001	0.0	0.00	0.00	0.00
9050	5002	0.0	0.00	0.00	0.00
4080	4052	0.0	0.00	0.00	0.00
4080	5001	0.0	0.00	0.00	0.00
4080	5002	0.0	0.00	0.00	0.00
9350	4035	0.0	0.00	0.00	0.00
9350	4060	0.0	0.00	0.00	0.00
9801	4035	0.0	0.00	0.00	0.00
9801	4052	0.0	0.00	0.00	0.00
9801	4060	0.0	0.00	0.00	0.00
9801	5002	0.0	0.00	0.00	0.00
		304.00	15000.0	0.00	15,000.00

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of January 8, 2005 through February 4, 2005:**

General Fund/Development Fees

Oak Valley Greens (1350-4060)	Principal:	1.00 hours @ \$135.00	\$135.00
Oak Valley Greens (1350-4060)	Sr. Asso./Eng.:	7.00 hours @ \$100.00	\$700.00
Oak Valley Greens (1350-4060)	Planner:	1.00 hours @ \$80.00	\$80.00
Oak Valley Greens (1350-4060)	Inspector:	47.00 hours @ \$75.00	\$3,525.00
Cougar Ranch (1350-4060)	Sr. Asso./Eng.:	3.00 hours @ \$100.00	\$300.00
Cougar Ranch (1350-4060)	Inspector:	12.00 hours @ \$75.00	\$900.00
Cougar Ranch (1350-4060)	Planner:	9.00 hours @ \$80.00	\$720.00
Holiday Inn (1350-4060)	Inspector:	7.00 hours @ \$75.00	\$525.00
Pardee PGA Grading (1350-4060)	Sr. Asso./Eng.:	4.00 hours @ \$100.00	\$400.00
Cougar Crossing (1350-4060)	Principal:	1.00 hours @ \$135.00	\$135.00
Cougar Crossing (1350-4060)	Planner:	4.00 hours @ \$80.00	\$320.00
High School Sewer (Brisco) (1350-4060)	Inspector:	3.50 hours @ \$75.00	\$262.50
1st St. Lift Station (1350-4060)	Const. Manager:	10.00 hours @ \$100.00	\$1,000.00
1st St. Lift Station (1350-4060)	Inspector:	40.00 hours @ \$75.00	\$3,000.00

Subtotal: \$12,002.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200

Temecula, CA 92590

(909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

TO: City of Beaumont

550 East Sixth Street

Beaumont, CA 92223

Attn: Alan Kapanicas, City Manager

W.O. DISTRIBUTION

**Billing for Public Works Services provided for the
Period of January 8, 2005 through February 4, 2005:**

General Fund/Development Fees

Pardee Homes (1350-4060)	Principal:	28.00 hours @ \$135.00	\$3,780.00
Pardee Homes (1350-4060)	Sr. Asso./Eng.:	13.00 hours @ \$100.00	\$1,300.00
Pardee Homes (1350-4060)	Inspector:	34.00 hours @ \$75.00	\$2,550.00
Pardee Homes (1350-4060)	Planner:	23.00 hours @ \$80.00	\$1,840.00
Pardee Homes (1350-4060)	Staff Eng.:	12.00 hours @ \$80.00	\$960.00
Lowe's Flat Bed Dist. (1350-4060)	Principal:	3.00 hours @ \$135.00	\$405.00
Lowe's Flat Bed Dist. (1350-4060)	Sr. Asso./Eng.:	12.00 hours @ \$100.00	\$1,200.00
Lowe's Flat Bed Dist. (1350-4060)	Inspector:	7.50 hours @ \$75.00	\$562.50
Pavement Mgmt. (1350-4060)	Principal:	5.00 hours @ \$135.00	\$675.00
Pavement Mgmt. (1350-4060)	Sr. Asso./Eng.:	3.00 hours @ \$100.00	\$300.00
Pavement Mgmt. (1350-4060)	Inspector:	4.50 hours @ \$75.00	\$337.50
Curtis Development (1350-4060)	Sr. Asso./Eng.:	10.00 hours @ \$100.00	\$1,000.00
Curtis Development (1350-4060)	Inspector:	25.50 hours @ \$75.00	\$1,912.50
Curtis Development (1350-4060)	Staff Eng.:	30.00 hours @ \$80.00	\$2,400.00
Curtis Development (1350-4060)	Const. Manager:	1.00 hours @ \$100.00	\$100.00

Subtotal: \$19,322.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05TO: **City of Beaumont****550 East Sixth Street****Beaumont, CA 92223****Attn: Alan Kapanicas, City Manager**

W.O. DISTRIBUTION

**Billing for Public Works Services provided for the
 Period of January 8, 2005 through February 4, 2005:**

General Fund/Development Fees

Victoria Homes (1350-4060)	Sr. Asso./Eng.:	2.00 hours @ \$100.00	\$200.00
Victoria Homes (1350-4060)	Inspector:	5.00 hours @ \$75.00	\$375.00
Oak Valley/Pardee (1350-4060)	Principal:	3.00 hours @ \$135.00	\$405.00
Oak Valley/Pardee (1350-4060)	Sr. Asso./Eng.:	8.00 hours @ \$100.00	\$800.00
Oak Valley/Pardee (1350-4060)	Inspector:	14.00 hours @ \$75.00	\$1,050.00
Pacific Community Builders (1350-4060)	Inspector:	11.50 hours @ \$75.00	\$862.50
Oak Valley Town Ctr. (1350-4060)	Inspector:	5.00 hours @ \$75.00	\$375.00
Beaumont 72 (1350-4060)	Inspector:	8.50 hours @ \$75.00	\$637.50
Sun Cal Grading (1350-4060)	Sr. Asso./Eng.:	24.00 hours @ \$100.00	\$2,400.00
Sun Cal Grading (1350-4060)	Staff Eng.:	27.00 hours @ \$80.00	\$2,160.00
Sun Cal Grading (1350-4060)	Inspector:	8.00 hours @ \$75.00	\$600.00
"B" St. Rehab (1350-4060)	Inspector:	8.00 hours @ \$75.00	\$600.00
6th St. Signing Design (1350-4060)	Sr. Asso./Eng.:	11.50 hours @ \$100.00	\$1,150.00
6th St. Trench Failure (1350-4060)	Inspector:	15.00 hours @ \$75.00	\$1,125.00
Encroachment Permits (1350-4060)	Inspector:	1.00 hours @ \$75.00	\$75.00

Subtotal: \$12,815.00

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200

Temecula, CA 92590

(909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05TO: **City of Beaumont****550 East Sixth Street****Beaumont, CA 92223****Attn: Alan Kapanicas, City Manager**

W.O. DISTRIBUTION

**Billing for Public Works Services provided for the
Period of January 8, 2005 through February 4, 2005:**

General Fund/Development Fees

Empire Seneca Springs (1350-4060)	Principal:	39.00 hours @ \$135.00	\$5,265.00
Empire Seneca Springs (1350-4060)	Sr. Asso./Eng.:	62.00 hours @ \$100.00	\$6,200.00
Empire Seneca Springs (1350-4060)	Const. Manager:	2.00 hours @ \$100.00	\$200.00
Empire Seneca Springs (1350-4060)	Planner:	17.00 hours @ \$80.00	\$1,360.00
Empire Seneca Springs (1350-4060)	Inspector:	43.50 hours @ \$75.00	\$3,262.50
Empire Seneca Springs (1350-4060)	Staff Eng.:	55.00 hours @ \$80.00	\$4,400.00
K Hovnanian/Hovchild (1350-4060)	Principal:	39.00 hours @ \$135.00	\$5,265.00
K Hovnanian/Hovchild (1350-4060)	Sr. Asso./Eng.:	33.00 hours @ \$100.00	\$3,300.00
K Hovnanian/Hovchild (1350-4060)	Const. Manager:	9.00 hours @ \$100.00	\$900.00
K Hovnanian/Hovchild (1350-4060)	Planner:	15.00 hours @ \$80.00	\$1,200.00
K Hovnanian/Hovchild (1350-4060)	Staff Eng.:	23.00 hours @ \$80.00	\$1,840.00
K Hovnanian/Hovchild (1350-4060)	Inspector:	59.00 hours @ \$75.00	\$4,425.00
Oak Valley PGA (1350-4060)	Principal:	8.00 hours @ \$135.00	\$1,080.00
1st St. Storage (1350-4060)	Staff Eng.:	1.00 hours @ \$80.00	\$80.00
ALM All Storage (1350-4060)	Staff Eng.:	8.00 hours @ \$80.00	\$640.00

Subtotal: \$39,417.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

TO: City of Beaumont
 550 East Sixth Street
 Beaumont, CA 92223
 Attn: Alan Kapanicas, City Manager

Billing for Public Works Services provided for the Period of January 8, 2005 through February 4, 2005:

General Fund/Development Fees

Corman-Leigh (1350-4060)	Principal:	28.00 hours @ \$135.00	\$3,780.00
Corman-Leigh (1350-4060)	Sr. Asso./Eng.:	9.00 hours @ \$100.00	\$900.00
Corman-Leigh (1350-4060)	Inspector:	36.50 hours @ \$75.00	\$2,737.50
Corman-Leigh (1350-4060)	Planner:	17.00 hours @ \$80.00	\$1,360.00
Sewer Replacement Project (1350-4060)	Principal:	5.00 hours @ \$135.00	\$675.00
Sewer Replacement Project (1350-4060)	Sr. Asso./Eng.:	24.00 hours @ \$100.00	\$2,400.00
Sewer Replacement Project (1350-4060)	Inspector:	4.50 hours @ \$75.00	\$337.50
Cherry Ranch (1350-4060)	Inspector:	7.00 hours @ \$75.00	\$525.00
Wal-Mart (1350-4060)	Sr. Asso./Eng.:	9.00 hours @ \$100.00	\$900.00
Wal-Mart (1350-4060)	Staff Eng.:	2.00 hours @ \$80.00	\$160.00
USA Tickets (1350-4060)	Inspector:	36.50 hours @ \$75.00	\$2,737.50
Omega (1350-4060)	Planner:	2.00 hours @ \$80.00	\$160.00
Applebee's (1350-4060)	Staff Eng.:	4.00 hours @ \$80.00	\$320.00
Flood Control (1350-4060)	Sr. Asso./Eng.:	1.00 hours @ \$100.00	\$100.00
Highland Springs Ave. (1350-4060)	Sr. Asso./Eng.:	5.50 hours @ \$100.00	\$550.00

Subtotal: \$17,642.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

TO: City of Beaumont
 550 East Sixth Street
 Beaumont, CA 92223
 Attn: Alan Kapanicas, City Manager

**Billing for Public Works Services provided for the
 Period of January 8, 2005 through February 4, 2005:**

General Fund/Development Fees

Home Depot (1350-4060)	Principal:	3.00 hours @ \$135.00	\$405.00
Home Depot (1350-4060)	Sr. Asso./Eng.:	15.00 hours @ \$100.00	\$1,500.00
Home Depot (1350-4060)	Staff Eng.:	1.00 hours @ \$80.00	\$80.00
Tract 30779 (1350-4060)	Sr. Asso./Eng.:	2.00 hours @ \$100.00	\$200.00
Tract 30891 (1350-4060)	Sr. Asso./Eng.:	17.50 hours @ \$100.00	\$1,750.00
Tract 30891 (1350-4060)	Apprentice Eng.:	3.00 hours @ \$70.00	\$210.00
Lantis (1350-4060)	Inspector:	11.00 hours @ \$75.00	\$825.00
Stater Bros. (1350-4060)	Sr. Asso./Eng.:	3.00 hours @ \$100.00	\$300.00
Oak Valley/Pardee Grading (1350-4060)	Staff Eng.:	6.00 hours @ \$80.00	\$480.00
Suncal In Tract (1350-4060)	Inspector:	54.50 hours @ \$75.00	\$4,087.50
Pardee Grading (1350-4060)	Sr. Asso./Eng.:	1.00 hours @ \$100.00	\$100.00
Pardee PGA In Tract (1350-4060)	Sr. Asso./Eng.:	11.00 hours @ \$100.00	\$1,100.00
Pardee PGA In Tract (1350-4060)	Inspector:	43.00 hours @ \$75.00	\$3,225.00
Potrero Blvd. Signing (1350-4060)	Sr. Asso./Eng.:	1.50 hours @ \$100.00	\$150.00
Precision Homes (1350-4060)	Principal:	2.00 hours @ \$135.00	\$270.00

Subtotal: \$14,682.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
Temecula, CA 92590
(909) 676-1944

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

TO: City of Beaumont
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

Billing for Public Works Services provided for the Period of January 8, 2005 through February 4, 2005:

General Fund/Development Fees

Jiffy Lube (1350-4060)	Sr. Asso./Eng.:	5.00 hours @ \$100.00	\$500.00
Jiffy Lube (1350-4060)	Staff Eng.:	2.00 hours @ \$80.00	\$160.00
Blockbuster Video (1350-4060)	Sr. Asso./Eng.:	5.00 hours @ \$100.00	\$500.00
Blockbuster Video (1350-4060)	Staff Eng.:	1.00 hours @ \$80.00	\$80.00
Blockbuster Video (1350-4060)	Inspector:	7.00 hours @ \$75.00	\$525.00
Oak Valley Greens-Grading (1350-4060)	Principal:	2.00 hours @ \$135.00	\$270.00
Oak Valley Greens-Grading (1350-4060)	Sr. Asso./Eng.:	6.00 hours @ \$100.00	\$600.00
Oak Valley Greens-Grading (1350-4060)	Staff Eng.:	5.00 hours @ \$80.00	\$400.00
Oak Valley Greens-Grading (1350-4060)	Inspector:	6.00 hours @ \$75.00	\$450.00
Tract 32260 (1350-4060)	Sr. Asso./Eng.:	3.00 hours @ \$100.00	\$300.00
Peterson Land Dev. (1350-4060)	Inspector:	10.00 hours @ \$75.00	\$750.00
Verizon (1350-4060)	Const. Manager:	2.00 hours @ \$100.00	\$200.00
Verizon (1350-4060)	Inspector:	99.50 hours @ \$75.00	\$7,462.50
RV Storage (1350-4060)	Staff Eng.:	3.00 hours @ \$80.00	\$240.00
Running Springs (1350-4060)	Staff Eng.:	14.00 hours @ \$80.00	\$1,120.00

Subtotal: \$13,557.50

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

Urban Logic Consultants

43517 Ridge Park Drive, Suite 200
 Temecula, CA 92590
 (909) 676-1944

TO: **City of Beaumont**
550 East Sixth Street
Beaumont, CA 92223
Attn: Alan Kapanicas, City Manager

INVOICE NO.

2005-126

INVOICE DATE

02/11/05

W.O. DISTRIBUTION

Billing for Public Works Services provided for the
Period of January 8, 2005 through February 4, 2005:

General Fund/Development Fees

Pulte Homes (1350-4060)	Sr. Asso./Eng.:	3.00 hours @ \$100.00	\$300.00
Pulte Homes (1350-4060)	Staff Eng.:	7.00 hours @ \$80.00	\$560.00
Three Rings Ranch (1350-4060)	Inspector:	9.00 hours @ \$75.00	\$675.00
Victoria Homes Com'l (1350-4060)	Sr. Asso./Eng.:	1.00 hours @ \$100.00	\$100.00
Victoria Homes Com'l (1350-4060)	Inspector:	5.00 hours @ \$75.00	\$375.00
RCTC (1350-4060)	Sr. Asso./Eng.:	4.00 hours @ \$100.00	\$400.00
Winn 8th St. (1350-4060)	Surveyor:	6.50 hours @ \$90.00	\$585.00

Geotechnical Soils Testing:

Tyner Paving	Maximum Density	1.0 @ \$180 ea.	\$180.00
Pulte Homes	Maximum Density	1.0 @ \$180 ea.	\$180.00

Reimbursable (see attached):

Ace Hardware	\$69.04 +15%	\$79.40
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Mileage:

Public Works Inspectors:	4842.00 miles @ \$0.375	\$1,815.75
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Subtotal: \$5,250.15

Total Amount Due: \$134,690.15

ACCOUNTS ARE PAYABLE WITHIN 15 DAYS UNLESS SPECIAL ARRANGEMENTS ARE MADE.
 A SERVICE CHARGE OF 1% PER MONTH MAY BE LEVIED ON OVERDUE UNPAID BALANCES.

EXHIBIT 28

Beaumont Electric, Inc
17 W. 4th Street, Ste. A
Beaumont, CA 92223
951-845-8972
951-769-8558 Fax

36 - 0000 - 4060 - 1107

INVOICE

* DATE	INVOICE NO.
8/20/2008	11187

BILL TO
City of Beaumont 550 E. 6th Street Beaumont, CA 92223

Job Name
Auto CAD for City Street Lighting (002) John Wilder

P.O. NO.

DESCRIPTION	QTY	RATE	AMOUNT
Billing for Auto CAD drawing for City street lighting.			
W.O. #1331 Labor:		560.00	560.00
W.O. #1330 Labor:		560.00	560.00
W.O. #1329 Labor:		420.00	420.00
W.O. #1328 Labor:		70.00	70.00
W.O. #1327 Labor:		140.00	140.00
W.O. #1326 Labor:		560.00	560.00
W.O. #1324 Labor:		280.00	280.00
W.O. #1321 Labor:		210.00	210.00
W.O. #1309 Labor:		70.00	70.00
Material:		32.52	32.52
W.O. #9014 Material:		209.92	209.92
Total			\$3,112.44

O.k. for payment
P.H. Kaka
7/3/08

Approved
John Wilder
8/3/08

EXHIBIT 29

INVOICE

Beaumont Electric Inc.
877 W. Fourth St., Ste. A
Beaumont, CA 92223
(1)845-8972

DATE 1/23/2008 INVOICE NO. 10929

BILL TO
City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Job Name
Street Light Maintenance,
Cameras, CAD Drawings and Service Calls
John Wilder

P.O. NO.

DESCRIPTION
Billing for street light maintenance and repair,
cameras and CAD designs per attached work
orders:

W.O. 8347 Labor
W.O. 5737 Labor
W.O. 5722 Labor
W.O. 5721 Labor
W.O. 5724 Labor
W.O. 8339 Labor
W.O. 8106 Labor
W.O. 8199 Labor
W.O. 8198 Labor
W.O. 8307 Labor
W.O. 5738 Labor
W.O. 5739 Labor
W.O. 8337 Labor
W.O. 8338 Labor
W.O. 8341 Labor
W.O. 8340 Labor
W.O. 8336 Labor
W.O. 5740 Labor
W.O. 5692 Labor
W.O. 5744 Labor
W.O. 8200 Labor
W.O. 7353 Labor

QTY

RATE

AMOUNT

420.00	420.00
112.50	112.50
2,415.00	2,415.00
350.00	350.00
765.00	765.00
37.50	37.50
630.00	630.00
225.00	225.00
150.00	150.00
350.00	350.00
37.50	37.50
37.50	37.50
37.50	37.50
37.50	37.50
75.00	75.00
112.50	112.50
37.50	37.50
37.50	37.50
1,260.00	1,260.00
2,800.00	2,800.00
440.00	440.00
930.00	930.00

Total

INVOICE

Beaumont Electric Inc.
877 W. Fourth St., Ste. A
Beaumont, CA 92223
(949) 845-8972

DATE INVOICE NO.
1/23/2008 10929

BILL TO

City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Job Name

Street Light Maintenance,
Cameras, CAD Drawings and Service Calls
John Wilder

P.O. NO.

DESCRIPTION	QTY	RATE	AMOUNT
		225.00	225.00 ✓
W.O. 8181 Labor		75.00	75.00 ✓
W.O. 8184 Labor		225.00	225.00 ✓
W.O. 8185 Labor		75.00	75.00 ✓
W.O. 8187 Labor		525.00	525.00 ✓
W.O. 8193 Labor		225.00	225.00 ✓
W.O. 8192 Labor		75.00	75.00 ✓
W.O. 8191 Labor		75.00	75.00 ✓
W.O. 8188 Labor		75.00	75.00 ✓
W.O. 8190 Labor		75.00	75.00 ✓
W.O. 8189 Labor		665.00	665.00 ✓
W.O. 7778 Labor		350.00	350.00 ✓
W.O. 8104 Labor		1,540.00	1,540.00 ✓
W.O. 8345 Labor		270.00	270.00 ✓
W.O. 8113 Labor		1,120.00	1,120.00 ✓
W.O. 5717 Labor		560.00	560.00 ✓
W.O. 5720 Labor		1,120.00	1,120.00 ✓
W.O. 5719 Labor		560.00	560.00 ✓
W.O. 5718 Labor		630.00	630.00 ✓
W.O. 8330 Labor		560.00	560.00 ✓
W.O. 8331 Labor		560.00	560.00 ✓
W.O. 8329 Labor		560.00	560.00 ✓
W.O. 8332 Labor		280.00	280.00 ✓
W.O. 5691 Labor		560.00	560.00 ✓
Material		65.99	65.99 ✓
W.O. 8311 Labor		160.00	160.00 ✓

Total

Beaumont Electric Inc.
877 W. Fourth St., Ste. A
Beaumont, CA 92223
51)845-8972

INVOICE

DATE INVOICE NO.
1/23/2008 10929

BILL TO

City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Job Name

Street Light Maintenance,
Cameras, CAD Drawings and Service Calls
John Wilder

P.O. NO.

DESCRIPTION	QTY	RATE	AMOUNT
W.O. 8313 Labor		150.00	150.00
W.O. 8314 Labor		225.00	225.00
Material		598.31	598.31

Total

\$22,921.80

EXHIBIT 30

Beaumont Electric Inc.
877 W. Fourth St., Ste. A
Beaumont, CA 92223
(916) 845-8972

INVOICE

DATE INVOICE NO.
12/20/2007 10894

BILL TO

City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Job Name

Street Light Maintenance, CAD Drawings
and Cameras
John Wilder

P.O. NO.

DESCRIPTION

QTY

RATE

AMOUNT

Billing for street light maintenance, traffic signal
maintenance, CAD drawings and cameras per
attached work orders:

W.O. 8003 Labor		2,380.00	2,380.00
W.O. 8288 Labor		160.00	160.00
W.O. 7696 Labor		280.00	280.00
W.O. 8060 Labor		450.00	450.00
W.O. 8098 Labor		1,750.00	1,750.00
W.O. 8062 Labor		1,960.00	1,960.00
W.O. 8065 Labor		805.00	805.00
W.O. 8126 Labor		560.00	560.00
W.O. 8127 Labor		840.00	840.00
W.O. 8128 Labor		560.00	560.00
W.O. 8278 Labor		380.00	380.00
W.O. 8280 Labor		750.00	750.00
W.O. 7891 Labor		75.00	75.00
W.O. 8293 Labor		210.00	210.00
W.O. 8288 Labor		160.00	160.00
W.O. 8294 Labor		140.00	140.00
W.O. 8289 Labor		285.00	285.00
W.O. 8295 Labor		245.00	245.00
W.O. 8297 Labor		490.00	490.00
W.O. 8299 Labor		70.00	70.00
W.O. 8301 Labor		70.00	70.00
W.O. 8300 Labor		140.00	140.00

John Wilder
12/20/07
01 1237 4000

Total

Beaumont Electric Inc.
877 W. Fourth St., Ste. A
Beaumont, CA 92223
(951) 845-8972

INVOICE

DATE INVOICE NO.

12/20/2007 10894

BILL TO

City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Job Name

Street Light Maintenance, CAD Drawings
and Cameras
John Wilder

P.O. NO.

DESCRIPTION

QTY

RATE

AMOUNT

W.O. 8302 Labor		70.00	70.00
W.O. 8303 Labor		70.00	70.00
W.O. 8304 Labor		70.00	70.00
W.O. 8129 Material		250.31	250.31
W.O. 8097 Labor		40.00	40.00
W.O. 8308 Labor		225.00	225.00
Material		6.07	6.07
W.O. 8284 Material		1,839.63	1,839.63

Total

\$15,331.01

EXHIBIT 31

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
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October 22, 2009

Mr. Ernest Egger, Director
Planning Department
City of Beaumont
550 East Sixth Street
Beaumont, CA 92223

Dear Mr. Egger:

RE: Review of the City of Beaumont's Revised Draft Housing Element

Thank you for submitting Beaumont's revised draft housing element received for the Department's review on August 24, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). A telephone conversation on October 13, 2009 with you and Mr. Ralph Casteneda, the City's consultant, facilitated the review.

The revised draft element addresses many of the statutory requirements described in the Department's January 12, 2009 review. However, further revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code). The following describes the additional changes needed.

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3) and 65583.2).*

Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

To identify adequate sites to accommodate the regional housing needs allocation (RHNA), the City has shifted its strategy from the Downtown Beaumont Specific plan to sites identified in the 8th Street Residential Area, 6th Street mixed-use district and the Urban Village Overlay. However, to demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include the following analyses and programs:

Suitability of Non-Vacant Sites: As noted in the prior review, the element must demonstrate the redevelopment potential on non-vacant sites. The summary responses that accompanied the revised draft indicate the sites inventory has been completely revised and, therefore, address the Department's finding. However, many of the sites identified in the 8th Street residential area are identical to those from the Beaumont Downtown Specific Plan and the revised draft does not include any analysis of the development potential of non-vacant sites. As described in the Department's 2009 review, the element must include an analysis of the extent to which existing uses may impede additional residential development. The element now estimates 119 existing single-family units can be redeveloped to provide 666 multifamily units during the planning period (Table D-16). The analysis could consider the condition and age of homes, development trends, and interest from multiple property owners to redevelop or other factors demonstrating how these sites have potential for redevelopment. The element should estimate potential residential capacity considering not all non-vacant sites will redevelop within the housing element planning period. For example, the element could base estimated capacity on those sites determined to have the greatest potential for redevelopment. Depending on the outcome of this analysis, the element may need to identify other appropriately zoned sites such as additional vacant multifamily land.

6th Street Mixed-Use and the Urban Village Overlay: To demonstrate capacity in the 6th Street mixed-use area and the urban village specific plan, the element indicates amendments to the zoning code are necessary. For example, the element states zoning will be amended to ensure that 50 percent of the area in the 6th Street area will be devoted to housing (page D-17) and at least 64 acres of land within the urban village specific plan will be reserved for housing development at a minimum density of 20 dwelling units per acre (D-16). However, the element does not include programs to adopt these zone changes. The element should include program(s) that commit the City to these actions to ensure adequate capacity of sites assumed in the element.

Emergency Shelters: Pursuant to Chapter 633, Statutes of 2007 (SB 2), emergency shelters must be allowed without a conditional use permit (CUP) or other discretionary action. While the revised draft now includes Program 10 to amend zoning to permit emergency shelters in the General Commercial (C-G) zone, it does not describe whether the uses will be permitted without a CUP or other discretionary action. This is particularly important given the Program mentions a plot plan process, which could require legislative approval. As a result, the City must either describe the plot plan process and demonstrate how it is consistent with SB 2 requirements or amend the Program as appropriate. For example, the element could discuss whether the findings of approval for plot plans (page B-26) are only utilized to verify compliance with established development standards or the process allows for discretionary approval.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).

Land-Use Controls: The element indicates garage requirements for multifamily units of two or more bedrooms add \$20,000 to the cost of each unit's construction (page B-7). To address this constraint, the element has been revised with Program 12 to comply with density bonus law and study the possibility of parking reductions in affordable and special needs housing. However, beyond complying with density bonus law, the Program has no commitment to mitigate and/or remove constraints imposed by the City's parking requirements. Program 12 should be revised with specific actions to address parking constraints on all multifamily development.

Once the element has been revised to address these requirements, it will comply with State housing element law. If you have any questions, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,



Cathy E. Creswell
Deputy Director

EXHIBIT 32

BEAUMONT CITY COUNCIL

MINUTES OF

MARCH 22, 1993

The Beaumont City Council met in a regular meeting on Monday, March 22, 1993, at 6:05 p.m., in the City Council Chambers, with Mayor Leja presiding.

On roll call the following Council Members were present: Brey, McLaughlin, Parrott, Russo and Mayor Leja.

The invocation was given by Council Member Russo, who then led the pledge of allegiance to the flag.

1. Clerk's Affidavit of Posting.

The clerk's affidavit of posting the agenda was read into the record by the Deputy City Clerk.

2. Adjustments to Agenda.

There were no adjustments to the agenda.

3. ORAL COMMUNICATION:

There was no one requesting to speak during oral communication.

4. Receive and File Auditor's Report for FY 1991-92.

Receive and file Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 1992.

The staff report was presented by the City Manager, a copy of which is a matter of record in the Clerk's file.

Council Member Parrott commented that he felt the City Manager has done a good job and addressed all the issues.

There were no other comments or questions from the Council.

Motion by Council Member McLaughlin, second by Council Member Parrott, to receive and file the Auditor's report for Fiscal Year 1991-92.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

5. Report and Recommendation Relative to Wading Pool Repair Funding.

Receive a report from the City Manager with recommendations relative to funding sources for needed repairs of the wading pool in Stewart Park.

The City Manager presented her report, a copy of which is a matter of record in the Clerk's file. Her recommendation was for the Council to receive and file the report and direct staff to proceed simultaneously pursuing all three of the funding alternatives.

Council Member Brey requested this item be deferred to the Parks Committee for the time being, in order to look at alternative methods of handling the toddler pool repair funding.

Council Member Russo asked for clarification of Council Member Brey's request, with Council Member Brey responding that what he had in mind, rather than repairing the pool right now, that it be made into a sand box for the smaller kids.

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March 22, 1993

Mayor Leja disagreed, feeling it was not a good idea to have a sandbox in close proximity to the pool as the sand gets into the pool and clogs up the filtering system, and there is sand available for the kids to play in located in other areas of the park. She continued that when this was discussed last year it was found that young families wanted a toddler pool available because the smaller children are sometimes afraid of the larger pool.

There was additional discussion along these lines, with individual Council Members stating their opinion concerning pursuing the funding alternatives and repairing the pool.

Motion by Council Member Russo, second by Council Member Parrott, to accept the recommendation of the City Manager to simultaneously pursue all three of the funding alternatives outlined in the report dated March 22, 1993, and further to direct staff to make the appropriate repairs on the wading pool.

AYES: Council Member Parrott, Russo and Mayor Leja.
NOES: Council Member Brey and McLaughlin.
ABSTAIN: None.
ABSENT: None.

6. Consider Proposed Agreement for Community and Economic Development Services.

Consider approval of an agreement for Community and Economic Development Services.

The staff report was received from the City Manager, a copy of which is a matter of record in the Clerk's file, with a recommendation for approval of the agreement.

Council Member Parrott asked for clarification of the language concerning the City Engineer on Page 9, with that clarification provided by the City Manager.

There were no other comments or questions from the Council.

Motion by Council Member McLaughlin, second by Council Member Parrott, to:

1. Direct staff to forward a written notice of termination to Terra Nova Planning & Research, Inc.; and
2. Approve the attached Agreement for Community and Economic Development Services with Urban Logic Consultants (ULC), effective February 23, 1993.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

7. Consider a Proposed Agreement for Technical and Professional Services - Comprehensive Public Facilities Financing Program.
Consider approval of an agreement for technical and professional services for a comprehensive public facilities financing program.

The City Manager again presented her report, a copy of which is a matter of record in the Clerk's file. Her recommendation was to approve the agreement.

There were no comments or questions from the Council.

Motion by Council Member McLaughlin, second by Council Member Parrott, to approve the Agreement for Technical and Professional Services - Comprehensive Public Facilities Financing Program between the City of Beaumont and Urban Logic Consultants, effective March 23, 1993.

8. Consider Proposed Agreements for Market Absorption Study and Real Estate Appraisal (required for Community Facilities District).
Consider approval of agreements for a market absorption study and real estate appraisal as required for Community Facilities District 93-1.

The staff report was received from the City Manager, with a recommendation for approval of the agreements. A copy of this report is a matter of record in the Clerk's file.

There were no comments or questions from the Council.

- a. Consider Approval of an Agreement with Empire Economics for a Market Absorption Study for Community Facilities District 93-1.

Motion by Council Member Russo, second by Council Member McLaughlin, to approve the agreement with Empire Economics to complete a market absorption study for the City's proposed CFD 93-1.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. Consider Approval of an Agreement with Len Perdue & Associates for Real Estate Appraisal for Community Facilities District 93-1.

Motion by Council Member Russo, second by Council Member McLaughlin, to approve the agreement with Len Perdue & Associates for real estate appraisal services required for the City's proposed CFD 93-1.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

9. RESOLUTION NO. 1993-10 - Opposing Any Further Diversion or Reduction of Local Funds and Calling for a Complete Review of the Financing of Government in California. (Requested by Mayor Leja).

Mayor Leja stated the reason she requested this resolution is that it was decided at the Mayors' and Council Members' Conference to pursue this in Riverside County as it is being done across the State of California. She went on that everyone is aware the State is in great financial difficulty and since cities have been taking the necessary actions in cutting personnel as well as services being provided, while the State, instead of taking those positions, continues to pass-through to cities, removing funding sources that cities have always been entitled to.

Motion by Council Member McLaughlin, second by Council Member Parrott, to adopt Resolution No. 1993-10.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

10. RESOLUTION NO. 1993-11 - Endorsing and Supporting the EARS Program of the Economic Council of Pass Area Communities (ECOPAC).

- a. Presentation by Mr. Michael D. Martin, Southern California Edison Company.

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Mr. Michael Martin presented background information concerning the Economic Council of Pass Area Communities, as well as the EARS Program.

A copy of Mr. Martin's presentation is a matter of record in the Clerk's file.

At the conclusion of his presentation, Mr. Martin answered numerous questions from the City Council, who expressed a number of concerns relative to the proposed program.

No action was taken by the Council at this time pending further review of the program by the City's planning staff.

11. Reports and Appointments.

Council Member Parrott reported he attended a joint meeting of the Riverside Transit Agency and the Riverside County Transportation Commission in Temecula on Friday. At this meeting he brought up the question of when it was anticipated the Pass Area would receive train service. He was advised that Metro Link would be coming into Riverside this spring. He then suggested to them perhaps they could provide better rapid transit service in the Pass Area to where train service is available, and they are taking this into consideration.

Council Member Brey said he and Council Member McLaughlin attended the parks committee meeting along with representatives of the Beaumont-Cherry Valley Recreation and Parks District and members of a citizens committee. Basically it has been preliminary discussion and exploration of ways to provide recreational facilities in the area since each entity cannot do it alone, and by joining together they could accomplish bigger projects. Other than this, there is nothing further to report at this time.

Mayor Leja pointed out they were supposed to be working on a cooperative agreement, and wondered if they were any closer to finalizing this agreement, as that was supposed to be the first task of this committee before discussion of what and how to build facilities.

Council Member Brey said they are still in the talking stages and nothing is formal yet. He continued that the City Manager was directed to contact the District's Manager to work this agreement out.

Council Member McLaughlin added that they are getting very close to a cooperative agreement.

Mayor Leja then asked if they could expect to get the cooperative agreement for review in the near future, and then schedule a joint meeting with the Council and the District's Board in order to discuss the philosophy of providing for parks and recreational activities, with Mr. McLaughlin confirming this is the case.

Council Member Russo expressed the fact that he is a little confused because there are two functioning parks committees, and he thinks lines have been crossed which is causing the confusion.

He went on that he and the Mayor were working with a committee on recreational issues in the City which the City will be providing, and which started with the pool last year. He had thought the committee Mr. Brey and Mr. McLaughlin were working with was for the purpose of cooperation overall with the District.

He felt the Mayor should give some direction on how this should be handled in the future so the committees won't cross the lines, as he sees their committee as dealing with the cooperative issues and not really dealing with the actual recreational facilities such as the pool and parks.

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March 22, 1993

Mayor Leja confirmed that was the intention of the appointments to the joint committee (because of all the past history, and this being the next agency to work with) to come up with a cooperative agreement for consideration by both the Council and the District's Board, rather than to decide all those other issues and bring them in one big package. So, basically, the committee that Council Member Brey and Council Member McLaughlin are serving on is to work toward that agreement, while the committee she and Council Member Russo are serving on would address specific, immediate recreational needs.

Discussion continued concerning the roles of the two parks committees, and the goal of the cooperative agreement committee.

The City Manager reported that she attended the last committee meeting with the two Council Members, and another meeting has been set for April 8. She continued that she is drafting a cooperative agreement which she and Brien Ross will review, and then bring back to the next committee meeting. This will be just a draft, with the idea that it would be coming to the individual boards for final approval.

The City Manager also reported the basketball backstops and hoops have now been installed on the basketball court, and were immediately put to use by players, even while the concrete was drying. There is still some painting and striping remaining to be done, but that should be completely finished shortly. It appears from the use already observed, this is going to be a very popular recreational facility.

There were no other reports.

12. CONSENT CALENDAR:

- a. Approval of Minutes of Regular Council Meeting of March 8, 1993.
- b. Acceptance of Minutes of Regular Planning Commission Meeting of January 19, 1993.
- c. Approval of Payment of Warrants and Payroll.
- d. Receive Report of Regular Planning Commission Meeting of March 16, 1993.

Motion by Council Member McLaughlin, second by Council Member Parrott, to adopt the consent calendar as presented.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

13. Closed Session at Discretion of the Council.

There was no need for a closed session.

Date set for Next Regular Council Meeting, Monday, April 12, 1993, at 6:00 p.m., in the City Council Chambers.

There being no further business to come before the Council, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

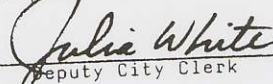

Deputy City Clerk

EXHIBIT 33

BEAUMONT CITY COUNCIL

MINUTES OF

SEPTEMBER 27, 1993

The Beaumont City Council met in a regular meeting on Monday, September 27, 1993, at 6:08 p.m., in the City Council Chambers with Mayor Leja presiding.

On roll call the following Council Members were present: Brey, McLaughlin, Parrott, Russo and Mayor Leja.

PROCLAMATION - PROCLAIMING NO TIES.

Mayor Leja read a proclamation in its entirety proclaiming that no ties will be allowed at this meeting. After reading the proclamation, Mayor Leja then announced that those found in violation of the proclamation will have the tie immediately clipped.

The meeting was adjourned at 6:10 p.m. to allow all those in attendance to remove their ties and place them on the rack provided for that purpose, with the meeting reconvening at 6:11 p.m.

The invocation was given by Council Member Russo, who then led the Pledge of Allegiance to the Flag.

1. Clerk's Affidavit of Posting.

Motion by Council Member McLaughlin, second by Council Member Brey, to dispense with the reading of the affidavit of posting. With no opposition, the motion carried 5-0.

2. Adjustments to Agenda.

The City Manager requested that Agenda Items No. 15 and 20.a be removed from the agenda as those items were not ready to be considered.

There being no objections, these items were removed from the agenda.

3. ORAL COMMUNICATION:

Battalion Chief Chris Wurzell had requested to address the Council, however, due to a number of brush fires in the area, was unable to attend the meeting.

PUBLIC HEARING:

4. DEVELOPMENT AGREEMENT 93-DA-1 and NEGATIVE DECLARATION 93-ND-11.
Applicant: ICI, Inc. and Orangewood. Location: CFD 93-1
Improvement Areas No. 9 and 10. Project Description: Request for approval of a Development Agreement for Tentative Tract No. 23646, located north of Cougar Way and east of Beaumont Avenue and Tentative Tract Map No. 25272, located adjacent to the west side of Tract No. 23646.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-11; Approve Development Agreement DA-1; and Approve Ordinance No. 723 at its first reading.

The staff report on Development Agreements 93-DA-1 through 93-DA-6 was presented by David Dillon as one report. This lengthy report is a matter of record in the Clerk's file.

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The public hearing was re-opened at 6:24 p.m., and there being no one requesting to speak, the hearing was closed at 6:24:30 p.m.

There were no comments or questions from the Council.

- a. Adopting Negative Declaration 93-ND-11 based on the findings the proposed agreement will not have an adverse affect on the environment.

Motion by Council Member Parrott, second by Council Member McLaughlin, to adopt Negative Declaration 93-ND-11 based on the finding the proposed agreement will not have an adverse affect on the environment.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. ORDINANCE NO. 723 - FIRST READING - Approving Development Agreement 93-DA-1 for Tentative Tract Nos. 23646 and 25272. Applicant: ICI, Inc. and Orangewood. Location: CFD 93-1 Improvement Areas 9 and 10.

Motion to read Ordinance No. 723 by title only.

Motion by Council Member McLaughlin, second by Council Member Parrott, to read Ordinance No. 723 by title only.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The ordinance was read by title only by the Deputy City Clerk.

Motion to Approve Ordinance No. 723 at its first reading.

Motion by Council Member McLaughlin, second by Council Member Parrott, to approve Ordinance No. 723 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

5. DEVELOPMENT AGREEMENT 93-DA-2 and NEGATIVE DECLARATION 93-ND-12. Applicant: Hovchild, Inc. Location: CFD 93-1 Improvement Area No. 7. Project Description: Request for approval of a Development Agreement for Specific Plan No. SP-88-3, located south of Interstate 10 and west of Highland Springs Avenue.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-12; Approve Development Agreement DA-2; and Approve Ordinance No. 724 at its first reading.

The Staff report was presented with Agenda Item No. 4.

The public hearing was re-opened at 6:40 p.m.

Mr. Jeff Lodder, representing Hovchild, Inc., stating he wanted

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to express their appreciation specifically to the staff, City Manager Dayle Keller, Dave Dillon, Ernie Egger and George McFarlin, for their efforts and their willingness to work with all of the developers, and to thank each of them for the time allotted. He continued that it is his understanding that the City Council has a recommendation from David Dillon that the Council would give the City Manager and the staff the authority to fine tune the development agreement because there are some minor changes and alterations needed. He then requested that the Council authorize the City Manager and the staff to do this.

There being no other requests to speak, the hearing was closed at 6:45 p.m.

- a. Adopting Negative Declaration 93-ND-12 based on the findings the proposed agreement will not have an adverse effect on the environment.

Motion by Council Member McLaughlin, second by Council member Parrott to adopt Negative Declaration 93-ND-12 based on the finding the proposed agreement will not have a significant impact on the environment.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. ORDINANCE NO. 724 - FIRST READING - Approving Development Agreement 93-DA-2 for Specific Plan SP-88-3. Applicant: Hovchild, Inc. Location: CFD 93-1 Improvement Area 7.

Motion to read Ordinance No. 724 by title only.

Motion by Council Member Brey, second by Council Member McLaughlin, to read Ordinance No. 724 by title only.

There being no opposition, the motion carried 5-0.

The ordinance was read by title only by the Deputy City Clerk.

Motion to Approve Ordinance No. 724 at its first reading.

Motion by Council Member Parrott, second by Council Member McLaughlin, to approve Ordinance No. 724 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

6. DEVELOPMENT AGREEMENT 93-DA-3 and NEGATIVE DECLARATION 93-ND-13. Applicant: Loma Linda University. Location: CFD 93-1 Improvement Areas No. 6A and 6B. Project Description: Request for approval of a Development Agreement for Specific Plan No. SP-93-3, located south of Interstate 10 and west of Highland Springs Avenue.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-13; Approve Development Agreement DA-3; and Approve Ordinance No. 725 at its first reading.

The staff report was presented with Agenda Item No. 4.

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The public hearing was re-opened at 6:55 p.m. and there being no requests to speak, the hearing was closed at 6:55:30 p.m.

- a. Adopting Negative Declaration 93-ND-13 based on the finding the proposed agreement will not have an adverse effect on the environment.

Motion by Council Member McLaughlin, second by Council Member Parrott, to adopt Negative Declaration 93-ND-13 based on the finding the proposed agreement will not have an adverse effect on the environment.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. ORDINANCE NO. 725 - FIRST READING - Approving Development Agreement 93-DA-3 for Specific Plan SP-93-3. Applicant: Loma Linda University. Location: CFD 93-1 Improvement Areas 6A and 6B.

Motion to read Ordinance No. 725 by title only.

Motion by Council Member Brey, second by Council Member McLaughlin to read Ordinance No. 725 by title only.

There being no opposition, the motion carried 5-0.

The ordinance was read by title only by the Deputy City Clerk.

Motion to Approve Ordinance No. 725 at its first reading.

Motion by Council Member Parrott, second by Council Member Brey, to approve Ordinance No. 725 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

7. DEVELOPMENT AGREEMENT 93-DA-4 and NEGATIVE DECLARATION 93-ND-14. Applicant: Heartland California Beaumont LTD. Location: CFD 93-1 Improvement Area No. 5. Project Description: Request for approval of a Development Agreement for General Plan Entitlements to formalize applicant and City obligations which relate to General Plan Entitlements and CFD 93-1, located north of Highway 60 and south of San Timoteo Canyon Road.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-14; Approve Development Agreement DA-4; and Approve Ordinance No. 726 at its first reading.

The staff report was presented with Agenda Item No. 4.

The public hearing was re-opened at 7:00 p.m., and there being no requests to speak, the hearing was closed at 7:00:30 p.m.

- a. Adopting Negative Declaration 93-ND-14 based on the findings the proposed agreement will not have an adverse affect on the environment.

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September 27, 1993

Motion by Council Member Brey, second by Council Member Parrott, to adopt Negative Declaration 93-ND-14 based on the finding the proposed agreement will not have an adverse affect on the environment.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

- b. ORDINANCE NO. 726 - FIRST READING - Approving Development Agreement 93-DA-4 for General Plan Entitlements. Applicant: Heartland California Beaumont LTD. Location: CFD 93-1 Improvement Area 5.

Motion to read Ordinance No. 726 by title only.

Motion by Council Member McLaughlin, second by Council Member Brey, to read Ordinance No. 726 by title only.

There being no opposition, the motion carried 5-0.

Motion to Approve Ordinance No. 726 at its first reading.

Motion by Council Member Parrott, second by Council Member McLaughlin, to approve Ordinance No. 726 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

8. DEVELOPMENT AGREEMENT 93-DA-5 and NEGATIVE DECLARATION 93-ND-15. Applicant: High 60 Associates (Rolling Hills Ranch). Location: CFD 93-1 Improvement Area No. 4. Project Description: Request for approval of a Development Agreement for Specific Plan No. SP-92-2, located south of State Highway 60 and north of Fourth Street.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-15; Approve Development Agreement DA-5; and Approve Ordinance No. 727 at its first reading.

The staff report was presented with Agenda Item No. 4.

The public hearing was re-opened at 7:05 p.m.

Mr. Joe DiChristina, representing Robertson Homes, addressed the Council, expressing the gratitude he and his partner have towards the City staff, including Dayle Keller, Mr. Akluft, Dave Dillon, Ernie Egger and Mr. McFarlin, as they have all been a tremendous asset in the last year working on the project. He continued they feel they have pulled together a strong group of developers and some very difficult and complicated issues in a very brief period of time, which is something they have not seen in this City for the four years they have owned the property.

He went on to state they believe everything in the development agreement has been agreed to, with just a few minor clarifications which are being worked out, including a small provision on the tentative map, but all the language should be worked through in the next day or two, and everything will be taken care of.

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There being no other requests to speak, the hearing was closed at 7:10 p.m.

- a. Adopting Negative Declaration 93-ND-15 based on the findings the proposed agreement will not have an adverse affect on the environment.

Motion by Council Member McLaughlin, second by Council Member Russo to adopt Negative Declaration 93-ND-15 based on the finding the proposed agreement will not have an adverse affect on the environment.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. ORDINANCE NO. 727 - FIRST READING - Approving Development Agreement 93-DA-5 for Specific Plan SP-92-2. Applicant: High 60 Associates (Rolling Hills Ranch). Location: CFD 93-1 Improvement Area No. 4.

Motion to read Ordinance No. 727 by title only.

Motion by Council Member Brey, second by Council Member McLaughlin, to read Ordinance No. 727 by title only.

There being no opposition, the motion carried 5-0.

Motion to Approve Ordinance No. 727 at its first reading.

Motion by Council Member Russo, second by Council Member McLaughlin, to approve Ordinance No. 727 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

9. DEVELOPMENT AGREEMENT 93-DA-6 and NEGATIVE DECLARATION 93-ND-16. Applicant: Coscan/Stewart Partnership. Location: CFD 93-1 Improvement Area No. 3. Project Description: Request for approval of a Development Agreement for Specific Plan No. SP-88-2 (Three Rings Ranch), located east of Interstate 10 and south of Fourteenth Street.

The adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) is also proposed including findings consistent with Section 15153 of the CEQA Guidelines.

Staff Recommendation: Adopt Negative Declaration 93-ND-16; Approve Development Agreement DA-6; and Approve Ordinance No. 728 at its first reading.

The staff report was presented with Agenda Item No. 4.

The public hearing was re-opened at 7:16 p.m., and there being no requests to speak, the hearing was closed at 7:16:30 p.m.

- a. Adopting Negative Declaration 93-ND-16 based on the findings the proposed agreement will not have an adverse affect on the environment.

Motion by Council Member Russo, second by Council Member Brey, to adopt Negative Declaration 93-ND-16 based on the finding the proposed agreement will not have an adverse affect on the environment.

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There being no opposition, the motion carried 5-0.

- b. **ORDINANCE NO. 728 - FIRST READING** - Approving Development Agreement 93-DA-6 for Specific Plan SP-88-2. Applicant: Coscan/Stewart Partnership. Location: CFD 93-1 Improvement Area No. 3.

Motion to read Ordinance No. 728 by title only.

Motion by Council Member Russo, second by Council Member Parrott, to read Ordinance No. 728 by title only.

There being no opposition, the motion carried 5-0.

The ordinance was read by title only by the Deputy City Clerk.

Motion to Approve Ordinance No. 728 at its first reading.

Motion by Council Member McLaughlin, second by Council Member Russo, to approve Ordinance No. 728 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

10. **PROPOSED PRE-ANNEXATION CHANGE OF ZONE 92-RZ-2, SPECIFIC PLAN SP-92-1, ENVIRONMENTAL IMPACT REPORT EIR-92-2, ANNEXATION 92-ANX-2-53 and DEVELOPMENT AGREEMENT 93-DA-7.**

Applicant: Lockheed Corporation. Location: South of the existing City Limits, with the site's northerly periphery consisting of the southerly terminus of Highland Springs Avenue, and the westerly boundary being Highway 79 (Lambs Canyon Road).

A proposed pre-annexation zone change on 9,117 acres from Riverside County M-M (Manufacturing-Medium), M-H (Manufacturing-Heavy), M-RA (Mineral Resources and Related Manufacturing), W-2 (Controlled Development) and W-2-160 (Controlled Development, 160 acres minimum lot size) to City of Beaumont SPA (Specific Plan Area) (92-RZ-2); proposed annexation of the property into the City of Beaumont (92-ANX-2-53); the proposed adoption of the Potrero Creek Specific Plan for a master planned community with 11,870 dwelling units and ancillary commercial and recreational uses on 9,117 acres (SP-92-1); certification that the final environmental impact report has been completed in compliance with the California Environmental Quality Act (CEQA) (EIR-92-2); and adoption of a Development Agreement (93-DA-7).

Staff Recommendation: Adopt Resolution No. 1993-48; Approve Ordinance No. 730 at its first reading; Approve Ordinance No. 731 at its first reading; and Adopt Resolution No. 1993-49.

The staff report was presented by Ernie Egger, a copy of which is a matter of record in the Clerk's file.

Representatives of the applicant, Lockheed Corporation, gave an in-depth presentation concerning the project, answering numerous questions from the Council. This presentation and the questions from the Council are a matter of record on the recording of this meeting, and are available upon request.

At the conclusion of the Lockheed presentation, Mr. Egger submitted the remainder of his staff report relating to the conditions of approval, the development agreement and the annexation proceedings. Mr. Egger also stated for the record that comments from the Sierra Club and the Audubon Club were received this evening, and briefly addressed those comments for the benefit of the Council.

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The public hearing was opened at 7:40 p.m.

Ann Dennis, conservation coordinator for the Sierra Club, 568 N. Mountain View, Suite 130, San Bernardino, 92401: The reason I am here really is not to belabor the comments you already have because, although I am a staff person for the Sierra Club which represents both Riverside and San Bernardino counties, one of my other hats, as the gentlemen behind me know, I have been acting for the past couple of years as the chair for the advisory committee for the Riverside County Habitat Agency, so they know that I like to try to really move to the close and hold the meetings under five or six or ten hours if I can, and I sure don't want to do any different here since I am locked in just like the rest of you.

But what I do want to say is that we do feel very strongly about the comments that you have received. We have also presented you with comments prior to this. We would be glad to meet with you at any time to discuss those comments. I do apologize for the lateness of these comments. I did not hand carry them, they were brought in by someone else. Unfortunately for us we are a grassroots organization. We have a very large membership, but our EIR reading group that comments on these very important EIRs and the people that attend these hearings by and large are volunteers and hold down, as I am sure most of you do, a full time job and then also serve their communities. So we find that these developments, even though they may be many years as they are moving along, seem to come to fruition in cycles, and I think you guys can speak to that too. You go along and there is kind of not much happening, and then it is all happening. And so I do apologize that you did not get this later set sooner, but we are kind of in that situation now, and our conservation chair, Joan Taylor, who prepared these comments, is at this moment in another meeting out in the Coachella Valley, which was prior set to this one and she could not come in.

So I am just here to echo her comments and also to really, seriously say to you that speaking as the acting chair, as I have been for quite some time for that agency, it is not a given that Potrero will not be a study area. It is a study area now, and that is something you really, really want to think about. It has not been taken out of that designation. And economics does not say that it will be because I think in the endangered species act economics is not considered. So you want to think about that.

Mayor Leja: Can I ask you a couple of questions.

Ms. Dennis: You bet. I am not Joan, but I will do my best.

Mayor Leja: That's fine. I think you will do just fine. The study area that you are talking about that Potrero is in, is that the study area for the habitat conservation for Riverside County.

Ms. Dennis: Stephens Kangaroo Rat at this time. It is moving into a multi-species but . . .

Mayor Leja: It is the study area that the Riverside County . . .

Ms. Dennis: Habitat Conservation Agency.

Mayor Leja: They have identified it as their study area.

Ms. Dennis: Yes.

Mayor Leja: Could you cover for me real quick the requirements of the study area or the participation in the RC whatever it is.

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Ms. Dennis: RCACA.

Mayor Leja: Because I know some cities participate in that, and I am not sure how you relate your study areas to certain areas outside of the cities that are participating.

Ms. Dennis: Well the study areas pretty much cover the same cities and County of Riverside area that there are found Stephens Kangaroo Rat, or has been found, and as he alluded earlier there have been found some new Stephens Kangaroo Rat populations recently. But the fact remains that they are working with what is, because we are coming very close to the long term plan in getting it drawn, which would last for, hopefully, twenty or thirty years or more. But right now, we are in the short term plan, and so we have not finalized those areas, and Potrero is one of them.

And kind of what they looked at when people started four or five years ago to look at these areas in the County they went out and literally did biological studies and tried to see where was the rat. And within that area tried to encompass a large enough area so that as they began to cut it down they would still be relatively certain, or as certain as they could be, that this species could on go.

Mayor Leja: So what you are saying is this group of, I believe, is a collection of some cities and the County, designated what they thought the study areas would be for other areas without a public hearing?

Ms. Dennis: No, no, no. There has been a lot of public hearings, and it wasn't the joint powers authority to begin with, it started out as a task force.

Mayor Leja: Who identified different areas as study areas.

Ms. Dennis: There was a consulting firm that was hired early on, four or five - I think about five years ago actually.

Mayor Leja: And they identified the study areas, and then. . .

Ms. Dennis: I think you were even, weren't you at that time still involved, I mean before. . .

Unidentified speaker: I never designated my client a study area.

Ms. Dennis: No, but I mean, way back when it all first started, you know when Paul Seltzer was starting to work on it, were you not involved at that time.

Mayor Leja: I have just been trying to find this answer out for the longest time of who gave them the authority to designate it, as well as - without the benefit of a public hearing of lands that would be designated as a study area. Also, I have one other question - I guess there is no clear answer . . .

Ms. Dennis: No, that I can answer you. When it very first started, Fish and Wildlife, United States Fish and Wildlife as the deciding agency, because of it being under the endangered species act, was willing to give a permit to the County of Riverside, and the cities involved, if they would put together a plan that would be satisfactory. And that is when they began to do the studies, and they did have hearings at that time.

Mayor Leja: So they put a plan together for a city that was not participating. For our area.

Ms. Dennis: Well, it was not, at that time, my understanding

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it was not in your City. The area.

Mayor Leja: So the areas were just generally put in there.

Ms. Dennis: If the County designated that area, which I assume it did, then the thought was there was a very large population there at that time.

Mayor Leja: Can I ask another question. When you have your study areas for your short term or for your long term, and I know all the laws and all the - I think, what is it, four biologist in the State are only authorized to touch the rats, and if you touch the rat or its habitat you are nailed with a \$10,000 fine. Is that roughly it.

Ms. Dennis: It is pretty steep.

Mayor Leja: Yeah, but I think it is about \$10,000. Can I ask a question. Let's say we set up all these nice little study areas, and that little rat decides to go outside that study area, are they open game then, can we smash the little suckers, or what.

Ms. Dennis: Well there is a hope that you wouldn't smash them, but if you accidentally smashed them you wouldn't have that same fine.

Mayor Leja: Is there a lobbying effort on by your organization so that once the study areas are set up, then the rest of the population is rid of all the unnecessary fines and everything if they happen to walk in our backyard and our cat decides to eat one.

Ms. Dennis: Once the study areas are final. Once the long term is in effect, everything else out of there is out of there. If it is not in that study area, it is out of there.

Mayor Leja: It is open game.

Ms. Dennis: I really don't like that phrase, but yes. The study area is the study area. But it is not the study area until it final. You see. So there is the rub. Right now it has not been finalized, but shortly it will be.

Mayor Leja: Okay. Did the Sierra Club sell their office building in San Francisco, because I believe they used to have a really nice place in San Francisco, downtown.

Ms. Dennis: As far as I know, I have never been there, but I believe they have been in the same place for a long, long time. It is on Pope Street, that is all I know. I have never been in it.

Mayor Leja: All right. Thank you very much. Mrs. Vrzal, did you have a comment.

Alma Vrzal, 720 California Avenue, Beaumont: I want to know what the size of the lake is going to be, and what the water capacity is, and where the water is coming from.

Mr. Egger: It is ten acres in size. The water capacity, I think Doug Snyder can probably tell us a little bit about. The water would be reclaimed water from the project sewage treatment plant. Partially anyway.

Mayor Leja: This is the guy who can - tell him what the question is.

Mr. Egger: We need to know how many gallons of water will be in the ten acre recreation lake.

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Mayor Leja: How many acre feet will be in the lake, and where will the water come from.

Mr. Snyder: The water is coming from the treatment plant, which is right here. And the total treatment plants, Phase 1-A and this will be later on, is going to be tributary to the treatment plant, which is about a 22 acre treatment plant, which will produce 3.8 million gallons a day, between the two. Excluding the estate areas, which these are going to be under their own septic tank system. They won't be tributary to these systems. We are tentatively looking at a ten acre lake, 43,560 feet and it is going to be about fourteen feet deep approximately. And that is how much the storage capacity will be, and what that does is you have the overflow, the constant overflow that will water the golf course - the golf courses and the landscaped area. And depending on how this progresses as far as the needs of landscaping and parks, this treatment plant will either have a pump station and pump it back up to the lake, or water this, or discharge into the creek, if allowed.

Mayor Leja: And there is a requirement to have so much water in that lake at all times.

Mr. Snyder: Correct. You don't want a dry lake. And that is yes, and the key on that is that before you build the golf courses, or finish them and irrigate them, is to build up a static water surface and have it that you can fluctuate based on the amount of water affluent treated raising it up, and also during the rainy season. That you can't have it too high and you have a overflow system to bring it down. Also, additionally, we have been talking to the City, there is potentially, that there may be - we have asked for the City to bring some affluent from the north down to the south on a early basis to have that treated, that will help speed along the golf courses and the lake. But that is still under discussion.

Mayor Leja: Did that answer your question.

Ms. Vrzal: I didn't get what he said the depth of it was.

Mr. Egger: 14 feet. 140 acre feet.

Mayor Leja: Are there any other questions or comments from the public. Any questions or comments in favor or opposition or neutral. Okay we will close the public hearing.

The public hearing was closed at 7:53 p.m.

Following the close of the public hearing, Mayor Leja had one specific question to the effect that won't the wildlife and rats and birds and everything else, won't they thrive more under the condition that provides water and those types of things.

Mr. Egger responded that was absolutely correct, and that in fact the golf courses will contain water features and actually will provide a fairly hospitable interface from that primary wildlife corridor, which is Potrero Creek and some of its tributaries. He pointed out the project has been nicely designed by virtue of the fact that in most cases the interfaces between that wildlife corridor and urban development areas does consist of a golf course, and while a golf course is not a 100% natural environment and 100% support for wildlife, it does provide a much better transition to the urban development than other types of things.

The meeting was recessed at 7:55 p.m., reconvening at 8:12 p.m.

After reconvening, a number of questions were asked by members of the Council concerning the proposed project. These

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questions are a matter of record on the recording of the meeting.

Mayor Leja called attention to the fact that either in the specific plan or the EIR it stated that as far as current parks and recreation in this area, that Stewart Park and Rangel Park were owned and operated by the Beaumont-Cherry Valley Recreation and Parks District, which needs to be amended because it only listed the County of Riverside and the Beaumont-Cherry Valley Recreation and Parks District as being park owners and operators, and the City of Beaumont is as well.

Mr. Egger indicated that the conditions of approval provides that the applicant is to do any fine tuning and editing necessary with regard to the specific plan, with the final version then being delivered to the City, and this document will be gone through with a fine tooth comb and all of the mis-references will be caught.

Mr. Egger then stated for the record that, with respect to the golf course, a condition can be added as follows:

"Prior to the issuance of building permits for the golf course, a plot plan shall be filed and potential municipal use and ownership of the golf course shall be proposed or could be evaluated by the City Council."

- a. RESOLUTION NO. 1993-48 - Certifying Environmental Impact Report No. 92-2 and Approving Specific Plan No. 92-1.

Motion by Council Member McLaughlin, second by Council Member Russo, to adopt Resolution No. 1993-48 with the conditions of approval amended as discussed.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- b. ORDINANCE NO. 730 - FIRST READING - Rezoning 9,117 acres from Riverside County M-M (Manufacturing-Medium), M-H (Manufacturing-Heavy), M-RA (Mineral Resources and Related Manufacturing), W-2 (Controlled Development) and W-2-160 (Controlled Development, 160 acres minimum lot size) to City of Beaumont SPA (Specific Plan Area) (92-RZ-2). Applicant: Lockheed Corporation. Location: At the southerly terminus of Highland Springs Avenue, southeasterly of the existing Beaumont Corporate Limits (92-ANX-2-53).

Motion to read Ordinance No. 730 by title only.

Motion by Council Member Parrott, second by Council Member Brey, to read Ordinance No. 730 by title only.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The ordinance was read by title only by the Deputy City Clerk.

Motion to approve Ordinance No. 730 at its first reading.

Motion by Council Member Parrott, second by Council Member Brey, to approve Ordinance No. 730 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

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- c. ORDINANCE NO. 731 - FIRST READING Adopting Development Agreement No. DA-7 Between the City of Beaumont and the Lockheed Corporation (Pursuant to Government Code Sections 65864 - 65869.5).

Motion to read Ordinance No. 731 by title only.

Motion by Council Member McLaughlin, second by Council Member Parrott, to read Ordinance No. 731 by title only.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The ordinance was read by title only by the Deputy City Clerk.

Motion to approve Ordinance No. 731 at its first reading.

Motion by Council Member McLaughlin, second by Council Member Parrott, to approve Ordinance No. 731 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- d. RESOLUTION NO. 1993-49 - Requesting the Local Agency Formation Commission to Initiate Proceedings for the Annexation of Uninhabited Territory Pursuant to the Local Government Reorganization Act of 1985. (92-ANX-2-53).

Motion by Council Member McLaughlin, second by Council Member Brey, to adopt Resolution No. 1993-49.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

END PUBLIC HEARINGS.

11. Report on Alternative Method of Distribution of Tax Levies and Collections. (Teeter Plan).
Staff recommendation: Adopt Resolution No. 1993-54.

The staff report was presented by the City Manager, a copy of which is a matter of record in the Clerk's file.

Discussion followed with questions asked by the Council, and the advantages of joining this plan explained by the City Manager and Interim Administrative Services Director.

- a. RESOLUTION NO. 1993-54 - Pursuant to Section 4715 of the Revenue and Taxation Code of the State of California Agreeing to Participate in the Alternative Method for Distribution of Tax Levies and Collections and of Tax Sale Proceeds Adopted by the County of Riverside.

Motion by Council Member Parrott, second by Council Member McLaughlin, to adopt Resolution No. 1993-54.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.
NOES: None.
ABSTAIN: None.
ABSENT: None.

12. Consider Request from Chief of Police for City Council Support of Extension of the Half-Cent Sales Tax for Public Safety. Staff Recommendation: Adopt Resolution No. 1993-50.

The Chief of Police presented the staff report, a copy of which is a matter of record in the Clerk's file.

Council Member Brey commented this is a prime example of the fact that everyone knew once the sales tax went up it would never come down again. This makes you wonder how the State government is run - not the local government and the County government, but the State government. Everything was funded before, but now the City gets less money and the County gets less money, but the citizens have to pay more taxes. He then indicated that he would not support this for that fact - not that he didn't want the City to have more money for public safety protection, but the State should look for another way of funding it.

Mayor Leja said she agreed with everything that Mr. Brey has said, and in addition she feels this is just another way for the State not to have to do their job. Basically, what they do is take what they think the public will be the most upset about or most concerned about, so if the tax is supposed to be for public safety that is a major issue for residents. She continued that she thought the State should have to take the action on their own, and not come to local governments for support when all they do is continually take money away from local government that was originally designed to help support local services such as police and fire. This is another example of the unfair and cowardly way the State government is being run and she would recommend that no formal vote be taken on this resolution.

Council Member McLaughlin disagreed, saying whether or not they voted for or against this resolution, it will still be on the November ballot.

Mayor Leja said the voters should be allowed to make up their minds themselves, and she saw no need to take an action on it.

Discussion continued concerning whether or not this resolution should be considered, with Council Member Russo stating he agreed with both Mrs. Leja and Mr. Brey, but he also agreed with Mr. McLaughlin. Basically, the City is caught in the middle.

The City Attorney suggested the resolution be re-written as follows:

WHEREAS, indicating the City Council supports adequate public safety;

WHEREAS, all local services are at risk due to the fiscal crisis created by the lack of leadership in the State government;

WHEREAS, that the City supports the help of the County in order to insure local government;

WHEREAS, the State has not provided leadership and has essentially dumped this issue on the local agencies to avoid criticism and the political problems that creates;

WHEREAS, urgent action needs to be taken to reform State government and State financing;

NOW, THEREFORE, the City Council supports local public safety and commits to provide the necessary leadership to bring about long term fiscal and government reform at the State level; and the City Council demands that the State provide leadership on this issue and to take all necessary action to reform itself

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and its financing.

Mayor Leja requested that it also include the statement that the State reform at the State level and not the State reforming government by reforming local government.

- a. RESOLUTION NO. 1993-50 - In Support of Public Safety and Reform of State Government.

Motion by Council Member Brey, second by Council Member McLaughlin, to adopt revised Resolution No. 1993-50.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

The Clerk was directed to send a copy of the revised resolution to all cities in the State, as well as the League of California Cities.

13. Consider Request from Chief of Police to Contract for Supplemental Law Enforcement Services for Special Events.
Staff Recommendation: Adopt Resolution No. 1993-52.

The staff report was presented by the Chief of Police, a copy of which is a matter of record in the Clerk's file.

There were no questions or comments from the Council.

- a. RESOLUTION NO. 1993-52 - Authorizing the City to Provide Supplemental Law Enforcement Service to Private Individuals or Private Entities to Preserve the Peace at Special Events or Occurrences.

Motion by Council Member Parrott, second by Council Member Russo, to adopt Resolution No. 1993-52.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

14. Consider Request from Chief of Police to Establish a Compensation Schedule for Police Department Reserve Officers.
Staff Recommendation: Adopt Resolution No. 1993-53.

The Chief of Police submitted the staff report, a copy of which is a matter of record in the Clerk's file.

There no were questions or comments from the Council.

- a. RESOLUTION NO. 1993-53 - Establishing a Compensation Schedule Paid To Beaumont Police Department Police Reserve Officers.

Motion by Council Member Russo, second by Council Member of Parrott, to adopt Resolution No. 1993-53.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

15. Consider Award of Bid for Police Department Radio Equipment.
This agenda item was removed from the agenda under adjustments to the agenda.

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16. Consider Proposed Amended Agreement Between the City of Beaumont and Urban Logic Consultants for Planning, Economic Development and Public Works Services.
Staff Recommendation: Approval of amended agreement and authorization for Mayor to execute same.

The staff report was received from the City Manager, a copy of which is a matter of record in the Clerk's file.

There were no questions or comments from the Council other than one statement by Mayor Leja that it appears by approving this amendment the City would be saving money and getting more work.

Motion by Council Member Russo, second by Council Member Brey, to approve the amended agreement for Planning, Economic Development and Public Works Services, and authorize the Mayor to execute same.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

17. RESOLUTION NO. 1993-51 - Relating to the Issuance of Bonds with Respect to Certain Improvement Areas Within Community Facilities District No. 93-1 and the Sale Thereof to the Beaumont Financing Authority.
Staff Recommendation: Adopt Resolution No. 1993-51.

The staff report was presented by David Dillon, a copy of which is a matter of record in the Clerk's file.

There were no comments or questions from the Council.

Motion by Council Member Russo, second by Council Member Parrott, to adopt Resolution No. 1993-51.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

18. ORDINANCE NO. 732 - FIRST READING - Authorizing the Execution and Delivery of an Installment Sale Agreement and Authorizing and Directing Certain Other Actions with Respect Thereto.
Staff Recommendation: Approve Ordinance No. 732 at its first Reading.

David Dillon presented the staff report, a copy of which is a matter of record in the Clerk's file.

There were no comments or questions from the Council.

Motion to read Ordinance No. 732 by title only.

Motion by Council Member McLaughlin, second by Council Member Brey, to read Ordinance No. 732 by title only.

There being no opposition, the motion carried 5-0.

The ordinance was read by title only.

Motion to approve Ordinance No. 732 at its first reading.

Motion by Council Member McLaughlin, second by Council Member Parrott, to approve Ordinance No. 732 at its first reading.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

19. Reports and Appointments.

- a. Request from Mayor Leja for Appointment of an Ad Hoc Committee to Review the Business License Ordinance.

Mayor Leja said she would not expect this committee to become active until after the sign committee recommendations have been completed and the revised sign ordinance has been presented to the Council.

She then requested the Council to submit suggested appointments to this committee at the next meeting.

There were no objections from the Council for the formation of this committee.

The City Manager reported there were numerous inter-related items on the last LAFCO agenda specifically involving the City of Beaumont as well as the cities of Calimesa, Banning and to some degree the City of San Jacinto since our application for amendment of our sphere of influence impacted those three cities.

The final result was that with regard to the western boundary meeting the City of Calimesa, the Commission voted to place the Storm property in the City of Calimesa. The Golden Triangle property at the freeway, which both Beaumont and Calimesa were requesting be placed in their sphere, was placed in neither sphere at this time. With regard to the City of Banning, the Commission split their request on an east/west basis, leaving within the City of Beaumont's sphere the western portion of the Black Bench as well as Highland Springs Resort and related residential development around the resort. They also voted to place all of Cherry Valley in Beaumont's sphere, on a tentative basis. All of these issues will be brought back to LAFCO to be ratified at the next meeting.

Also, there needs to be additional discussion with the various Cherry Valley groups, and staff plans to sit down with them and work with them on some of the concepts which have been previously discussed, such as a joint planning area between Brookside and Cherry Valley Boulevard.

On the southern side, the portion of the City's application that was below the ridge on the San Jacinto side was removed on the recommendation of the LAFCO Director.

In addition, the Eighth Street annexation and the Saab annexation were approved by LAFCO.

Mayor Leja said the only thing she could add to the City Manager's report was that all the actions pertaining to the Pass area were unanimous.

There were no other reports.

20. CONSENT CALENDAR - All Items Listed Under the Consent Calendar are considered to be routine by the City Council and will be approved on one motion. There will be no separate discussion of these items unless a Council Member or Citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately.

- a. Approval of Minutes of Regular City Council Meeting of September 13, 1993.
- b. Acceptance of Minutes of Regular Planning Commission Meeting of August 17, 1993.
- c. Approval of Warrants and Payroll.

Beaumont City Council
September 27, 1993

d. Report of Planning Commission Action at Regular Meeting of
September 21, 1993.

Motion by Council Member McLaughlin, second by Council Member
Parrott, to adopt the consent calendar with Item a. removed.

AYES: Council Member Brey, McLaughlin, Parrott, Russo and
Mayor Leja.

NOES: None.

ABSTAIN: None.

ABSENT: None.

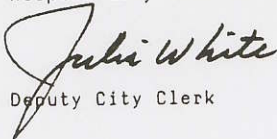
21. Closed Session at Discretion of Council.

There was no need for a closed session.

Date set for next regular City Council Meeting Monday, October
11, 1993, at 6:00 p.m., in the City Council Chambers.

There being no further business to come before the Council, the
meeting was adjourned at 9:23 p.m.

Respectfully submitted,



Deputy City Clerk

EXHIBIT 34

MINUTES OF A REGULAR MEETING
OF THE BEAUMONT CITY COUNCIL
HELD APRIL 11, 1994

A regular meeting of the Beaumont City Council was called to order by Mayor Leja at 6:02 p.m., in the City Council Chambers.

ROLL CALL: Present: Mayor Leja and Council Members Berg, Brey and Russo.

Absent: Mayor Pro Tem Parrott.

The invocation was given by Mayor Leja.

The pledge of allegiance was led by Mayor Leja.

ADJUSTMENTS TO AGENDA:

No adjustments were made to the agenda.

ORAL COMMUNICATIONS:

Mayor Leja opened the floor to the public. No one came forward.

CONSENT CALENDAR:

Council Member Berg moved to approve by one motion the following items listed on the consent calendar of the agenda. Second by Council Member Brey and unanimously approved with Mayor Pro Tem Parrott absent.

1. Approval of minutes for City Council meeting held March 28, 1994.
2. Approval of Warrants and payroll.

STAFF RECOMMENDATIONS:

3. Considered at this time was the request of the Cherry Festival Association for a fee-exempt permit for the operation of Cherry Festival in Stewart Park from May 25 to May 30, 1994.

A staff report was presented which outlined the following basic conditions agreed to by the Association:

- a. Make sure all events have an evacuation plan.
- b. Pay for any damages to the sprinkler system.
- c. Irrigate and seed Stewart Park baseball field as needed after festival.
- d. Pick up trash on park grounds after the festival on May 31, 1994.

Minutes - City Council meeting 4/11/94

STAFF RECOMMENDATIONS: (cont)

3. Request of the Cherry Festival Association for a fee-exempt permit. (cont)
 - e. Provide chalk for marking areas.
 - f. Pay \$150 for electric power at various outlets and power drops in Stewart Park.
 - g. Maintain a \$1,000,000.00 insurance policy.
 - h. The Beaumont Police Department will provide security as recommended by Police Chief Smith and the Cherry Festival Association will augment this service with their own security personnel at their own cost.

Discussion followed regarding issues related to the permit with participation by Cherry Festival Association President, Ken Smith. Council Member Brey moved to approved a fee-exempt permit as recommended by staff with 1) Closure from 8:00 a.m. May 25, 1994 to 12:00 noon on May 31, 1994 Ninth Street between Orange and Maple Avenue and Eighth Street between Orange and Maple Streets, 2) Closure of streets and erection of barricades permitted on intersecting streets from Twelfth to Sixth Street along Beaumont Avenue and along Sixth Street from Beaumont Avenue to Maple Street prior to 10:00 a.m. on May 28, 1994 and with the following conditions (in addition to the basic conditions listed above:

- a. A temporary fence will be erected around beer garden. The fence will be 4' mesh and security for the beer garden will be provided by Association.
- b. Police services will be paid for by the Association except for parade-related duties.
- c. Electrical power usage amount is estimated at \$150. However the Association will bear all of the cost for power used for festival purposes.

Second by Council Member Russo and approved with Council Member Berg voting no and Mayor Pro Tem Parrott absent.

4. Considered at this time was a proposed FY93-94 budget amendment. A staff report was presented after which Council Member Berg moved to approve the budget amendment as presented. Second by Council Member Brey and unanimously approved with Mayor Pro Tem absent.

Minutes - City Council meeting 4/11/94

STAFF RECOMMENDATIONS: (cont)

5. Considered at this time was the request of the Banning-Beaumont-Cherry Valley Board of Realtors to place a large American flag in the median of Palm Avenue between 5th and 6th Streets. A staff report was presented after which discussion ensued with participation by Cal Minesinger, a member of the Board of Realtors.

Mayor Leja suggested that the optimum location for a large flag might be the Civic Center parking lot which is to be constructed and landscaped as a part of a redevelopment project. Council Member Berg moved to approve in concept the placement of an American flag to be located in the Civic Center Parking Lot, with the landscaping to be completed by City contractor and maintenance to be provided by the City in perpetuity. Second by Council Member Russo and unanimously approved with Mayor Pro Tem Parrott absent.

Mayor Leja also suggested that the Board of Realtors might wish to be involved in the placement of a City monument welcoming visitors and bearing the insignia of service organizations.

The City Council recessed at 6:51 p.m. and reconvened at 6:56 p.m. with all council members present.

6. Considered at this time was an amendment to Urban Logic Consultants contract to include provision of construction management services. A staff report was presented after which Council Member Berg moved to approve Contract No. 94-15 amending the City's contract with Urban Logic Consultants as recommended by staff. Second by Council Member Russo and unanimously approved with Mayor Pro Tem Parrott absent.
7. Considered at this time was the selection of a transportation consultant for preparation of Beaumont Transportation Model and Circulation Element Update. A staff report was presented after which Council Member Berg moved to approve Contract No. 94-16 with Robert Kahn, John Kain & Associates for preparation of a Beaumont Transportation Model and Circulation Element Update. Second by Council Member Brey and unanimously approved with Mayor Pro Tem Parrott absent.

Minutes - City Council meeting 4/11/94

STAFF RECOMMENDATIONS: (cont)

8. Considered at this time was the second reading and adoption of Ordinance No. 743, entitled "An ordinance of the City Council of the City of Beaumont, California, adopting the development agreement between the City of Beaumont and Omega Homes (pursuant to Government Code Sections 65864-65849.5" for Improvement Area No. 11 for CFD93-1.

The Deputy City Clerk read the title of Ordinance No. 743 aloud after which Council Member Berg moved to waive further reading of the ordinance. Second by Council Member Brey and unanimously approved with Mayor Pro Tem Parrott absent. Council Member Berg moved to adopt Ordinance No. 743 adopting Development Agreement No. 94-17 with Omega Homes. Second by Council Member Brey and unanimously approved with Mayor Pro Tem Parrott absent.

CITY COUNCIL ITEMS/COMMENTS:

9. Considered at this time was the request of Mayor Leja regarding formation of two City Council committees related to City boundary issues and related litigation.

Mayor Leja organized and made appointments to the following ad hoc committees:

- a. Formed ad hoc committee to negotiate with City of Calimesa to attempt to reconcile differences regarding boundary issues. Appointed Mayor Pro Tem Parrott and Council Member Berg to serve on the committee.
- b. Formed ad hoc committee to discuss with Cherry Valley representatives issues related to the Cherry Valley "Community of Interest" designation. Appointed Council Members Berg and Brey to serve on the committee.

Mayor Leja indicated that she had attended a meeting held by the West Riverside Council of Governments, (WRCOG) said that she is the City's delegate and appointed Council Member Russo as alternate.

Minutes - City Council meeting 4/11/94

CLOSED SESSION:

10. The City Council recessed to closed session at 7:09 p.m. to confer with legal counsel. The

City Council reconvened at 7:32 p.m. and announced the action taken as follows:

- A. Considered and unanimously rejected a claim filed against the City by claimant Lori Jean Howard, with Mayor Pro Tem Parrott absent.
- B. Considered and took no action regarding anticipated litigation.

Mayor Leja announced that Council Member Russo left the Council meeting after attending closed session.

ADJOURNMENT

There being no further business to come before the City Council, the Council meeting was duly adjourned at 7:33 p.m.

Prepared by:

Joyce Snider,
Deputy City Clerk

EXHIBIT 35

Minutes
Beaumont City Council
Beaumont Redevelopment Agency
Beaumont Financing Authority
550 E. 6th Street, Beaumont, California
City Council Workshop (4:00 p.m.)
Closed Session (5:00 p.m.)
Regular Session (6:00 p.m.)
Tuesday, June 21, 2005

WORKSHOP SESSION

Workshop began at 4:00 p.m. Place: Civic Center, Room 5

Roll Call: Mayor Dressel, Council Member Berg, Council Member DeForge, Council Member Killough were present. Mayor Pro Tem Fox was excused.

Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.

- 1) SCE Update

CLOSED SESSION No Action Taken

**Closed Session began at 5:00 p.m. Place: Civic Center
Conference Room**

Roll Call: Mayor Dressel, Council Member Berg, Council Member DeForge, Council Member Killough were present. Mayor Pro Tem Fox was excused.

- a. Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator – City Negotiator as Personnel Director Alan Kapanicas
Employee Organization: Management Unit
- b. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator Property Generally Located at:
 - 1. Government Code Section 54956.8 – 4th Street & Beaumont Avenue
- c. Pursuant to Government Code Section 54956.9(a) - Anticipated Litigation – Conference with Legal Counsel – Three Cases:
 - 1. Outdoor Media Group, Inc. vs. City of Beaumont – Case No. ED CV 03-01461 RT SGLx
 - 2. Cherry Valley Pass Acres and Neighbors vs. The City of Beaumont – Case No. 371902
 - 3. Balderamma Vs. Beaumont (Claim)
 - 4. Ayala vs. Beaumont Case No. 413345

REGULAR SESSION

Regular Session began at 6:00 p.m.

Place: Civic Center, Room 5

Roll Call: Mayor Dressel, Council Member Berg, Council Member DeForge, Council Member Killough were present. Mayor Pro Tem Fox was excused.

Invocation: Council Member DeForge

Pledge of Allegiance: Council Member DeForge

Presentation: None

Adjustments to Agenda: None

ORAL AND WRITTEN COMMUNICATIONS: Anyone wishing to address the City Council on any matter not on the agenda of this meeting may do so now. The oral communications portion of the agenda is to hear public comments. If any question or concern arises related to any issues not on the agenda, it will be referred to staff for appropriate response. Anyone wishing to speak on an item on the agenda may do so at the time the Council considers that item. All person(s) wishing to speak must fill out a "Request to Speak Form" and give it to the City Clerk at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person.

1. CONSENT CALENDAR

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting June 7, 2005.
- c. Approval of the Warrant List for June 21, 2005.
- d. Approve the Investment Policy
- e. Approve GANN Report
- f. Accept Petition for Reconsideration from the property owners of CFD 93-1 Improvement Area 4B.

Recommendation: Approval of the Consent Calendar as presented.

Motion by Council Member Killough, Seconded by Council Member Berg to approve the Consent Calendar as presented. Vote: 4/0

2. ACTION ITEMS/PUBLIC HEARING/REQUESTS

- a. Resolution of Formation for Underground Utility District No. 2

Recommendation: Hold Public Hearing and Adopt Resolution No. 2005-31 and Authorize Southern California Edison to prepare plans and specifications.

Staff Report was given by Dave Dillon, Economic Development Director, a copy of which is on file.

Open Public Hearing 6:03 p.m.

Lynn Juniper – Southern California Edison

Marco Amato – Project Manager SCE

Nancy Hall – How will this impact personal health, electronic devices (pacemakers) and animals?

Brian Thorson – Electric & Magnetic Field Specialist SCE

Closed Public Hearing 6:35 p.m.

b. Hillside Development Ordinance

Recommendation: Review Changes requested by Council and Approve.

Staff Report was given by Ernest A. Egger, Director of Planning, a copy of which is on file.

Open Public Hearing 6:40 p.m.

Speakers:

Darrin Hammer – Suggest changing the wording in the planting material stated in the ordinance.

Mary Daniel – Questions regarding the wording in the ordinance. Feels that there should be more clarification on items in the Ordinance rather than being permissive.

Kathy Hannemann – Suggests that the Hillside Development be no more than ½ acre lots. Feels that we do need this ordinance. Feels that the ordinance should be definitely not suggestive. Would like to see only single story home.

Nancy Hall – Concerned with the enforcement fines. Feels that it is too low and should be \$5,000.00 or higher.

Judy Bingham – Ordinance is inadequate without an Environmental Impact Report. Specific Plans require a Environmental Impact Report.

Jerome Taurek – The ordinance is going to be tough but developers will learn to work with it. Would like to the City to take into consideration that Beaumont need to have some upscale homes built?

Timothy Wilkes – Possibly blending single and two story homes in the area. Consider added reflective glass to the list of item to be prohibited.

Marsha Pistilli – Feels that Mt. David should be preserved not developed. Beaumont is known for its rural atmosphere and should be preserved. We need bigger lot and less tract homes. Please do not develop our summit, leave it for our citizens.

Closed Public Hearing 7:08 p.m.

Motion by Council Member Berg, Seconded by Council Member DeForge to approve the Hillside Ordinance as recommended by staff. Vote: 4/0

c. FY 2006-2008 Short Range Transit Plan

Recommendation: Hold a Public Hearing, Review documentation, and approve.

Staff report was given by Mike Pistilli, Maintenance Supervisor, a copy of which is on file.

Open Public Hearing 7:30 p.m.

No Speakers

Closed Public Hearing 7:30 p.m.

Motion by Council Member DeForge, Seconded by Council Member Killough to approve the Short Range Transit Plan for FY 2006-2008 as presented by staff. Vote: 4/0

d. Resolution 2005-29 – A Resolution of the City Council of the City of Beaumont, California Authorizing Approval and Adoption of the Established Overall Annual Disadvantaged Business Enterprise (DBE) Goal of 11% for Federal Fiscal Year 2004/05

Recommendation: Hold Public Hearing and Adopt Resolution No. 2005-29.

Staff Report was given by Alan C. Kapanicas, City Manager, a copy of which is on file.

Open Public Hearing 7:37 p.m.

No Speakers

Closed Public Hearing 7:37 p.m.

Motion by Council Member Berg, Seconded by Council Member DeForge to adopt Resolution No. 2005-29 as presented. Vote: 4/0

e. Resolution Authorizing a Study of Fees and Charges for Sewer Services

Recommendation: Adopt Resolution No. 2005-30 and Authorize the Staff to analyze and prepare a report on sewer rates and charges.

Staff Report was given by Dave Dillon, Economic Development Director, a copy of which is on file.

Motion by Council Member DeForge, Seconded by Council member Killough to adopt Resolution No. 2005-30 as presented. Vote: 4/0

- f. Lease Agreement with the Beaumont Chamber of Commerce for Temporary Use of City Property to Erect a Commercial Sign

Recommendation: Approve Agreement between the City of Beaumont and the Beaumont Chamber of Commerce.

Staff Report given by Alan C. Kapanicas, City Manager.

Motion by Council Member Berg, Seconded by Council Member Killough to approve the Agreement between the City of Beaumont and the Beaumont Chamber of Commerce for the Temporary Use of City Property for the purpose of an electronic media sign. Vote: 4/0

- g. TUMF Fee Credit Agreements for the Paseo Beaumont Project

Recommendation: Review and Approve agreements as recommended by staff.

Staff Report was given by Dave Dillon, Economic Development Director, a copy of which is on file.

Motion by Council Member DeForge, Seconded by Council Member Killough to approve the Agreements as recommended by Staff and approval of the City Attorney to make non-substantive changes. Vote:4/0

- h. Approve Plans and Award Task Orders for Street Repair and Pavement Management Projects

Recommendation: Approve plans, specifications, task orders and project progress report for the street repair and pavement management projects and Authorization of the City Clerk to advertise for public bids for the Palm Avenue Rehabilitation Project.

Staff Report was given by Dave Dillon, Economic Development Director, a copy of which is on file.

Speakers:

Marsha Pistilli – Feels that putting sidewalks on both sides of Palm Avenue would just be an added expense, people will have to cross street whether the side is in the middle of the street or on both sides. When the City refers to curb, gutter, and sidewalk are we discussing just west of Beaumont Avenue? We do have water issues on First Street but understands that that is being worked on.

John Paul – Consideration of putting in electric vehicle lanes on in the area of Four Season and Sun Lakes because they are 55 and over communities and electric vehicle are utilized frequently in these areas.

Rick Brower – Concerns with the 1st street closures impact on the public, residents, and business.

Karen Smerber – Is Pennsylvania Avenue included in any of this? Also at 1242 Massachusetts there is a problem with stagnant water with mosquitoes and smells like sewage.

Motion by Council Member Berg, Seconded by Council Member Killough to approve as presented by staff. Vote: 4/0

3. City Manager's Reports

- a. Update on Adopted Budget for FY 2005-06
- b. Update on School Hearing

4. Council Reports

Adjournment of the City Council Meeting at 8:34 p.m.

Respectfully Submitted,



Alan Kapanicas
City Manager

EXHIBIT 36

Minutes
Beaumont City Council
Beaumont Redevelopment Agency
Beaumont Financing Authority
550 E. 6th Street, Beaumont, California
Closed Session (4:00 p.m.)
City Council Workshop (5:00 p.m.)
Regular Session (6:00 p.m.)
Tuesday, July 19, 2005

CLOSED SESSION

No Action Taken

Closed Session to begin at 4:00 p.m.

**Place: Civic Center
Conference Room**

**Roll Call: Mayor Dressel, Mayor Pro Tem Fox,
Council Member Berg, Council Member DeForge,
Council Member Killough were present.**

- a. Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator – City Negotiator as Personnel Director Alan Kapanicas
Employee Organization: Management Unit
- b. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator Property Generally Located at:
 - 1. Government Code Section 54956.8 – 4th Street & Beaumont Avenue
- c. Pursuant to Government Code Section 54956.9(a) - Anticipated Litigation – Conference with Legal Counsel – Existing Litigation(Government Code 54956.9)
 - 1. Outdoor Media Group, Inc. vs. City of Beaumont – Case No. ED CV 03-01461 RT SGLx
 - 2. Cherry Valley Pass Acres and Neighbors vs. The City of Beaumont – Case No. 371902
 - 3. Balderamma Vs. Beaumont (Claim)
 - 4. Ayala vs. Beaumont Case No. 413345
 - 5. Madas VS. City of Beaumont

WORKSHOP SESSION

Workshop to begin at 5:00 p.m.

Place: Civic Center, Room 5

**Roll Call: Mayor Dressel, Mayor Pro Tem Fox,
Council Member Berg, Council Member DeForge,
Council Member Killough were present.**

Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.

- 1) Legal Update – Conflict of Interest – Postponed until September 13, 2005
Planning Commission Meeting.

REGULAR SESSION

Regular Session to begin at 6:04 p.m.

Place: Civic Center, Room 5

Roll Call: Mayor Dressel, Mayor Pro Tem Fox, Council Member Berg, Council Member Killough were present. Council Member DeForge was excused.

Invocation: Council Member Killough

Pledge of Allegiance: Council Member Killough

Presentation: None

Adjustments to Agenda: Request from staff to remove agenda item 2.j.

ORAL AND WRITTEN COMMUNICATIONS: Anyone wishing to address the City Council on any matter not on the agenda of this meeting may do so now. The oral communications portion of the agenda is to hear public comments. If any question or concern arises related to any issues not on the agenda, it will be referred to staff for appropriate response. Anyone wishing to speak on an item on the agenda may do so at the time the Council considers that item. All person(s) wishing to speak must fill out a "Request to Speak Form" and give it to the City Clerk at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person.

Marcy

1. CONSENT CALENDAR

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting June 21, 2005.
- c. Approval of the Warrant List for July 19, 2005.
- d. Adopt Resolution No. 2005-25 – A Resolution of the City Council of the City of Beaumont, California, Ordering the Collection of Weed Abatement Charges and Directing the County Auditor to Collect such Fees on the Tax Roll.
- e. Adopt Resolution No. 2005-26 – A Resolution of the City Council of the City of Beaumont, California Ordering the Collection of Delinquent Sewage and Sanitation Fees and Directing the County Auditor to Collect such fees of the Tax Roll.
- f. Adopt Resolution No. 2005-28 – A Resolution of the City Council of the City of Beaumont, California, Determining and Levying the Special Tax in Community Facilities District No. 93-1 for Fiscal Year 2005-2006.
- g. Adoption of Ordinance No. 886 – "an Uncodified Ordinance of the City Council of the City of Beaumont, California, Adopting an Ordinance

Regulating the Development of Land in Hillside Areas" at its second reading.

- h. Continue Abandonment of the Easterly Half of Monmouth Avenue between First Street and Second Street. Applicant: First Street Storage, to the next Regular Meeting of August 16, 2005 at 6:00 p.m.
- i. Denial of Claim – Patricia Duncan
- j. Denial of Claim – Lisa Acosta
- k. Denial of Claim – Angeline Delgadillo
- l. Continuation of Sewer and Refuse Rate Increase to the Regular City Council Meeting of August 16, 2005.

Recommendation: Approval of the Consent Calendar as presented.

Pull item 1.g for further discussion by staff pertaining to Ordinance No. 886 – Hillside Development.

Pull item 1.b from the Consent Calendar.

Motion by Council Member Fox, Seconded by Council Member Berg to approve the remainder of the consent calendar as presented. 4/0

Motion by Council Member Berg, Seconded by Council Member Killough to approve the Minutes of the Regular City Council Meeting of June 21, 2005 as presented. Vote: 3/0/1 (Council Member Fox abstained due to excused absence from that meeting)

Motion by Council Member Fox, Seconded by Council Member Berg to rescind Ordinance No. 886. Vote: 4/0

2. ACTION ITEMS/PUBLIC HEARING/REQUESTS

- a. Request to change Beaumont Municipal Transit System/Pass Transit Route Fare Structure

Recommendation: Hold a Public Hearing, Review documentation, and approve the fare changes for fixed route services.

Staff Report was given by Mike Pistilli, Director of Transportation, a copy of which is on file.

Open Public Hearing 6:34 p.m.

No Speaker

Closed Public Hearing 6:34 p.m.

Motion by Council Member Killough, Seconded by Council Member Berg to approve the Fare Change for Fixed Route Service.

b. Justice Assistance Grant (JAG)

Recommendation: Hold Public Hearing, Accept the Grant, Determine the use of the Funding, and Authorize the Police Department to move forward with expenditures as determined by the City Council.

Staff Report was given by Kari Mendoza, Communications Supervisor, a copy of which is on file.

Open Public Hearing 6:35 p.m.

No Speakers

Closed Public Hearing 6:35 p.m.

Motion by Council Member Fox, Seconded by Council Member Killough to Authorize the Police Department to move forward with expenditures. Vote: 4/0

c. Resolution No. 2005-27 – Resolution of the City Council of the City of Beaumont Establishing Annual Sewer Standby Charges.

Recommendation: Hold Public Hearing and Adopt Resolution No. 2005-27 as presented.

Staff Report was given by Alan Kapanicas, City Manager, a copy of which is on file.

Open Public Hearing 6:38 p.m.

No Speakers

Closed Public Hearing 6:38 p.m.

Motion by Council Member Fox, Seconded by Council Killough to adopt Resolution No. 2005-27 as presented. Vote: 4/0

d. Tentative Tract Map No. 32850 and Negative Declaration No 04-ND-22, Proposed Subdivision of a 29.09 Acre Parcel into 103 Lots, on Property located on the West Side of Manzanita Park Drive, South of future Potrero Blvd. (Continued from June 7, 2005)

Recommendation: Adopt Negative Declaration No. 04-ND-22 and approve Tentative Tract No. 32850 for a period of two-years subject to the conditions of approval.

Staff Report was given by Ernest Egger, Director of Planning, a copy of which is on file.

Nancy Hall – Opposed to two story homes. Would like to see ranch style homes.

Mary Daniel – would like to see the project put on hold until General Plan is approved.

Mo Behzad– Applicant

Bud Thatcher – Applicant

Motion by Council Member Berg, Seconded by Council Member Fox to approve with the addition to conditions that all home will be single story and minimum lot size will be 7,200 sq ft. Vote: 3/0/1 (Council Member Killough opposed).

- e. Tentative Tract Map No. 33343 and Negative Declaration No. 05-ND-07 – Proposed Division of a 13.45 Acre Parcel into 5 Commercial Lots Located on the South Side of Sixth Street between Xenia Avenue and Allegheny Avenue. – Applicant: Haven Properties

Recommendation: Adopt Negative Declaration No. 05-ND-07 and approve Tentative Tract Map No. 33343 for a period of two-years based on the findings and subject to the conditions of approval.

Staff Report was given by Ernest Egger, Director of Planning, a copy of which is on file.

Open Public Hearing 7:18 p.m.

No Speakers

Closed Public Hearing 7:18 p.m.

Motion by Council Member Fox, Seconded by Council Member Killough to approve as presented by staff. Vote: 4/0

- f. Four Seasons at Beaumont – Tentative Tract Map No. 33096, Located Southwesterly of First Street and Highland Springs Avenue. Applicant: K. Hovnanian Companies

Recommendation: Approve Tentative Tract Map No. 33096 for a period of two years subject to the conditions of approval.

Staff Report was given by Ernest Egger, Director of Planning, a copy of which is on file.

Open Public Hearing 7:27 p.m.

Speakers:

Damon Gascon – Applicant – gave presentation with slide show on products.

Closed Public Hearing 7:27 p.m.

Motion by Council Member Berg, Seconded by Council Member Fox to approve Tentative Tract Map No. 33096 for a period of two years subject to the conditions of approval. Vote: 4/0

- g. Request from Beaumont Unified School District for Emergency Preparedness Facilities Development Impact Fees to fund the Design of the future Joint Use Community Aquatic Center.

Recommendation: Review and Direct Staff

Staff Report was given by Alan Kapanicas, City Manager and Frank Passarella, Superintendent of Beaumont Unified School District.

Motion by Council Member Killough, Seconded by Council Member Fox to authorize staff to work with Beaumont Unified School District and expend the funds requested. Vote: 4/0

- h. Request from Beaumont Unified School District for Tentative Support of a Street Vacation of 5th Street between California and Grace.

Recommendation: Review and Direct Staff

Staff Report was given by Alan Kapanicas, City Manager and Frank Passarella, Superintendent of Beaumont Unified School District.

Motion by Council Member Berg, Seconded by Council Member Killough to give Tentative Support of a Street Vacation of 5th Street between California and Grace, look at Grace between 6th Street and Fifth Street and alley between 5th Street and 6th Street. Vote: 4/0

- i. Resolution No. 2005-29 Designating Certain "Limited Term Parking" Zones.

Recommendation: Adopt Resolution No. 2005-29 as presented.

Staff Report was given by Kent Hall, Code Enforcement/Building Official, a copy of which is on file.

Motion by Council Member Fox, Seconded by Council Member Berg to approve as amended that the City will enforce everything from 5th Street to 8th Street on Beaumont Avenue, Palm Avenue to California Avenue on 6th Street and any area north of 8th Street will return to City Council for approval. Vote: 4/0

- j. Award Task Orders for First Street, Veile Avenue and Fourth Street Rehabilitation and Repair Project.

Recommendation: Approval of the Project Report and Award of the Task Order subject to the final approval of construction contracts by the City Attorney and Public Works Director.

Item 2.j was removed from the agenda at this time. Will return to Council at a later date for consideration.

- k. Applications for Streambed Alteration Permits for Noble Creek Bridge

Recommendation: Approval of the regulatory permit applications and Project Progress Report, Authorization of the Public Works Director to file and process the permits and the Mayor to execute the Project Progress Report.

Staff Report was given by Dave Dillon, Director of Economic Development, a copy of which is on file.

Motion by Council Member Fox, Seconded by Council Member Killough to approve as presented by staff. Vote: 3/0/1 (Council Member Berg abstained)

- l. Acceptance of Easements for Gas Pipeline Relocation of the Oak Valley Area.

Recommendation: Acceptance of the grants of easements on future final subdivision maps subject to the future payment of \$750,000 for transportation funds to cover the cost of future pipeline relocations and other road improvements.

Staff Report was given by Dave Dillon, Director of Economic Development, a copy of which is on file.

Motion by Council Member Killough, Seconded by Council Member Berg to Acceptance of the grants of easements on future final subdivision maps subject to the future payment of \$750,000 for transportation funds to cover the cost of future pipeline relocations and other road improvements. Vote: 4/0

3. City Manager's Reports

- a. Update on School Hearing
- b. Financial Report
- c. Calendar of Events

4. Council Reports

Adjournment of the City Council Meeting at 8:45 p.m.

Respectfully Submitted,


Alan Kapanicas
Deputy City Clerk

EXHIBIT 37

WORKSHOP SESSION

- Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.**

REGULAR SESSION

Regular Session to begin at 6:00 p.m.

Place: Civic Center, Room 5

**Roll Call: Mayor Dressel _____, Mayor Pro Tem Fox _____,
Council Member Berg _____, Council Member DeForge _____,
Council Member Killough _____**

Invocation:

Pledge of Allegiance:

Beaumont City Day Camp

Roll Call:

Presentation:

Appreciation to Patricia Diehl & Peggy Bigler

Rick Bishop – WRCOG - TUMF

Adjustments to Agenda:

ORAL AND WRITTEN COMMUNICATIONS: Anyone wishing to address the City Council on any matter not on the agenda of this meeting may do so now. The oral communications portion of the agenda is to hear public comments. If any question or concern arises related to any issues not on the agenda, it will be referred to staff for appropriate response. Anyone wishing to speak on an item on the agenda may do so at the time the Council considers that item. All person(s) wishing to speak must fill out a "Request to Speak Form" and give it to the City Clerk at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person.

1. CONSENT CALENDAR

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting October 4, 2005.
- c. Approval of the Warrant List for October 18, 2005.
- d. Continuation of Resolution No. 2005-33 for Limited Term Parking to the regular meeting of November 15, 2005 at 6:00 p.m.

Recommendation: Approval of the Consent Calendar as presented.

2. ACTION ITEMS/PUBLIC HEARING/REQUESTS

- a. Approve Fee Credit Agreement with WRCOG and Ryland Homes for Construction of TUMF Facilities – Mirasol and Canterbury

Recommendation: Approval of the Agreement and Authorization of the Mayor to execute the Agreement subject to the authority of the City Attorney to make non-substantive changes.

- b. Annexation of Previously Approved Tentative Tract Map No. 32850, Annexation No. 05-ANX-05 and Pre-Zoning No. 05-RZ-4, on property located on the west side of Manzanita Park Drive, south of future Potrero Blvd. Applicant: Beaumont Properties.

Recommendation: City Council adopt the proposed resolution to initiate annexation proceedings and adopt the proposed ordinance for pre-zoning of the site.

- c. Appeal for Tentative Parcel Map No. 33681 and Negative Declaration No. 05-ND-09 Located at 595 E. 12th Street. Applicant: Devin Gill

Recommendation: Review and deny as recommended by staff.

- d. Reject Bid for First Street Widening and Veile Avenue Extension Project

Recommendation: Reject the bid received and authorize staff to amend the plans as needed to save costs and to re-advertise for public bids.

- e. Grant of Easement for Lower Oak Valley Lift Station – Fairway Canyon Project

Recommendation: Acceptance of the proposed grant of easement.

- f. Amendment to Professional Services Agreements for Environmental and Engineering Documents for Improvements to the Pennsylvania Avenue/Interstate 10 Interchange and the Highland Springs Avenue/Interstate 10 Interchange

Recommendation: Authorize the City Manager to execute the revised agreements with RBF Consulting Inc. for Highland Springs interchange and Pennsylvania Avenue interchange.

3. City Manager's Reports

- a. Quarterly Financial Update
- b. Construction Update
 - 1) Signage
 - 2) Streets
- c. Rate Studies Report
- d. Calendar of Events
 - 1) Oak Valley Parkway Opening – October 26, 2006
 - 2) Holiday Schedule
 - 3) Student Government Day – October 28, 2005

4. Council Reports

Adjournment of the City Council Meeting at _____ p.m.

Any Person with a disability who requires accommodations in order to participate in this meeting should telephone Shelby Hanvey at 951-769-8520 ext. 323, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation

EXHIBIT 38



Minutes
Beaumont City Council
Beaumont Redevelopment Agency
Beaumont Financing Authority
Beaumont Utility Authority
550 E. 6th Street, Beaumont, California
City Council Workshop (4:00 p.m.)
Closed Session (5:00 p.m.)
Regular Session (6:00 p.m.)
Tuesday, April 1, 2008

"Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours"

WORKSHOP SESSION

Workshop began at 4:00 p.m. Place: Civic Center, Room 5

Roll Call: Mayor DeForge, Mayor Pro Tem Killough,
Council Member Berg, and Council Member Dressel were present.
Council Member Fox was excused.

- 1) Animal Care
- 2) Budget – RDA & Decision Packages

Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.

CLOSED SESSION No Action Taken

Closed Session began at 5:00 p.m.

Place: Civic Center Conference Room

Roll Call: Mayor DeForge, Mayor Pro Tem Killough,
Council Member Berg, and Council Member Dressel were present.
Council Member Fox was excused.

- a. Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator – City Negotiator as Personnel Director Alan Kapanicas
Employee Organizations and Staffing
- b. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator Property Generally Located at:
 1. Government Code Section 54956.8 – 4th Street & Beaumont Avenue

- c. Pursuant to Government Code Section 54956.9(a) - Anticipated Litigation – Conference with Legal Counsel – Existing Litigation(Government Code 54956.9)
1. Outdoor Media Group, Inc. vs. City of Beaumont – Case No. ED CV 03-01461 RT SGLx
 2. Peters vs. City – Case No. RIC 467388

REGULAR SESSION

Regular Session began at 6:05 p.m.

Place: Civic Center, Room 5

Roll Call: Mayor DeForge, Mayor Pro Tem Killough, Council Member Berg, and Council Member Dressel were present. Council Member Fox was excused.

Invocation: Council Member Berg
Pledge of Allegiance: Council Member Berg
Presentation: Gary Cherms – POW/MIA Flag Policy
Adjustments to Agenda: None

ORAL AND WRITTEN COMMUNICATIONS: Anyone wishing to address the City Council on any matter not on the agenda of this meeting may do so now. The oral communications portion of the agenda is to hear public comments. Anyone wishing to speak on an item on the agenda may do so at the time the Council considers that item. All person(s) wishing to speak must fill out a "Request to Speak Form" and give it to the City Clerk at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. There will be no sharing or passing of time to another person.

Lorrie Shultz – CAL HEAT PABC – request for donation for 12 Beaumont Youth Baseball Player to travel to New York for travel ball – City Council directed staff to handle the donation.

Philip Hornby – Concerns and questions with the contractor/workers that are handling the Beaumont Women's Club renovations.

Report on Oral and Written Communications (City Manager)

1. **COUNCIL REPORTS** (This is the portion of the agenda where the city council will present updates on city actions taken, committee assignments, and training and travel)
 - a) Mayor DeForge – Redlands Bike Race – Beaumont Circuit Race
 - b) Mayor Pro Tem Killough – Reception for Marion Ashley, Workforce retreat in Riverside establishing goal for working teenagers and seniors.
 - c) Council Member Berg – Transportation Budget
 - d) Council Member Dressel – WRCOG Update
 - e) Council Member Fox - absent

2. CITY MANAGER REPORTS

- a. Community Information Update
 - 1) April 4, 2008 - Redlands Bike Classic – Beaumont Circuit
 - 2) April 5, 2008 – 7am-2pm - Relay for Life Yard Sale – Front of Civic Center
 - 3) April 15, 2008 – 3 p.m. – MDA Kick off Meeting – Beaumont Civic Center
 - 4) April 16-17, 2008 - Legislative Action Days - Sacramento
 - 5) April 18-20, 2008 - Free Clean Up Days for Beaumont Residents - 450 E. 4th Street – Universal/Electronic Waste, Tires, Bulky Items and Scrap Metal
 - 6) April 19-20, 2008 - Police Department Baker to Vegas Run/MDA Sponsor
 - 7) April 19, 2008 - Women's Club 100th Anniversary Celebration
 - 8) April 22, 2008 – 5 p.m. - Mandatory Ethic Training – Civic Center
 - 9) April openings - Beaumont Businesses - Best Buy
 - 10) May 22, 2008 – State of the City
 - 11) May Openings - Beaumont Businesses - Bed, Bath, and Beyond & Pet Co.
- b. Local Project Update
 - 1) Financial Update
 - 2) Downtown Plan/Palm Avenue Committee
 - 3) Transit Performance and New Route
 - 4) Bike Route Update
- c. What's That and Rumor Control

3. CONSENT CALENDAR

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting March 18, 2008.
- c. Approval of the Warrant List for April 1, 2008.
- d. Adoption of Ordinance No. 931 at its Second reading by title only – An Ordinance of the City Council of the City of Beaumont, California Amending Chapter 15.20 of the Beaumont Municipal Code Adopting by Reference the County of Riverside Fire Ordinance No. 787.3.
- e. Adoption of Ordinance No. 932 at its second reading by title only– An Ordinance of the City Council of the City of Beaumont, California Adding Chapter 5.35 to the Beaumont Municipal Code Entitled "Regulating State Issued Franchise to Provide Video Services".
- f. Approval of a One Year Extension of time for Tentative Tract Map No. 31843 and 32747 (Southeasterly of Jack Rabbit Trail and State Route 60, Hidden Canyon Specific Plan), Applicant: St Clair Company.
- g. Denial of Claim – Guidd Valtan
- h. Denial of Claim - Luis Gutierrez
- i. Denial of Claim - Beulah Walling
- j. Authorize Submittal of Waste Discharge and Streambed Permit

Recommendation: Approval of the Consent Calendar as presented.

Motion by Council Member Killough, Seconded by Council Member Dressel to approve the consent calendar as presented. Vote: 4/0

4. ACTION ITEMS/PUBLIC HEARING/REQUESTS

a. Award of Contract for Street Repair

Recommendation: Approval of the Project Progress Report and Award of Contracts for the base and optional bids to the lowest responsible bidders with the authority of the City Attorney to make non-substantive changes and the final review of all bid documents by the City Manager.

Staff report was given by Dave Dillon, Economic Development Director.

Speaker:

Michael Orr – Representative for Sierra Pacific

Motion by Council Member Dressel, Seconded by Council Member Killough to approve the Project Progress Report and Award of the Contract for Street Repair to Tyner Paving and the Lighting Contract will be reviewed and returned to Council at a later date for consideration. Vote: 4/0

b. Ordinance No. 933 – An Ordinance of the City Council of the City of Beaumont, California Amending Section 1.16.030 of Chapter 1.16 of the Beaumont Municipal Code Entitles "Violation – Infraction – Penalty"

It is the purpose and intent of this Ordinance to amend Section 1.16.030 of Chapter 1.16 of the Beaumont Municipal Code which would update the penalties for the conviction of a violation of the Beaumont Municipal Code determined to be an infraction:

- A. A fine not exceeding \$100.00 for a first violation; (*unchanged*)
- B. A fine not exceeding \$500.00 for a violation of the same ordinance within one-year; (*increased from \$200.00*)
- C. A fine not exceeding \$1,000.00 for each additional violation of the same ordinance within one year. (*increased from \$500.00*)

Recommendation: Hold a Public Hearing and Approve the First Reading of Ordinance No. 933 read by title only.

Staff report was given by Joseph Aklufi, City Attorney

Open Public Hearing 7:16 p.m.

No Speakers

Closed Public Hearing 7:17 p.m.

Motion by Council Member Berg, Seconded by Council Member Killough to approve the first reading of Ordinance No. 933 as presented. Vote: 4/0

- c. **Ordinance No. 934 – An Ordinance of the City Council of the City of Beaumont, California Amending Section 8.12.025 of the Beaumont Municipal Code regarding “Unauthorized Disposal – Penalty”**

It is the purpose and intent of this Ordinance to amend Section 8.12.025 of Chapter 8.12 of the Beaumont Municipal Code which would update the fees for penalties for the unauthorized disposal of any debris, trash, or other personal property upon any other person's property, or in any other person's commercial trash bin or can without the person's permission.

Recommendation: Hold a Public Hearing and approve the first reading of Ordinance No. 934 as presented.

Staff report was given by Joseph Aklufi, City Attorney

Open Public Hearing 7:18 p.m.

No Speakers

Closed Public Hearing 7:19 p.m.

Motion by Council Member Killough, Seconded by Council Member Dressel to approve the first reading of Ordinance No. 934 as presented. Vote: 4/0

- d. **Ordinance No. 935 – An Ordinance of the City Council of the City of Beaumont, California amending, in its entirety, Title 6 of the Beaumont Municipal Code Entitled “Animals”**

Recommendation: Hold a Public Hearing and Approve the first reading of Ordinance No. 935 as presented.

Staff report was given by Frank Coe, Chief of Police

Open Public Hearing 7:23 p.m.

No Speakers

Closed Public Hearing 7:24 p.m.

Motion by Council Member Dressel, Seconded by Council Member Berg to approve the first reading of Ordinance No. 935 as presented. Vote: 4/0

- e. **Resolution No. 2008-13 – A Resolution of the City Council of City of Beaumont Recognizing the Green Valley Initiative as a means to becoming a center of Green Technology.**

Recommendation: Adopt Resolution No. 2008-13 as presented.

Staff report was given by Kelsey DeForge, Customer Service Coordinator

Motion by Council Member Dressel, Seconded by Council Member Killough to adopt Resolution No. 2008-13 as presented. Vote: 4/0

Adjournment of the City Council Meeting at 7:26 p.m.

Respectfully Submitted,



Alan Kapanicas
City Manager

Any Person with a disability who requires accommodations in order to participate in this meeting should telephone Shelby Hanvey at 951-769-8520 ext. 323, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation

EXHIBIT 39



Minutes
Beaumont City Council
Beaumont Redevelopment Agency
Beaumont Financing Authority
Beaumont Utility Authority
550 E. 6th Street, Beaumont, California
City Council Workshop (4:00 p.m.)
Closed Session (5:00 p.m.)
Regular Session (6:00 p.m.)
Tuesday, August 5, 2008

"Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours"

WORKSHOP SESSION

Workshop began at 4:00 p.m. Place: Civic Center, Room 5

Roll Call: Mayor Pro Tem Killough, Council Member Berg, Council Member Dressel, and Council Member Fox were present. Mayor DeForge was excused.

- 1) Federal Appropriation Programs for 2010

Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.

CLOSED SESSION No Action Taken

Closed Session began at 5:00 p.m.

Place: Civic Center Conference Room

Roll Call: Mayor Pro Tem Killough, Council Member Berg, Council Member Dressel, and Council Member Fox were present. Mayor DeForge was excused.

- a. Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator – City Negotiator as Personnel Director Alan Kapanicas
Employee Organizations and Staffing
- b. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator Property Generally Located at:
 1. Government Code Section 54956.8 – 4th Street & Beaumont Avenue

- c. Pursuant to Government Code Section 54956.9(a) - Anticipated Litigation – Conference with Legal Counsel – Existing Litigation(Government Code 54956.9)
1. Outdoor Media Group, Inc. vs. City of Beaumont – Case No. ED CV 03-01461 RT SGLx
 2. Peters vs. City – Case No. RIC 467388

REGULAR SESSION

Regular Session to begin at 6:00 p.m.

Place: Civic Center, Room 5

Roll Call: Mayor Pro Tem Killough, Council Member Berg, Council Member Dressel, and Council Member Fox were present. Mayor DeForge was excused.

Invocation: Council Member Dressel
Pledge of Allegiance: Council Member Dressel
Presentation: None
Adjustments to Agenda: None

ORAL AND WRITTEN COMMUNICATIONS: None

1. **COUNCIL REPORTS** (This is the portion of the agenda where the city council will present updates on city actions taken, committee assignments, and training and travel)
 - a) Mayor DeForge
 - b) Mayor Pro Tem Killough – T-Now, Concerts in the Park, Beaumont Cool Center
 - c) Council Member Berg – Update on the chamber Luncheon and Say Thank you to Code Enforcement
 - d) Council Member Dressel – Update on the MDA Softball Tournament
 - e) Council Member Fox - MDA Update, RTA update, Pass Transit update
2. **CITY MANAGER REPORTS**
 - a. Community Information Update
 - 1) Sale Tax Update
 - 2) Alternative Transportation
 - a) Golf Carts
 - b) Public Parking
 - Local Project Update
 - b. What's That and Rumor Control
 - d. Calendar of Events
 - 1) August 6, 2008 – Free Concert in the Park – 7-9 p.m. Stewart Park – Sheena Easton
 - 2) August 13, 2008 – Free Concert in the Park – 7-9 p.m. Stewart Park – The Doodlebop

- 3) September 16, 2008 – City Council Meeting
e. Report on Oral and Written Communications (City Manager)

3. CONSENT CALENDAR

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting July 1, 2008.
- c. Approval of the Warrant List for August 5, 2008.
- d. Denial of Claim – Sierra Pacific Electrical Engineers
- e. Denial of Claim – Calvin Sterling
- f. Approval of request for a one year extension of time on Tentative Tract Map No. 32850 (West of Manzanita Park Road, South of Potrero Blvd.). Applicant: Thatcher Engineering & Associates.
- g. Approval of the Interagency Service Agreement between City of Beaumont and the Riverside Transit Agency.
- h. Approval of Emergency Sewer Repair Public Works Contract.
- i. Adoption of Resolution No. RDA 2008-01 as presented – A Resolution of the Beaumont Redevelopment Agency Approving the use of monies for street improvements benefitting the Redevelopment Project Area – Palm Avenue and Pennsylvania Avenue Rehabilitation
- j. Approval of payment to the County of Riverside for raising City owned manholes to grade on several Cherry Valley streets.
- k. Award of Change Orders for Additional sludge removal and disposal from aeration basins one and two at the WWTP, Approval of the Project Progress Report and Authorize the City Attorney to make any non-substantive changes.
- l. Award of Change Orders for the Beaumont Mesa Lift Station Force Mains, Approval of the Project Progress Report and Authorize the City Attorney to make any non-substantive changes.
- m. Approval of the Purchase of replacement pump equipment for Marshall Creek and Upper Oak Valley Lift Station.
- n. Approval of a Cooperative Agreement with the County of Riverside to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Service for the City of Beaumont.
- o. Adoption of Resolution No. 2008-35 – A Resolution of the City Council of the City of Beaumont Amending the applicable Transportation Uniform Mitigation Fee (TUMF) Applicable to all Developments in the City of Beaumont.
- p. Authorization for Abandonment of An Easement at 1177 Beaumont Avenue.

Recommendation: Approval of the Consent Calendar as presented.

Mary Daniel spoke on Items 3.h and 3.l

Motion by Council Member Berg, Seconded by council member Fox to approve the Consent Calendar as presented. Vote: 4/0

4. ACTION ITEMS/PUBLIC HEARING/REQUESTS

- a. **Ordinance No. 938 at its second reading – An Ordinance of the City Council of the City of Beaumont, California Amending Section 9.02.030 of the Beaumont Municipal Code RE: “Prohibited Noise in Residential Zones”**

Recommendation: Discussion and Open Public Hearing and Adopt Ordinance No. 938 at its 2nd reading by title only.

Staff report was given by Keith Hightower, Building and Code Enforcement.

Open Public Hearing
No Speakers
Closed Public hearing

Motion by Council Member Berg, Seconded by Council member Fox to approve as presented. Vote: 4/0

- b. **Tentative Parcel Map No. 35023 – Proposed Division of a 27.57 Acre Parcel into 2 Industrial Lots Located Northwest of 4th Street and Nicholas Road. – Applicant: Oakmont Dowling Orchard, LLC (Public Hearing continued from July 15, 2008)**

Recommendation: Hold a Public Hearing & Approve Tentative Tract No. 35023 for a two-year period based on the findings and subject to the conditions of approval.

Staff report was given by Chris Tracy, Staff Planner.

Open Public Hearing 6:24 p.m.
No speakers
Closed Public Hearing 6:24 p.m.

Motion by council Member Fox, Seconded by Council Member Dressel to approve Teentative Tract Map No. 35023 for a period of two years based on the finding and subject to the conditions of approval. Vote: 4/0

- c. **Ordinance No. 940 – An Ordinance of the City Council of the City of Beaumont, California Adding Chapter 1.17 to the Beaumont Municipal Code Entitled “Administrative Code Enforcement Remedies”**

Recommendation: Hold a Public Hearing and approve the 1st reading of Ordinance No. 940 as presented.

Staff report was given by Keith Hightower, Building and Code Enforcement.

Open Public Hearing 6:28 p.m.

No Speakers

Closed Public Hearing 6:28 p.m.

Motion my Council Member Dressel, Seconded by Council Member Berg to approve the 1st reading of Ordinance No, 940 as presented. Vote: 4/0

- d. **Ordinance No. 941 – An Urgency Ordinance of the City Council of the City of Beaumont, California Establishing Regulations for Abandoned Residential Properties and Establishing a Registration Program.**

Recommendation: Hold a public hearing and Adopt Ordinance No. 941 as presented.

Staff report was given by Alan Kapanicas, City Manager

Open Public Hearing 6:30 p.m.

No Speakers

Closed Public Hearing 6:30 p.m.

Motion by Council Member Dressel, Seconded by Council Member Fox to Adopt Urgency Ordinance No. 941 as presented. Vote: 4/0

- e. **Ordinance No. 942 – An Ordinance of the City Council of the City of Beaumont, California Establishing Regulations for Abandoned Residential Properties and Establishing a Registration Program.**

Recommendation: Hold a public hearing and approve the 1st reading of Ordinance No. 942 as presented.

Staff report was given by Alan Kapanicas, City Manager

Open Public Hearing 6:32 p.m.

No Speakers

Closed Public Hearing 6:23 p.m.

Motion by council Member Fox, Seconded by Council Member Dressel to approve the 1st reading of Ordinance No. 942 as presented. Vote: 4/0

f. Supplemental Agreement for CDBG 2008-2009

Recommendation: Review and Approve the agreement for the use of CDBG Funds Subject to the Authority of the City Attorney to make Non-Substantive Changes.

Staff report was given by Dave Dillon, Economic Development Director.

Motion by Council member Dressel, Seconded by Council Member Berg to approve the agreement for the use of CDBG Funds Subject to the Authority of the City Attorney to make Non-Substantive Changes. Vote: 4/0

Adjournment of the City Council Meeting at 6:35 p.m.

Respectfully submitted,


Alan Kapanicas
City Manager

Any Person with a disability who requires accommodations in order to participate in this meeting should telephone Shelby Harvey at 951-769-8520 ext. 323, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation

EXHIBIT 40



Minutes
Beaumont City Council
Beaumont Redevelopment Agency
Beaumont Financing Authority
Beaumont Utility Authority
550 E. 6th Street, Beaumont, California
City Council Workshop (4:00 p.m.)
Closed Session (5:00 p.m.)
Regular Session (6:00 p.m.)
Tuesday, June 2, 2009

"Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours"

WORKSHOP SESSION (This is the portion of the agenda where the city council can review documents and receive clarification on item to be heard on current or future agendas)

- 1) **Upcoming Calendar of Events**
- 2) **City Fee Schedule**

Items included in the workshop session are for discussion purposes only. No action by the city council is taken at this time. This portion of the agenda is to give input and receive clarification for items on the scheduled agenda or for future agenda's.

CLOSED SESSION

- a. **Pursuant to Government Code Section 54957.6, Conference with Labor Negotiator - City Negotiator as Personnel Director Alan Kapanicas Employee Organizations and Staffing**
- b. **Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator Property Generally Located at:**
 1. Government Code Section 54956.8 - 6th Street & Euclid Avenue
- c. **Pursuant to Government Code Section 54956.9(a) - Anticipated Litigation - Conference with Legal Counsel - Existing Litigation(Government Code 54956.9)**
 1. Outdoor Media Group, Inc. vs. City of Beaumont - Case No. ED CV 03-01461 RT SGLx
 2. Peters vs. City - Case No. RIC 467388
 3. Cherry Valley Acres and Neighbors vs Sunny Cal - Case RIC 480954

REGULAR SESSION

Call to Order: 6:03 p.m.

Roll Call: Mayor Fox, Council Members Dressel, Berg, DeForge, and Gall were present.

Invocation: Council Member Berg

Pledge of Allegiance: Council Member Berg

Presentation: None

Adjustments to Agenda: None

Oral and Written Communications:

Karen Motts - Burn Institute - Asking for Sponsorship

Roxanne Ohara - Compliment the PD

1. **COUNCIL REPORTS (This is the portion of the agenda where the city council will present updates on city actions taken, committee assignments, and training and travel)**
 - a) Mayor Fox - Memorial Day Celebration, MDA Update
 - b) Mayor Pro Tem Dressel
 - c) Council Member Berg
 - d) Council Member DeForge
 - e) Council Member Gall
2. **CITY MANAGER REPORTS**
 - a. Community Information Update
 - 1) Mobile Community Substation
 - 2) Senior Center Update
 - 3) Road Closure Update
 - 4) Sustainability Update
 - b. Local Project Update
 - 1) Community Recreation Center Update
 - 2) Stewart Park Restroom/Snack Bar Renovation
 - c. Calendar of Events

- 1) Second and Third Wednesday of Each Month - Story Time Cafe
- 2) June 4-7, 2009 - Cherry Festival
- 3) June 13, 2009 - Community Recreation Center Grand Opening
- 4) Concerts in the Park
 - a) July 4, 2009 - Air Supply
 - b) July 8, 2009 - Pat Benatar
 - c) July 22, 2009 - Disney's High School Musical
 - d) July 29, 2009 - KC and the Sunshine Band
 - e) August 5, 2009 - Wilson Phillips
- d. Financial Update
- e. What's That and Rumor Control
- f. Report on Oral and Written Communications (City Manager)
- g. Report on RDA - Downtown Specific Plan & Facades

3. **CONSENT CALENDAR**

- a. Approval of all Ordinances and Resolutions to be read by title only and publish by summary.
- b. Approval of the Minutes of the City Council Meeting May 19, 2009.
- c. Approval of the Warrant List for June 2, 2009.
- d. Adoption of Resolution No. 2009-19 - Adoption of the 2009-2010 Appropriations Limit (GANN)
- e. Approval of the Investment Policy for Fiscal Year 2009-2010
- f. Adoption of Resolution No. 2009-20 - A Resolution of the City Council of the City of Beaumont, California, Ordering the Collection of Weed Abatement Charges and Directing the County Auditor to Collect Such Fees on the Tax Rolls
- g. Adoption of Resolution No. 2009-21 - A Resolution of the City Council of the City of Beaumont, California, Ordering the Collection of Delinquent Sewage and Sanitation Fees and Directing the County Auditor to Collect such Fees on the Tax Rolls
- h. Adoption of Resolution No. 2009-22 - A Resolution of the City Council of the City of Beaumont, California, Determining and Levying the Special Tax in Community

Facilities District No. 93-1 for Fiscal Year 2009-2010

- i. Adoption of Ordinance No. 952 - An Ordinance of the City Council of the City of Beaumont, California Adding Chapter 9.32 to the Beaumont Municipal Code Entitled "Possession of Firearms on City Property Prohibited" at its second reading by title only.
- j. Approval of Final Parcel Map No. 35659 Located on Edgar Avenue North of 12th Street.
- k. Authorize Design and Permitting for Signalization of I-10 and Oak Valley Parkway Interchange.
- l. Denial of Claim - Steven Douglas
- m. Denial of Claim - Anaise Hollis

Recommendation: Approval of the Consent Calendar as presented.

Motion by Council Member DeForge, Seconded by Council Member Dressel to approve the Consent Calendar as presented. Vote: 5/0

4. ACTION ITEMS/PUBLIC HEARING/REQUESTS

- a. Appeal of Planning Commission Approval of Conditional Use Permit No. 09-CUP-01, Request for Tobacco Sales with Smoking Lounge and Billiard Area for "Island Smoking Lounge" Located at 770 E. 6th Street, Suite B & C - Applicant: Mohammad Tabel

Recommendation: Public Hearing and Review the proposed application and provide direction to staff based upon the options: a) Uphold the Commission's action, and deny the appeal; or b) Modify the Commission's action, by denying the appeal but approving the project with modified conditions of approval; or c) Approve the appeal, to overturn the Commission's action. (continued from May 19, 2009)

Staff report was given by Ernest Egger, Director of Planning

Speakers:

James Love - Applicant Representative
Ed Egan - In favor of Hooka Lounge
Tim Martinez - In favor of Hooka Lounge
Close Public Hearing 6:52 p.m.

Motion by Council Member Berg, Seconded by Council Member Gall approve the project with the amendment to the appeal to require a special HVAC system that will eliminate smoke being emitted from the business be installed. Vote: 2/3
Council Members Dressel, Berg, and Fox voted no) Motion failed due to lack of votes.

Motion by Council Member Dressel, Seconded by Council Member DeForge to deny the appeal and uphold the Planning Commission decision. Vote: 3/2 (Council Members Berg and Gall voted no).

b. Sewer Standby Charges

Recommendation: Hold a Public Hearing and Adopt Resolution No. 2009-23

Staff report was given by Alan Kapanicas, City Manager

Open Public Hearing 6:58 p.m.
No Speakers
Closed Public Hearing 6:58 p.m.

Motion by Council Member DeForge, Seconded by Council Member Dressel to Adopt Resolution No. 2009-23 as presented. 5/0

c. 2009/10 Annual General and Special Fund Budget

Recommendation: Hold a Public Hearing and Adopt the 2009-10 Annual General and Special Fund Budget as presented.

Staff report was given by Alan Kapanicas, City Manager

Open Public Hearing 7:02 p.m.
No Speakers
Closed Public Hearing 7:03 p.m.

Motion by Council Member Berg, Seconded by Council Member DeForge to adopt the 2009/2010 Annual General and Special Fund Budget as presented. Vote: 5/0

d. An Interim Urgency Ordinance No. 955 of the City Council of the City of Beaumont, Amending Ordinance No. 954 Establishing a 45-day Moratorium on the Approval of the Cultivation and Distribution of Medical Marijuana within the City of Beaumont

Recommendation: Hold a Public Hearing and Adopt Urgency Ordinance No. 955 as presented

Staff report was given by Joe Aklufi, City Attorney

Open Public Hearing 7:05 P.M.
No Speakers
Closed Public Hearing 7:05 p.m.

Motion by Council Member Berg, Seconded by Council Member Dressel to approve the first reading of Ordinance No. 955 as presented. Vote: 5/0

- e. Ordinance No. 954 at its Second reading - An Ordinance of the City of Beaumont establishing a 45-day Moratorium on the Approval of the Collective Cultivation and Distribution of Medicinal Marijuana within the City of Beaumont to allow the City Council Time to Study and Consider Enactment of Development Standards and Definitions

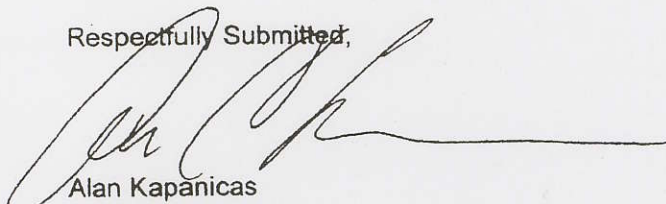
Recommendation: Adopt Ordinance No. 954 with revisions at its second reading by title only.

Open Public Hearing 7:06 p.m.
No Speakers
Closed Public Hearing 7:07 p.m.

Motion by Council Member Dressel, Seconded by Council Member DeForge to Adopt Ordinance No. 954 at its second reading. Vote: 5/0

Adjournment of the City Council Meeting at 7:08 p.m.

Respectfully Submitted,



Alan Kapanicas
City Manager

Any Person with a disability who requires accommodations in order to participate in this meeting should telephone Shelby Hanvey at 951-769-8520 ext. 323, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation

EXHIBIT 41

California Business Portal

Secretary of State Kevin Shelley

DISCLAIMER: The information displayed here is current as of OCT 15, 2004 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
URBAN LOGIC SERVICES, INCORPORATED		
Number: C1933821	Date Filed: 4/20/1995	Status: active
Jurisdiction: NEVADA		
Mailing Address		
43517 RIDGE PARK DRIVE SUITE 200		
TEMECULA, CA 92590		
Agent for Service of Process		
DEEPAK MOORJANI		
43517 RIDGE PARK DRIVE SUITE 200		
TEMECULA, CA 92590		

For information about certification of corporate records or for additional corporate information, please refer to Corporate Records. If you are unable to locate a corporate record, you may submit a request to this office for a more extensive search. Fees and instructions for requesting this search are included on the Corporate Records Order Form.

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

EXHIBIT 42

3.02.050 Competitive Bidding-When Required. Public works projects over five thousand dollars (\$5,000.00) shall be implemented by competitive bidding. A project may not be split into smaller portions to avoid the competitive bidding requirement. (Ord. No. 815, § I, 11-20-01)

3.02.060 Exemptions to Competitive Bidding. Public works contracts may be awarded without competitive bidding in the following circumstances:

A. When the amount involved is five thousand dollars (\$5,000.00) or less;

B. The services sought are available only from a single source;

C. An emergency exists, as determined the City Council by a four-fifths vote; or

D. If the Contracting Officer determines, on the basis of reasonable evidence, that competitive bidding would be impossible and unnecessary, and that it is in the public interest to implement the project as a "design-build" project. (Ord. No. 815, § I, 11-20-01)

3.02.070 Competitive Bidding Procedures. The Contracting Officer shall comply with the following procedures for the procurement of public works contracts:

A. Notice Inviting Bids: The notice inviting bids shall set a date for the opening of bids. The timing, content and method of publishing the notice are set forth in the California Public Contract Code, at Sections 20160 et seq. and 4104.5, and Government Code, Section 53068.

B. Additive and Deductive Bids: The Contracting Officer is authorized to include in the notice inviting bids provisions for items that can be added or deducted from the scope of work, as authorized by Public Contract Code, Section 20103.8.

C. Bid Addenda: If the Contracting Officer issues a bid addendum that results in a "material change" to the notice inviting bids, the date and time for submitting the bids shall be extended by no less than seventy-two (72) hours.

D. Presentation of Bid and Security: All bids shall be sealed and accompanied by a security of at least ten percent (10%) of the bid amount to guarantee the bid. The Contracting Officer shall not consider a bid from a bidder who fails to provide the required security.

E. Evaluation: The invitation for bids shall be written so that there is clear method to compare bids and determine which bid is the lowest monetary bid.

F. Award: The contract shall be awarded to the lowest responsible bidder. The process for selecting the lowest responsible bidder includes a determination of (1) which bidder is the lowest "monetary bidder", (2) whether or not the lowest monetary bidder

EXHIBIT 43

CALIFORNIA CODES
PUBLIC CONTRACT CODE
SECTION 20160-20175.2

20160. The provisions of this article shall apply to contracts awarded by cities subject to Title 4 (commencing with Section 34000) of the Government Code.

20161. As used in this chapter, "public project" means:

- (a) A project for the erection, improvement, painting, or repair of public buildings and works.
- (b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.
- (c) Street or sewer work except maintenance or repair.
- (d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

20162. When the expenditure required for a public project exceeds five thousand dollars (\$5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

20163. It shall be unlawful to split or separate into smaller work orders or projects any public work project for the purpose of evading the provisions of this article requiring public work to be done by contract after competitive bidding. Every person who willfully violates this provision of this section is guilty of a misdemeanor.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside, State of California. I am over the age of 18 and not a party to the within action; my business address is 3880 Lemon Street, Fifth Floor, Post Office Box 1300, Riverside, California 92502-1300.

On January 10, 2011, I served the foregoing document described as **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' SPECIAL MOTION TO STRIKE COMPLAINT [Code Civ. Proc. § 425.16]** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Andrew Do, Esq.
Peter Sunukjian, Esq.
BRIGGS & ALEXANDER, APC
558 S. Harbor Blvd., Suite 100
Anaheim, CA 92805
(714) 520-9250 (telephone)
(714) 520-9248 (facsimile)
andrew@andrewdolaw.com
peter@briggsandalexander.com
Attorneys for Plaintiffs

☒ BY MAIL

☐ I deposited such envelope in the mail at Riverside, California. The envelope was mailed with postage thereon fully prepaid.

☒ I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day with postage thereon fully prepaid at Riverside, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on January 10, 2011, at Riverside, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Tamara M. Sosa
Type or print name


Signature