

# CITY OF SAN BERNARDINO – REQUEST FOR COUNCIL ACTION

**From:** Mayor Judith Valles

**Dept:** Mayor's Office

**Date:** September 14, 2004

**Meeting Date:** September 20, 2004

**Subject:** Resolution of the Mayor and Common Council of the City of San Bernardino authorizing the Mayor to execute an agreement with the San Manuel Band of Mission Indians relating to public improvement projects related to Tribal Project impacts.

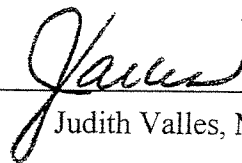
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**Synopsis of Previous Council Action:**

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**Recommended motion:**

1. Adopt Resolution; and,
2. Authorize the Director of Finance to amend the FY 2004-2005 budget for the Public Improvement Fund (Fund 246) by increasing the revenue budget in account 246-000-4902 by \$5,500,000 and increasing the expenditure budget by \$5,500,000 for capital improvement projects: Highland Ave to Lynwood Improvements (\$1,226,100), Other Road Issues/Improvements (\$581,000), Off Road Scope @ Residential Areas (\$2,767,800), and Property Acquisition/Project Contingencies (\$925,100).



\_\_\_\_\_  
Judith Valles, Mayor

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**Contact person:** Peggi Hazlett, Assistant to the Mayor      **Phone:** 384-5133

**Supporting data attached:** Yes      **Ward:** 4

**FUNDING REQUIREMENTS: Amount:** \$5,500,000

**Source:** (Acct. No.) 246-000-4902

Fund 246 Public Improvement Fund

**Finance:** \_\_\_\_\_

**Council Notes:** \_\_\_\_\_

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Agenda Item No. \_\_\_\_\_

# CITY OF SAN BERNARDINO - REQUEST FOR COUNCIL ACTION

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## STAFF REPORT

### Subject:

Resolution of the Mayor and Common Council of the City of San Bernardino authorizing the Mayor to execute an agreement with the San Manuel Band of Mission Indians relating to public improvement projects related to Tribal Project impacts.

### Background:

The San Manuel Band of Mission Indians (Tribe) operates a gaming project, presently know as the San Manuel Indian Bingo & Casino (the "Project"). The Project consists of one or more buildings located on land held in trust by the federal government for the Tribe delineated on Exhibit A of the Agreement ("Site") which is eligible for gaming under provisions of the Indian Gaming Regulatory Act, and in which Class II and Class III gaming and related activities will be taking place, and in which parking, restaurants, and entertainment will be offered.

The City received the Draft Environmental Study for Off-Reservation Effects for Renovation and Expansion of Tribal Projects (ES) in April of 2003. At that time the proposed casino expansion consisted of the construction of an additional 364,000 square feet of building space with 70,000 additional square feet of gaming area and an 1,800 seat arena. A six-level 3,400 space parking structure would be connected to the arena and casino by overhead bridges.

At a meeting on May 2, 2003, the Mayor, other city officials and members of the Tribe met to discuss the concerns raised by residents and the City. The Tribe and their consultant were able to provide solutions to the many concerns expressed in the City's written comments (see attached letter dated May 2, 2003). Specifically, concerns raised by the City included the increase in traffic and impacts on the surrounding neighborhood, the location of the parking structure, effects from proposed lighting, signage, security, and preserving the residents' view of the mountains.

The Mayor met with Tribal General Council on May 8, 2003 to further discuss the expansion and other issues of concern. The Tribe's consultants met with city planners, engineers, and Mayor's staff on May 9, 2003 to work through additional details of the numerous mitigation measures.

On June 27, 2003 the Tribe released the Final Environmental Study that the Mayor labeled as "disappointing" (see attached letter dated July 10, 2003). The Mayor states in that letter a desire to have the Casino facility relocated to a new site off current Reservation lands. Knowing the likelihood of this would not happen; the choice of alternatives was the "Casino On-Reservation Relocation Alternative". This alternative seemed to have the fewest negative impacts on the surrounding community. This alternative moves the parking structure, eliminates the event center, and moves the location of the new casino and has the new casino entrance facing the mountains.

Representatives from the Mayor's Office, City Attorney's Office, and Development Services Department continued to meet with the consultants and representatives from the Tribe

throughout 2003. Meetings were held approximately every two to three weeks (September 2; September 9, October 16, October 23, November 20, November 24, December 4, December 5, December 8, December 11 – not all dates are listed) to address the concerns and impacts of the Project on the surrounding community. In addition to in house meetings, a representative from the Mayor's Office met with the residents from the Belvedere Neighborhood Association at numerous meetings during the past year listening to their concerns regarding the Project. The results of two Acoustical Engineer studies commissioned by residents were reviewed and incorporated into the discussions. The City and Tribe took all of the letters received from residents and phoned in comments under consideration during the months of consultation.

The City and the Tribe, following extensive consultation highlighted above, have determined the need for an Agreement, and attached herein, for the public works improvement projects described in Exhibit B of the Agreement ("Public Works Improvements").

The Tribe will immediately fund the Public Works Improvements if the City of San Bernardino agrees to accept such funds subject to their exclusive allocation to the Public Works Improvements. The Tribe agrees that the contribution from the Tribe for the Public Works Improvements to be undertaken by the City of San Bernardino as set forth in Exhibit B shall not exceed the amount of Five Million Five Hundred Thousand Dollars (\$ 5,500,000.00).

With these funds the City of San Bernardino agrees to:

- a. Reconfigure Victoria Avenue from Highland Avenue to Lynwood Avenue so that there are two lanes in each direction, for a total of four lanes;  
(Improving the aesthetics and safety of Victoria Avenue through a beautification project is designed to promote pedestrian safety and calm traffic. This beautification project would also entail the installation of aesthetically pleasing landscaping that would absorb air pollutants, noise and other traffic-related emissions, shielding the neighboring residents.)
- b. Relocate existing sidewalks, curbs and gutters, underground storm drains under sidewalks, and storm drains channel on eastern side as necessary to accomplish the above work;  
(By moving the existing sidewalks away from the rear walls of the resident and placing a landscaped buffer between the sidewalks and the walls, noise and sight line into backyards will be reduced).
- c. Construct new sound and decorative walls along certain residential areas;  
(The existing rear and side walls along Victoria Avenue will be removed and a new sound wall with an average height of 10 feet will be installed. Backyards will be returned to their original states after construction of new sound walls for all effected residents).
- d. Construct and landscape medians of varying widths from Highland Avenue to Lynwood Avenue;  
(The project would consist of a raised landscaped median island and landscaping along the sidewalks of certain portions of the roadway. The landscaped median would be constructed for almost the entire span of Victoria Avenue).

- e. Add a traffic light at the intersection of Victoria Avenue and Lynwood Avenue;

(The addition of a traffic signal at this intersection will increase the safety for pedestrians and school children walking to and from school).

- f. Lynwood Avenue – The City of San Bernardino shall restrict the traffic on Lynwood Avenue by adding a “no left-turn” sign on Lynwood heading east where Lynwood intersects Victoria and heading west where it intersects Sand Creek Road;

(Traffic will be forced to stay on Victoria Avenue when exiting the Casino Project; all traffic will flow down Victoria Avenue and off of adjoining residential streets. No traffic will be allowed to make the right-hand turn from the Casino onto Lynwood Avenue due to the new design of the intersection. Additionally, no traffic will be allowed to turn right from Lynwood Avenue onto Victoria Avenue discouraging Casino patrons from using this route through the surrounding residential areas).

- g. Intersection of Highland Avenue and Victoria Avenue – Subject to the approval of the City of Highland, the City of San Bernardino shall:

- i. Construct a two-lane left turn pocket, widening the street as may be necessary to do so; and
- ii. Re-time the traffic light to accommodate the left-turn lane.

Although the scope of work outlined in section “g” above is located in the City of Highland, the City of San Bernardino will be the lead agency on the project. The City of San Bernardino will work with the City of Highland on the acquisition of property necessary to complete the project.

Additionally, from the meetings with the residents, a priority to all was the need to address safety issues. The residents were concerned with the present conditions in their neighborhoods related to the casino activities. Loitering, drug activity, theft, and unsafe driving on residential streets were all issues frequently talked about at meetings and received by the Mayor’s Office via letters and phone calls. Fortunately the grant funds from SB 621 – Tribal Gaming Special Distribution Fund, were awarded to the City in June 2004 for additional police officers designated to patrol the area around the casino. These additional officers have been hired by the City and are currently deployed to the area during the afternoon, evening, and early morning.

**Fiscal Impact:**

Public Improvement Fund (Fund 246):

Revenue Budget: \$5,500,000

Expenditure Budget:

\$1,226,100	Highland Ave to Lynwood Improvements
\$ 581,000	Other Road Issues/Improvements
\$2,767,800	Off Road Scope @ Residential Areas
<u>\$ 925,100</u>	Property Acquisition/Project Contingencies
\$5,500,000	Total Expenditure Budget

**Recommendation:**

1. Adopt Resolution; and
2. Authorize the Director of Finance to amend the FY 2004-2005 budget for the Public Improvement Fund (Fund 246) by increasing the revenue budget in account 246-000-4902 by \$5,500,000 and increasing the expenditure budget by \$5,500,000 for capital improvement projects: Highland Ave to Lynwood Improvements (\$1,226,100), Other Road Issues/Improvements (\$581,000), Off Road Scope @ Residential Areas (\$2,767,800), and Property Acquisition/Project Contingencies (\$925,100).

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RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE MAYOR AND COMMOM COUNCIL OF THE CITY OF SAN BERNARDINO AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE SAN MANUEL BAND OF MISSION INDIANS RELATING TO PUBLIC IMPROVEMENT PROJECTS RELATED TO TRIBAL PROJECT IMPACTS.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:**

**SECTION 1.** That the Mayor is authorized to execute an agreement (attached and incorporated herein as Exhibit "1") with the San Manuel Band of Mission Indians (Tribe), in which the Tribe agrees to fund Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for the Public Works Improvements to be undertaken by the City of San Bernardino as set forth in Exhibit 1 related to tribal Project impacts.

**SECTION 2.** This resolution is rescinded if the parties to the Agreement fail to execute it within sixty (60) days of passage of the resolution.

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**RESOLUTION...AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE SAN MANUEL BAND OF MISSION INDIANS RELATING TO PUBLIC IMPROVEMENT PROJECTS RELATED TO TRIBAL PROJECT IMPACTS.**

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a \_\_\_\_\_ meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ESTRADA	_____	_____	_____	_____
LONGVILLE	_____	_____	_____	_____
MC GINNIS	_____	_____	_____	_____
DERRY	_____	_____	_____	_____
KELLEY	_____	_____	_____	_____
JOHNSON	_____	_____	_____	_____
MC CAMMACK	_____	_____	_____	_____

\_\_\_\_\_  
City Clerk

The foregoing resolution is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Judith Valles, Mayor  
City of San Bernardino

Approved as to form and legal content:

JAMES F. PENMAN,  
City Attorney

By: *Decline to sign due to no waiver of sovereign immunity by the tribe.*  
*JF*

## EXHIBIT 1

# AGREEMENT

This Agreement ("Agreement") is entered into as of this \_\_\_\_\_ day of September, 2004, by and between the SAN MANUEL BAND OF SERRANO MISSION INDIANS, a federally recognized Indian tribe ("Tribe") and the CITY OF SAN BERNARDINO, a political subdivision of the State of California ("City").

### 1. INTRODUCTION

1.1. The Tribe is a federally recognized Indian tribe that occupies a reservation ("Reservation") within County's geographic boundaries.

1.2. Under the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. § 2701, *et seq.* ("IGRA"), the Tribe may engage in gaming as a means of raising tribal revenues and achieving self-sufficiency. Certain kinds of gaming, specifically that activity defined as "Class III gaming," require that the Tribe enter into a Tribal-State Class III Gaming Compact with the State of California ("Compact").

1.3. In May 2000, a Compact executed between the Tribe and the State of California in September 1999, became legally effective. Among other things, the Compact authorizes the Tribe to engage in Class III gaming under IGRA and requires the Tribe to meet and confer with local governments on a government-to-government basis with respect to the construction and operation of a gaming project pursuant to the Compact.

1.4. The Tribe operates a gaming project, presently known as San Manuel Indian Bingo & Casino (the "Project"). The Project has assisted, and will continue to assist, the Tribe in developing and funding Tribal governmental programs which address the Tribe's housing, health care, educational, elderly, employment, job training, Reservation infrastructure, and other governmental needs. The Project also has benefited, and will continue to benefit the local community by providing employment, job training, and resources to the non-Tribal community near the Reservation.

1.5. The Project consists of one or more buildings located on land held in trust by the federal government for the Tribe in the County of San Bernardino within the boundaries delineated on Exhibit A attached hereto and incorporated herein by reference ("Site") which is eligible for gaming under the provisions of the Indian Gaming Regulatory Act ("IGRA"), and in which Class II and Class III gaming and related activities will be taking place, and in which parking, restaurant and entertainment will be offered.

1.6. The Project is presently comprised of a bingo hall, casino, related amenities, and parking. The Tribe has developed plans for the Project to include a new casino (which will replace the existing casino) and parking as well as related amenities such as entertainment, restaurants, retail and other facilities, as generally indicated on Exhibit A attached hereto and incorporated herein by reference.

1.7. The Compact addresses the process for reviewing off-reservation environmental impacts of the Project. In accordance with the Compact, and in furtherance of the goals, purposes and



## AGREEMENT

September 20, 2004

Page 2 of 4

processes set forth in the Compact, the Tribe conducted the necessary environmental studies and issued the reports required under the Compact as relates to the new casino Project ("ES"). The ES was prepared and circulated to various state and local governmental agencies and was disseminated to the public and comments were invited and considered by the Tribe.

### **NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

2. The Tribe and the City of San Bernardino, following extensive consultation under the Compact, have determined the need for the public works improvements generally described below, and more particularly described in Exhibit B attached hereto and incorporated herein by reference ("Public Works Improvements"). The Tribe has agreed to immediately fund the Public Works Improvements upon execution of this Agreement by the parties hereto, and the City has agreed to accept such funds subject to their exclusive allocation to the Public Works Improvements. The City shall provide the Tribe with reasonable notice in writing in advance of commencing any of the public works projects to permit the Tribe reasonable time to review and comment on the plans for the work. The Tribe and City of San Bernardino agree that the contribution from the Tribe for the public works improvements to be undertaken by the City as set forth in Exhibit B shall not exceed the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000.00).

#### A. City of San Bernardino Public Works Improvements.

##### 1. Victoria Avenue Beautification and Reconfiguration. The City of San Bernardino shall:

- a. Reconfigure Victoria Avenue from Highland Avenue to Lynwood Avenue so that there are two lanes in each direction, for a total of four lanes;
- b. Relocate existing sidewalks, curbs and gutters, underground storm drains under sidewalks, and storm drain channel on the eastern side as necessary to accomplish the above work;
- c. Construct new sound and decorative walls along certain residential areas;
- d. Construct and landscape medians of varying widths from Highland Avenue to Lynwood Avenue;
- e. Add a traffic light at the intersection at Lynwood Avenue;
- f. Lynwood Avenue – The City of San Bernardino shall restrict traffic on Lynwood Avenue by adding a "no left-turn" sign on Lynwood heading east where Lynwood intersects Victoria and heading west where it intersects Sand Creek Road;
- g. Intersection of Highland and Victoria Avenues – Subject to the approval of the City of Highland, the City of San Bernardino shall:

- i. Construct a two-lane left turn pocket, widening the street as may be necessary to do so; and
  - ii. Re-time the traffic light to accommodate the left-turn lane.
- h. The Tribe shall provide a financial contribution to the City of San Bernardino for the described work as represented by the sums set forth on Exhibit B as to each specific public works improvement. Any other costs not identified on Exhibit B are to be paid by the City of San Bernardino. The City of San Bernardino shall have the authority to rebudget any project savings to other public improvement projects within the vicinity of the Project.
- i. Construction is to commence on and be completed by the dates set forth in Exhibit B, subject to extension of said deadlines for completion by mutual written agreement of the Tribe and City of San Bernardino.
- j. In addition to the public works improvements described in Exhibit B, the Tribe contributed to the City Eighty-five Thousand Dollars (\$85,000.00) in April 2004 to assist the City in a joint rehabilitation project on Hemlock Avenue from the intersection of Foothill Avenue to the north end of Hemlock Avenue. The purpose of the rehabilitation is to improve the current condition of the pavement. The proposed treatment is a 1-1/2 inch full mill (curb to curb) with removal and replacement of any areas indicating subsurface failures, followed by installation of 1-1/2 inch new asphalt concrete. The cost of the rehabilitation project shall include the purchase of asphalt materials, use of private vendors to operate the milling machine and paving machines and to perform street sweeping and haulage of grindings, and use of City of San Bernardino Public Services Department staff to perform all notifications, traffic control, raking, rolling and other services.

### 3. NOTICE

3.1. Any and all notices required or otherwise provided for under this Agreement shall be served by certified mail, return receipt requested, or by overnight mail delivery for which a signature is required and shall be addressed as follows:

**FOR THE TRIBE:**

Chairman  
San Manuel Band of Mission Indians  
26569 Community Center Drive  
Highland, California 92346  
(909) 864-8933

**FOR THE CITY OF SAN BERNARDINO:**

Mayor  
City of San Bernardino  
300 North "D" Street, Sixth Floor  
San Bernardino, California 92418  
(909) 384-5133

**4. MISCELLANEOUS**

**4.1. Amendment or Modification.** This Agreement may be modified or amended only by a written instrument executed by the Tribe and the City pursuant to the same authorizations used to execute this Agreement in its original form.

**4.2. Entire Agreement.** This Agreement is the entire agreement between the parties and supersedes all prior written and oral agreements, if any, between the Tribe and City with respect to the subject matter hereof.

**4.3. Severability.** The invalidity of any provision or portion of a provision of this Agreement as determined by a court of competent jurisdiction shall not affect the validity of any other provision of this Agreement or the remaining portion of the applicable provision.

**4.4. Third Party Beneficiaries.** This Agreement is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

**4.5. Force Majeure.** In the event of a forced delay in the performance by any party of obligations under this Agreement due to acts of God or of the public enemy, acts of inaction of any party or its employees or agents, strikes, lockouts, unusual delay in transportation, unavailability of materials, fires, floods, catastrophic weather or other natural disasters, epidemics, riots, insurrection, terrorism, war or unavoidable casualties, the time for performance of such obligations shall be extended for the period of the forced delay.

**4.6. Governing Law.** This Agreement shall be construed pursuant to the applicable federal and California state laws.

Executed as of the day and year first written above.

SAN MANUEL BAND OF MISSION INDIANS  
A Federally Recognized Indian Tribe

CITY OF SAN BERNARDINO  
A Political Subdivision of the State  
of California

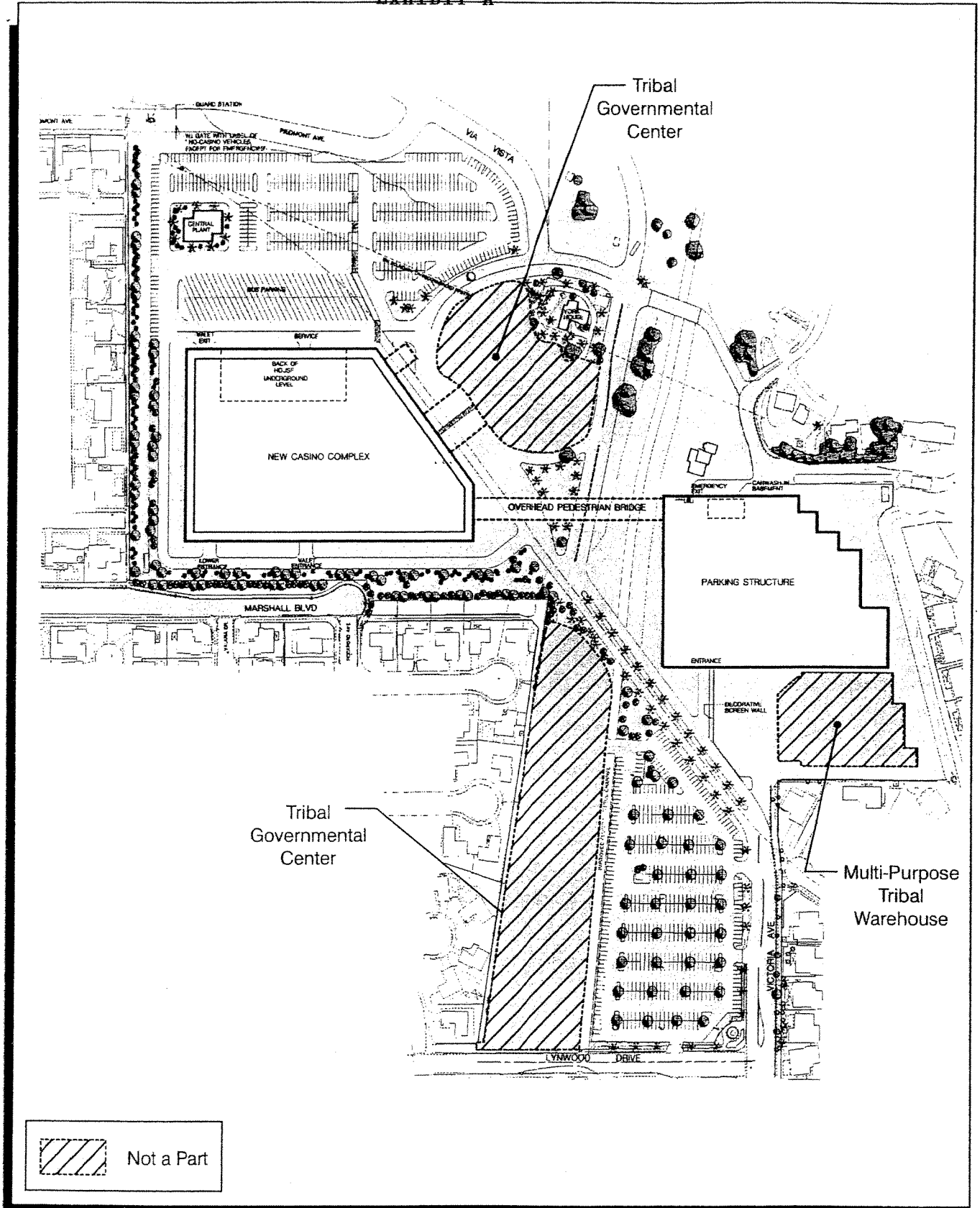
By: \_\_\_\_\_  
DERON MARQUEZ  
Tribal Chairman

By: \_\_\_\_\_  
JUDITH VALLES  
Mayor **APPROVED AS TO FORM  
AND LEGAL CONTENT,**

James F. Penman,  
City Attorney

By: *Decline to sign due to  
failure to waive sovereign  
immunity of Tribe. J.F.P.*

EXHIBIT A



SOURCE: Jallali Architectural Group



0 150' 300'

Casino On-Reservation Relocation Alternative

Figure 9

# EXHIBIT "B"

9/20/2004

**Proposed Victoria Beautification & Mitigations**  
**From Highland Avenue To Lynwood Avenue**  
**Estimated Costs**  
 December 1, 2003  
 Prepared by URS Corporation

Description	Quantity	Unit Of Measure	Unit Cost	Extension	Design / General Req. 20%	Contingency 25%	Total	Remarks
<b>Modifications From Highland to Lynwood</b>								
<b>Demolition &amp; Haul Off</b>								
A/C for Median .6 mi X 12' Lynwood to North Margin of Parking Lot	38,016.00	SF	\$0.90	\$34,214.40				
Subtotal - Demolition & Haul Off				\$34,214.40	\$6,842.88	\$10,264.32	\$51,321.60	
<b>Utilities</b>								
Modify Storm Drain Structure @ Channel & Under Street Piping and Connections @ 28th Street	1.00	Allowance	\$25,500.00	\$25,500.00				No Information on basis of cost
Replace 24" RCP in street running across Victoria North of Date Street to existing 48" CSP on West of Victoria that will be be disturbed	1.00	Allowance	\$11,250.00	\$11,250.00				No Information on basis of cost
Replace 18" RCP South of Date Street Running across Victoria Between Existing Catch Basins. Possible 30" pipe connecting the Western catch basin to the flood channel will not be disturbed.	1.00	Allowance	\$12,500.00	\$12,500.00				
Assume other existing U/G utilities not disturbed				\$0.00				
Subtotal - Utilities				\$49,250.00	\$9,850.00	\$14,775.00	\$73,875.00	
Subtotal - Demolition & Utilities				\$83,464.40	\$16,692.88	\$25,039.32	\$125,196.60	
<b>Road Construction</b>								
<b>ADA Ramps @ all corners</b>								
Demolition & Haul & Haul Away	12.00	EA	\$500.00	\$6,000.00				
New Concrete Ramps	12.00	EA	\$1,500.00	\$18,000.00				Cost Per City Input
Subtotal - ADA Ramps				\$24,000.00				
<b>ADA Ramp added by new Victoria/Highland Intersection Scheme</b>								
Demolition & Haul & Haul Away	1.00	EA	\$500.00	\$500.00				
New Concrete Ramps	1.00	EA	\$1,500.00	\$1,500.00				Cost Per City Input
Subtotal - ADA Ramps				\$2,000.00				
<b>Traffic Lights @ Lynwood</b>								
Lynwood Traffic Restrictions (Assumes simple curb solution)	1.00	LS	\$120,000.00	\$120,000.00				Previously Agreed Cost
No right turn Victoria -> Lynwood	1.00	LS	\$22,500.00	\$22,500.00				
No left turn Lynwood -> Victoria	1.00	LS	\$22,500.00	\$22,500.00				
Resurface Victoria								
Cold Plane Street Surface	23,349.33	SY	\$2.05	\$47,849.79				Per Means Facil Construction costs
Resurface Same	23,349.33	SY	\$5.54	\$129,339.43				Per Means Facil Construction costs
Restripe	21,120.00	Lane/Ft	\$1.00	\$21,120.00				Per City
Subtotal Resurfacing				\$198,309.22				
Subtotal - Road Construction				\$389,309.22	\$77,861.84	\$116,792.76	\$583,963.82	
<b>Median Construction Lynwood to North Margin of Parking Lot. 12' wide to Mirada, 2' Wide Mirada to Highland</b>								
Curb & Gutter, .3 mi median w/ 3 pass throughs	6,456.00	LF	\$14.00	\$90,384.00				From Lynwood to North margin of parking lot
Topsoil Fill (1' loam)	704.00	CY	\$23.00	\$16,192.00				Planting in Lynwood to Mirada section only. Narrow median to the south is 2 - curb width.
Soil Prep	19,008.00	SF	\$2.00	\$38,016.00				
Trees (1 per 20')	79.00	EA	\$400.00	\$31,600.00				Cost Per City Input, New trees in median only
Other Planting	19,008.00	SF	\$1.50	\$28,512.00				Cost Per City Input
Electrical .3 mi X 12'	19,008.00	SF	\$2.50	\$47,520.00				Incl electrical service to median
Irrigation .3 mi X 12'	19,008.00	SF	\$1.75	\$33,264.00				Incl water service to median
Subtotal - Median Construction				\$285,488.00	\$57,097.60	\$85,646.40	\$428,232.00	
Subtotal Road & Median Construction				\$674,797.22	\$134,959.44	\$202,439.16	\$1,012,195.82	
<b>Total Modifications From Highland to Lynwood</b>				<b>\$758,261.62</b>	<b>\$151,652.32</b>	<b>\$227,478.48</b>	<b>\$1,137,392.42</b>	

Description	Quantity	Unit Of Measure	Unit Cost	Extension	Design / General Req. 20%	Contingency 25%	Total	Remarks
<b>Other Road Issues</b>								
<b>Double turn lane, Highland @ Victoria</b>								
Demo & Haul-off North & South side of Highland, West side of Victoria	3,700.00	SF	\$2.50	\$9,250.00				
Street widened by 11' from Victoria for 260' to the West (5.5' from each side)	2,860.00	SF	\$4.50	\$12,870.00				
Resurface/Restripe intersection (Includes 260 ft of roadway West of Victoria and area within the intersection)	28,000.00	SF	\$1.50	\$42,000.00				
Move signal equipment from Northwest corner to Northeast corner & modify signals ADA Ramps @ Northwest & Southwest Corners	1.00	Allowance	\$65,000.00	\$65,000.00				Cost Per City
Demo & Haul-off New Concrete Ramps	2.00	EA	\$500.00	\$1,000.00				
	2.00	EA	\$1,500.00	\$3,000.00				Cost Per City
Subtotal - ADA Ramp				\$4,000.00				
Sidewalk / Curb Construction (6' width)								
Northwest corner for 100' North on Northwest corner for 260' West on Highland	600.00	SF	\$5.00	\$3,000.00				
Southwest corner for 260' West on Highland	1,740.00	SF	\$5.00	\$8,700.00				
Southwest corner for 260' West on Highland	1,740.00	SF	\$5.00	\$8,700.00				
Curbs for above (residential)	680.00	LF	\$14.00	\$9,520.00				
Driveways, North Side of Street (commercial)	6.00	EA	\$1,500.00	\$9,000.00				
	2.00	EA	\$6,000.00	\$12,000.00				
Subtotal - Sidewalk / Curb				\$50,920.00				
Relocate Telephone/Power Poles	5.00	EA	\$15,000.00	\$75,000.00				
Relocate Signal Pole / Arm	1.00	EA	\$20,000.00	\$20,000.00				Incl electrical / signal
Relocate Gas Station Sign	1.00	EA	\$15,000.00	\$15,000.00				Incl electrical
Payments for business disruption				\$0.00				
Gas station Modifications				\$0.00				
Subtotal - Double Turn Lane, Highland @ Victoria				\$348,960.00	\$69,792.00	\$104,688.00	\$523,440.00	

<b>Other Road Issues(Continued)</b>								
<b>Highland @ Arden Intersection</b>								
Revise signal timing	1.00	Allowance	\$10,000.00	\$10,000.00				
Subtotal - Highland @ Arden Intersection				\$10,000.00	\$2,000.00	\$3,000.00	\$15,000.00	
<b>Total Other Road Issues</b>				<b>\$358,960.00</b>	<b>\$71,792.20</b>	<b>\$107,688.25</b>	<b>\$538,440.00</b>	

<b>Off Road Scope @ Residential Areas</b>								
<b>Demolition &amp; Haul Off</b>								
East Side CMU Wall (.4 Mi)	12,672.00	SF	\$2.00	\$25,344.00				
Saw Cut Sidewalk @ Wall Base	2,112.00	LF	\$1.25	\$2,640.00				
Demo Sidewalk (2' wide strip)	4,224.00	SF	\$1.00	\$4,224.00				
West Side CMU Wall (.3 mi)	9,504.00	SF	\$2.00	\$19,008.00				
Saw Cut Sidewalk @ Wall Base	1,584.00	LF	\$1.25	\$1,980.00				
Demo Sidewalk (2' wide strip)	3,168.00	SF	\$1.00	\$3,168.00				
Lynwood CMU Wall (.1 Mi)	3,168.00	SF	\$2.00	\$6,336.00				
Saw Cut Sidewalk @ Wall Base	528.00	LF	\$1.25	\$660.00				
Demo Sidewalk (2' wide strip)	1,056.00	SF	\$1.00	\$1,056.00				
Subtotal - Demolition & Haul Off				\$64,416.00	\$12,883.20	\$19,324.80	\$96,624.00	
<b>CMU Sound Wall Construction, 8' min height, 10' avg, incl footings, pilasters &amp; tie ins to ext perpendiculars</b>								
East Side CMU Wall (.4 Mi)	21,120.00	SF	\$21.00	\$443,520.00				
Return back yards to original state (3')	6,336.00	SF	\$5.00	\$31,680.00				
Planting & irrigation @ sidewalk (2')	4,224.00	SF	\$8.00	\$33,792.00				
Temp CLF @ back yards	2,112.00	LF	\$10.00	\$21,120.00				
West Side CMU Wall (.3 mi)	15,840.00	SF	\$21.00	\$332,640.00				
Return back yards to original state (3')	4,752.00	LF	\$5.00	\$23,760.00				
Planting & irrigation @ sidewalk (2')	3,168.00	SF	\$8.00	\$25,344.00				
Temp CLF @ back yards	1,584.00	LF	\$10.00	\$15,840.00				
Lynwood CMU Wall (.1 Mi)	5,280.00	SF	\$21.00	\$110,880.00				
Return back yards to original state (3')	1,584.00	LF	\$5.00	\$7,920.00				
Planting & irrigation @ sidewalk (2')	1,056.00	SF	\$8.00	\$8,448.00				
Temp CLF @ back yards	792.00	LF	\$10.00	\$7,920.00				
Tree replacement in sidewalk pockets	10.00	EA	\$4,500.00	\$45,000.00				
Subtotal - CMU Sound Wall (8' Min, 10' Avg)				\$1,107,864.00	\$221,572.80	\$332,359.20	\$1,661,796.00	
<b>Increase CMU Sound Wall Height by 2'-0" to 12' avg, incl footings, pilasters. Will require larger footings thus larger back yard reparations</b>								
East Side CMU Wall (.4 Mi)	4,224.00	SF	\$21.00	\$88,704.00				
Return back yards to original state (4')	2,112.00	LF	\$5.00	\$10,560.00				
West Side CMU Wall (.3 mi)	3,168.00	SF	\$21.00	\$66,528.00				
Return back yards to original state (4')	1,584.00	LF	\$5.00	\$7,920.00				
Lynwood CMU Wall (.1 Mi)	1,056.00	SF	\$21.00	\$22,176.00				
Return back yards to original state (4')	528.00	LF	\$5.00	\$2,640.00				
Subtotal - CMU Sound Wall (Increase 2')				\$198,528.00	\$39,705.60	\$59,558.40	\$297,792.00	

Description	Quantity	Unit Of Measure	Unit Cost	Extension	Design / General Req. 20%	Contingency 25%	Total	Remarks
<b>Off Road Scope @ Residential Areas(Continued)</b>								
<b>Utilities</b>								
Demo of existing poles / wire	14.00	ea	\$2,500.00	\$35,000.00				
Existing Utilities placed underground from SE corner of Highland to Mirada 3X5" Conduit in concrete, 10' down & wire	2,904.00	LF	\$100.00	\$290,400.00				
Subtotal - Utilities				\$325,400.00	\$65,080.00	\$97,620.00	\$488,100.00	
<b>Total - Off Road Scope @ Residential Areas</b>				<b>\$1,696,208.00</b>	<b>\$339,241.80</b>	<b>\$508,862.65</b>	<b>\$2,544,312.00</b>	

<b>Total - In Sept 2003 Dollars</b>				<b>\$2,813,430.00</b>	<b>\$562,686.32</b>	<b>\$844,029.38</b>	<b>\$4,220,144.42</b>	
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<b>Escalation Factor To Account For Inflation (See Calculation Below)</b>	0.08		2,813,430.00	236,545.88	47,309.18	70,963.76	354,818.82	
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A public works improvement in the vicinity of the project, subject to the prior approval of the Tribe

\$925,036.76

<b>Overall Total</b>				<b>\$3,049,975.88</b>	<b>\$609,995.50</b>	<b>\$914,993.14</b>	<b>\$5,500,000.00</b>	
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Escalation Calculation	
Pricing Date	9/18/2003
Project Start	1/1/2005
Project finish	6/25/2006
Duration to midpoint of construction (years)	2.06
Assumed Annual Inflation rate	4%
Escalation Factor (inflation rate compounded annually to midpoint of construction)	1.08408

**Exclusions And Qualifications:**

No Property Acquisition; though funds have been provided for this purpose and/or other public improvements, the execution of which may or may not impact the improvements to the intersection of Highland & Victoria as detailed herein.

Victoria Street Lighting Will Remain As - Is

No Modification Of Storm Drain System Located On West Side of Victoria, North of Highland and South Of 28th Street East side of Victoria under parking lot

No Modification of Storm Drain System Located On The East Side Of Victoria Under Parking Lot

No Modification of 8" East Valley Water District Sewer Line In Victoria

No Gas Station Storage Tank Work