

THIRD AMENDMENT TO ENVIRONMENTAL IMPACT REPORT FUNDING AGREEMENT

This third amendment (this "Third Amendment") to the Environmental Impact Report Funding Agreement dated April 17, 2007 (the "Agreement") by and between the City of Redlands, a municipal corporation (hereinafter "City"), and Wal-Mart Stores, Inc., (hereinafter "Applicant"), is made and entered into this 1st day of September, 2009.

RECITALS

WHEREAS, City has received notice from its environmental consultant for Applicant's project that it will be necessary to update several technical studies concerning traffic, urban decay, air quality, and noise studies, as well as prepare a San Bernardino Kangaroo Rat trapping survey and report, and incremental project management costs associated with this augmentation; and

WHEREAS, such additional work will correspondingly result in an increase in costs for preparation of the environmental documents associated with Applicant's project; and

WHEREAS, it is the desire of City and Applicant to amend Section 1 of their Agreement, entitled "Funding Obligation," to address the increased costs associated with the environmental documents being prepared for Applicant's Project.

NOW, THEREFORE, City and Applicant agree as follows:

AGREEMENT

Section 1. Section 1 of the Agreement between City and Applicant is hereby amended to read as follows:

"Section 1. Funding Obligation. Within ten (10) days of the date of written request of City, Applicant shall deposit the sum of One Hundred Ninety-Three Thousand Seven Hundred Sixty Dollars (\$193,760.00) (the "Deposit") with City to engage the consultant who will commence work on the EIR. The estimated cost of the EIR is Five Hundred Fifty-One Thousand Four Hundred Ninety-Six Dollars (\$551,496.00) which includes the sum of Four Hundred Fifty Nine Thousand Five Hundred Eighty Dollars (\$459,580.00) as the estimated fee for the consultant's work and the sum of Ninety-One Thousand Nine Hundred Sixteen Dollars (\$91,916.00) as the estimated administrative costs which will be incurred by City. The Deposit will be applied towards the total cost of the EIR. Applicant shall thereafter make payments to City for the balance of all other costs and expenses for preparation of the EIR within ten (10) days of the date City submits written invoices to Applicant."

Section 2. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Third Amendment, to be effective as of September 1, 2009.

CITY OF REDLANDS

By: Jon Harrison
Jon Harrison, Mayor

Date 9-1-2009

ATTEST:

Lorrie Poyzer
Lorrie Poyzer, City Clerk

Date 9-1-2009

WALMART STORES, INC.

By: [Signature]
Name

Date 8-19-09

Title: Regional Vice President

ATTEST:

By: _____
Secretary

Date _____

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meetings of August 4, 2009, and August 18, 2009, as submitted.

Salaries and Bills - Due to a potential conflict of interest, Councilmember Bean retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Councilmember Gilbreath moved to approve payment of salaries and bills. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean having abstained.

Ordinance No. 2721 - Specific Plan No. 61 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Ordinance No. 2721, an ordinance of the City of Redlands rescinding the R-1 zoning designation established by prior ordinance and adopting Specific Plan No. 61 for the properties designated by the County of San Bernardino Assessor's Parcel Nos. 0167-221-13, 0167-221-14, 0167-371-01, 0167-372-01 and 0167-373-01 (San Bernardino County Housing Authority, applicant).

Time Extension - CR&A No. 837 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request for an extension of time for Commission Review and Approval No. 837 for an approved mini-storage facility containing 60,857 square feet of building area, two industrial buildings that are each 11,880 square feet in size and a 14,285 square foot industrial building located on the northeast corner of Wabash Avenue and Nice Avenue (Ron Simus, applicant).

Amendment - EIR - Wal-Mart Stores, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 3 to the agreement with Michael Brandman Associates for the provision of professional consulting services to prepare an Environmental Impact Report for the Redlands Crossing Project (Wal-Mart) on approximately 45.71 acres located on the southeast corner of San Bernardino Avenue and Tennessee Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

✓ Amendment - EIR Funding - Wal-Mart Stores, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 3 to the funding agreement with Wal-Mart stores, Inc. to fund the preparation of an Environmental Impact Report for the Redlands Crossing Project (Wal-Mart) on approximately 45.71 acres located on the southeast corner of San Bernardino Avenue and