

**MINUTE ITEM**

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 11/07/97 meeting.

**CALENDAR ITEM  
C04**

A 8  
S 4

11/07/97  
PRC3200 WP 3200.1  
L. Burks

**TERMINATION OF AN EXISTING LEASE AND  
ISSUANCE OF A NEW GENERAL LEASE - COMMERCIAL USE**

**LESSEES:**

Jerry E. Pendleton and Elsie F. Pendleton  
dba Four Seasons Marina  
2275 W. 25th Street, Space 105  
San Pedro, California 90732

**AREA, LAND TYPE, AND LOCATION:**

8.65 acres, more or less, of tide and submerged lands in the Sacramento River, near the city of West Sacramento, Yolo County.

**AUTHORIZED USE:**

1,374 lineal feet of downstream dockage; 757 lineal feet of upstream dockage; twelve uncovered 24 foot berths; twelve uncovered 34 foot berths; fourteen uncovered 44 foot berths; two ramps; bar/restaurant and patio; new fuel dispensing (2 pumps) station; and storage/restroom building.

**LEASE TERM:**

25 years, beginning November 7, 1997.

**CONSIDERATION:**

1. A minimum annual rent of \$1,860 for the period November 7, 1997 through November 6, 1998 against a percentage of gross income.
2. A minimum annual rent of \$3,720 for the period November 7, 1998, through November 6, 1999 against a percentage of gross income.
3. A minimum annual rent of \$5,580 for the period November 7, 1999, through November 6, 2000 against a percentage of gross income.
4. For the period November 7, 2000, and thereafter, the Lessee shall pay the minimum annual rent of \$6,200 per year against a percentage of gross income.

CALENDAR ITEM NO. C04 (CONT'D)

A percentage of gross income will be charged as follows:

- a. 5% derived from berthing
- b. 1.5% derived from restaurant/bar operation
- c. 10% derived from all other income

In addition, 1-1/2 cents per gallon of fuel sold will be charged during the reporting period to a maximum of 100,000 gallons and 2 cents per gallon thereafter.

The State reserves the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Combined single limit coverage of no less than \$1,000,000.

Bond:

\$20,000

**OTHER PERTINENT INFORMATION:**

1. Lessees have a right to use the uplands adjoining the lease premises.
2. A Mitigated Negative Declaration was prepared and adopted for this project by the City of West Sacramento. The California State Lands Commission's staff has reviewed such document.
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. The Lessees are proposing to reconstruct improvements authorized under the original lease.
5. This new lease supersedes the existing General Lease - Commercial Use, No. PRC 3200.1, that was approved by the Commission on October 30, 1980.

CALENDAR ITEM NO. **C04** (CONT'D)

**APPROVALS OBTAINED:**

City of West Sacramento; United States Army Corps of Engineers; Yolo County.

**EXHIBITS:**

- A. Site Plan
- B. Location Map
- C. Mitigation Monitoring Program
- D. Notice of Determination

**PERMIT STREAMLINING ACT DEADLINE:**

April 13, 1998

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF WEST SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

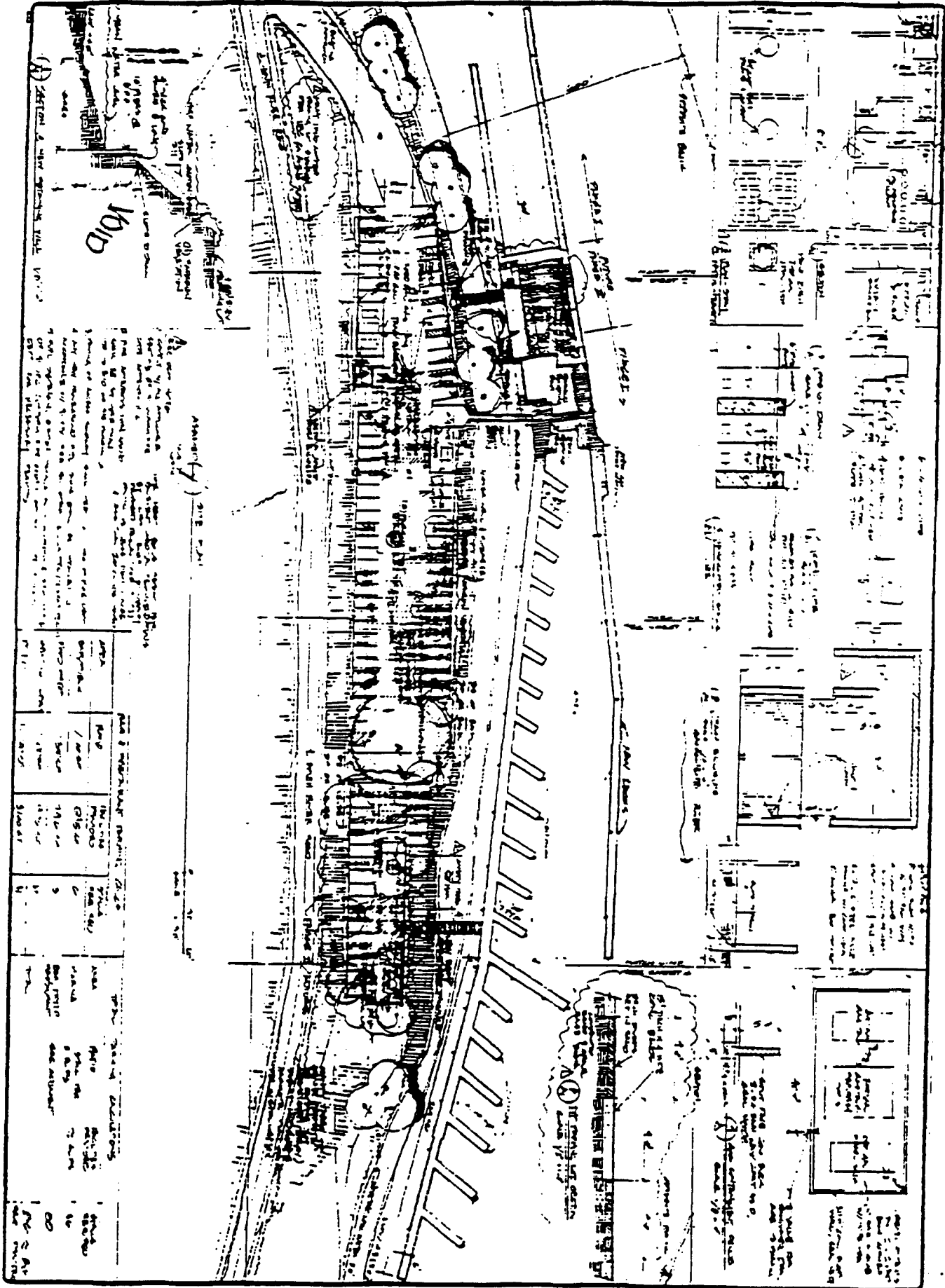
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE TERMINATION OF THE EXISTING LEASE AND ISSUANCE OF A NEW GENERAL LEASE - COMMERCIAL USE LEASE NO. PRC 3200.1 TO JERRY E. PENDLETON AND ELSIE F. PENDLETON, DBA FOUR SEASONS MARINA, BEGINNING NOVEMBER 7, 1997, FOR A TERM OF 25 YEARS, FOR RECONSTRUCTION OF A COMMERCIAL MARINA ON THE LAND

CALENDAR ITEM NO. C04 (CONT'D)

SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION TO BE; A MINIMUM ANNUAL RENT OF \$1,860 FOR THE PERIOD NOVEMBER 7, 1997 THROUGH NOVEMBER 6, 1998 AGAINST A PERCENTAGE OF GROSS INCOME, A MINIMUM ANNUAL RENT OF \$3,720 FOR THE PERIOD NOVEMBER 7, 1998, THROUGH NOVEMBER 6, 1999 AGAINST A PERCENTAGE OF GROSS INCOME, A MINIMUM ANNUAL RENT OF \$5,580 FOR THE PERIOD NOVEMBER 7, 1999 THROUGH NOVEMBER 6, 2000 AGAINST A PERCENTAGE OF GROSS INCOME, AND FOR THE PERIOD NOVEMBER 7, 2000 , AND THEREAFTER, THE LESSEE SHALL PAY THE MINIMUM ANNUAL RENT OF \$6,200 PER YEAR AGAINST A PERCENTAGE OF GROSS INCOME . THE PERCENTAGE OF GROSS INCOME CHARGED FOR ALL YEARS WILL BE (A) 5% DERIVED FROM BERTHING, (B) 1.5% DERIVED FROM RESTAURANT/BAR OPERATION, (C) 10% DERIVED FROM ALL OTHER INCOME; AND AN ADDITIONAL 1-1/2 CENTS PER GALLON OF FUEL SOLD WILL BE CHARGED DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND 2 CENTS PER GALLON THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000; AND SURETY BOND IN THE AMOUNT OF \$20,000.



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This Land description is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

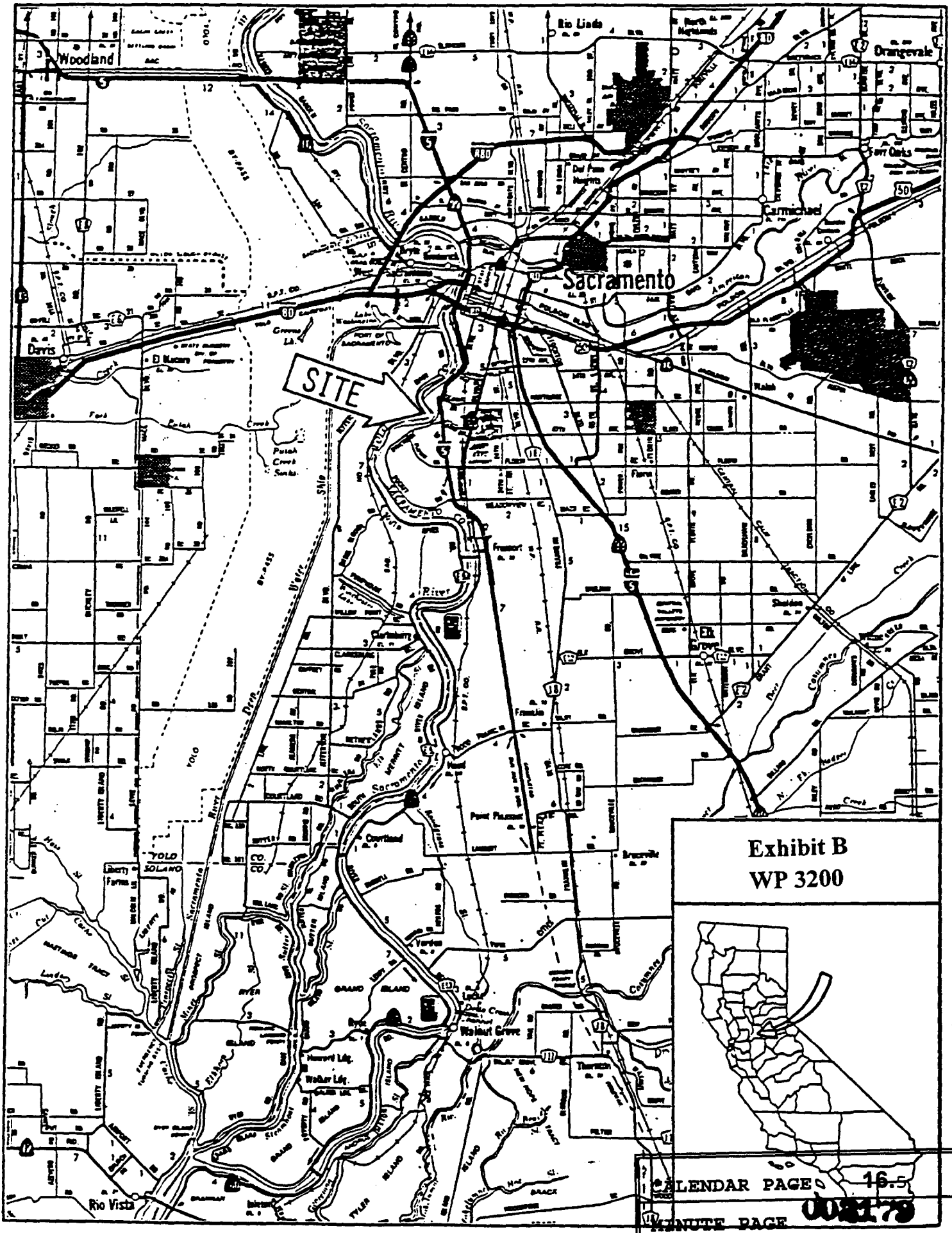


Exhibit B  
WP 3200



CALENDAR PAGE 16.5  
MINUTE PAGE 008178

**FOUR SEASONS MARINA  
MITIGATION MONITORING PROGRAM  
OCTOBER 16, 1997**

**INTRODUCTION**

The City of West Sacramento (City) has identified several potentially significant environmental impacts that may occur with implementation of the Four Seasons Marina restoration project. The Mitigated Negative Declaration prepared for this project documents these impacts and mitigation measures available to reduce, avoid, or otherwise minimize these impacts. This Mitigation Monitoring Program (MMP) is intended to be used by the City to ensure that each mitigation measure, adopted as a condition of project approval, will be implemented. This MMP meets the requirements of the California Environmental Quality Act (CEQA), as amended, which mandates preparation of monitoring provisions for the implementation of mitigation adopted as part of a project approval.

The Mitigation Monitoring Program (MMP) will be adopted as part of the project approval by the West Sacramento Planning Commission.

**ROLES AND RESPONSIBILITIES**

It is the responsibility of the City to adopt a monitoring program when conditions of project approval have been added or the project changed in order to mitigate significant environmental effects. It is the responsibility of the Community Development Director (Director) or his/her designee to ensure preparation and adoption of the monitoring program, and for coordination and implementation of the program.

City staff responsible for monitoring the implementation of mitigation measures may include: Community Development Department (Building, Engineering, and Planning Divisions), Police Department, Fire Department, the developer, and the construction contractor, as noted in this MMP. The Building Division and other City departments, agencies, and divisions of jurisdiction will assist in ensuring compliance with those mitigation measures related to project design, construction, and occupancy including, but not limited to, plan checking, site preparation, construction, and final inspection activities.

If permits of other agencies are required, the agency of jurisdiction will be the primary responsible agency for implementing certain mitigation measures, with the Community Development Department as the secondary responsible agency.

**ENFORCEMENT AND PENALTIES OF NON-COMPLIANCE**

If the Director is made aware of any violations of the MMP, the Director will within three (3) working days of receipt of such a report:

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- Directly notify the applicant or developer (or their representative) by telephone of the violation and attempt to obtain voluntary compliance; or
- Notify the applicant or developer (or their representative) of the violation in writing and request voluntary compliance.

If the above steps do not result in resolution to the Director's satisfaction, the Director may:

- Refer the violation to the Planning Commission and/or City Council for possible revocation of entitlements; or
- Refer the violation to the City Attorney to initiate the filing of misdemeanor charges.

If a mitigation measure is required for inclusion in building or site plans, a building permit or any other permit will not be issued by the Building Division until compliance is verified by the Director. If a mitigation measure is to be implemented during site preparation and project construction, non-implementation or other violation will result in either notification of the violation by the Director as described above, or a stop work order issued by the Building Division until compliance is achieved. Mitigation measures required prior to occupancy will be checked by the Director prior to issuance of occupancy permits by the Building Division. Violations of an adopted mitigation measure subsequent to building completion and occupancy shall result in one or more of the following actions:

- Written notification and demand by the Director for correction;
- Forfeiture of any bond trust account, or other financial assurance;
- Action to recover funds assured under a letter of credit; or
- Initiate nuisance abatement procedure against the violator with the intent of placing a lien against the real property subject to the violation in the amount necessary to correct the violation.

## INTERPRETATION AND DISPUTE RESOLUTION

The purpose of each mitigation measure is to reduce, or mitigate, a specific significant impact of the project, as identified in the Mitigated Negative Declaration. The mitigation measures included in this MMP were required by the City as conditions of approval of the Four Seasons marina. Therefore, any modification of the mitigation measures contained in this MMP will require the review and approval of the Planning Commission.

Prior to implementation of the mitigation measure, the applicant or developer, and the Director may have different interpretations of how a particular mitigation measure is to be implemented. The following procedure is provided where clarification is needed on any particular mitigation measure.



The Director shall review any request from the party carrying out the mitigation measure through project design and/or construction to clarify the implementation requirements of a particular measure. The request must be in writing and must clearly identify the mitigation measure, the significant impact that it is intended to mitigate, and the reason why the clarification is needed. The Director shall respond verbally or in writing to the requesting party no later than 10 working days of receiving the request. The Director's response shall be in the form of:

- Clarification of the required implementation method based on the Director's interpretation, where the mitigation measure was originally developed or recommended by the Community Development Department; or
- Referral of the request to the appropriate responsible agency who originally developed or recommended the mitigation measure, for a determination of the appropriate implementation method; or
- Referral of the request to the Planning Commission for review and approval, where a major modification of the mitigation measure is requested.

In all cases, the City's primary concern shall be to implement the mitigation measure in such a manner that it substantially reduces the environmental impact for which it was designed. If alternative mitigation measures are identified during the course of project planning and construction, which would be equally effective in mitigating the identified impacts, substitution of one adopted mitigation measure with an alternative measure shall be permitted, upon review and approval by the Director and any other agency of jurisdiction.

#### MITIGATION MONITORING PROGRAM CHECKLIST

The following table provides a checklist for monitoring the adopted mitigation measures. Included in the table is a listing of the project's impacts, the associated mitigation measures, corresponding monitoring and reporting requirement, and responsible parties for ensuring implementation.

This checklist shall be retained by the Director and copies provided to the various departments and agencies that have responsibility for implementing and monitoring the mitigation measures.

**FOUR SEASONS MARINA MITIGATION MONITORING PLAN**

<u>ENVIRONMENTAL EFFECT</u>	<u>MITIGATION MEASURE</u>	<u>IMPLEMENTING ACTION</u>	<u>METHOD AND TIMING OF VERIFICATION</u>	<u>RESPONSIBLE TEAM MEMBER</u>	
<b>Geology, Soils and Seismicity</b>	<b>Soil erosion</b>	A grading permit shall be obtained for all grading activity with the exception of uses listed in Section 15.08.070 of the Municipal Code. A grading plan shall be prepared and include an erosion control plan as well as the nature and extent of the work proposed. Information to be included on the grading plan shall comply with Public Works Standard Specifications and the Municipal Code.	Grading Permit	Prior to commencement of on-site grading	Engineering Division
		A detailed soils analysis shall be prepared and submitted with improvement plans. All future foundation work will be designed based on the soil's capabilities.	Improvement plans Building permits	Prior to approval of improvement plans & building permits	Engineering Division Building Division
<b>Erosion control</b>	Reasonable measures shall be provided for and practiced to minimize any nuisance from dust during grading and construction operations.	Grading permit	Prior to commencement of on-site grading	Engineering Division	
	If grading work extends into the rainy season (between Oct. 15 and April 15) an erosion control and sedimentation plan shall be submitted to the City.	Grading permit	Prior to commencement of on-site grading	Engineering Division	
<b>Air Quality</b>	Applicant shall comply with requirements of Yolo Solano Air Pollution Control District	Grading permit	Prior to commencement of on-site grading	Engineering Division	
<b>Water</b>	The project has the potential to result in additional fill within a defined floodway which could restrict the flow of flood waters. The project shall not result in any net increase in the amount of on-site fill required for parking lot improvements.	Improvement plans	Prior to approval of improvement plans	Engineering Division	
	A comprehensive plan to prevent erosion, siltation, and contamination of storm water during and after construction shall be required prior to issuance of grading permits. This plan must be prepared in accordance with permit conditions and requirements of the NPDES general industrial storm water permits administered by the State Water Resources Control Board under authority of the Clean Water Act.	Improvement plans	Prior to approval of improvement plans	Engineering Division	
<b>Animal Life</b>	Construction of the project could adversely affect nesting cycles of special status fowl, including the swainson's hawk. If construction activities are undertaken between the months of April through September, a site survey shall be conducted by a qualified biologist prior to start of construction to determine if any new nests have been established which could be affected by grading activity. If nests are	Grading activities	On-going	Engineering Division Planning division	

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**FOUR SEASONS MARINA MITIGATION MONITORING PLAN**

<u>ENVIRONMENTAL EFFECT</u>	<u>MITIGATION MEASURE</u>	<u>IMPLEMENTING ACTION</u>	<u>METHOD AND TIMING OF VERIFICATION</u>	<u>RESPONSIBLE TEAM MEMBER</u>
	conducted by a qualified biologist prior to start of construction to determine if any new nests have been established which could be affected by grading activity. If nests are encountered, the California Dept. of Fish and Game shall be contacted to determine if construction can proceed.			
<b>Plant Life</b>	If elderberry plants are encountered on-site, work in the area shall cease and a qualified biologist called to the site to determine if the plants support the elderberry longhorn beetle. Where disturbance or avoidance of any identified habitat is unavoidable, a mitigation plan shall be prepared to the satisfaction of the US Fish and Wildlife Service.	Grading permit	Prior to issuance	Engineering Planning Division
<b>Noise</b>	Live music will not be permitted in outdoor areas unless a determination is made by the Planning Commission that unacceptable noise levels will not result from such uses. The analysis on which the Planning Commission determination is made shall be based on a noise study.	On-going	On-going	Planning Division
<b>Light and Glare</b>	Prior to issuance of building permits, the applicant shall prepare a site illumination plan for review by the City's building and planning divisions which demonstrates compliance with the City's performance standards regarding the intrusion of light and glare onto adjacent properties.			
<b>Risk of Upset</b>	Prior to the issuance of building permits, a risk assessment specific to the handling, storing or transfer of hazardous materials must be submitted to the Fire and Building Depts. and a plan for reducing the risks associated with such activities must be approved.	Building permit	Prior to issuance of Building permits	Fire Department Building Division
<b>Public Services/ Facilities</b>	The existing well shall be tested for contaminants and the results submitted to the Yolo County Environmental Health Department prior to its use as a domestic water source	Building permit	Prior to issuance of Certificate of Occupancy	Building division
	The project septic system shall be relocated to the landward side of the levee to the satisfaction of the Yolo County Environmental Health Department prior to issuance of a Certificate of Occupancy.	Building permit	Prior to issuance of Certificate of Occupancy	Building division

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002484  
16.10

**FOUR SEASONS MARINA MITIGATION MONITORING PLAN**

**ENVIRONMENTAL  
EFFECT**

**MITIGATION  
MEASURE**

**IMPLEMENTING  
ACTION**

**METHOD AND  
TIMING OF  
VERIFICATION**

**RESPONSIBLE  
TEAM MEMBER**

**Cultural Resources**

In the event that historic remains are discovered during grading and construction, such activities shall cease until the significance and extent of the remains can be ascertained by a professional archaeologist.

Grading permit

On-going

Engineering division  
Planning division

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MINUTE PAGE	002185

Notice of Determination

N97-49

Supplementary Documents P

To: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: (Public Agency) City of West Sacramento  
Community Development Department  
(Address)

1951 South River Road, West Sacramento, Ca. 95691

X County Clerk  
County of Yolo

FILED  
YOLO COUNTY

OCT 23 1997

VONK BERNHARD, CLERK  
DEPUTY

FREE PAID  
512500  
5/20/97

Subject:

Filing of Notice of Determination in compliance with Section 21108 of 21152 of the Public Resources Code.

Four Season Marina Conditional Use Permit  
Project Title

97092060 State Clearinghouse Number (If submitted to Clearinghouse)  
Maria B. Wong Lead Agency Contact Person  
916-373-5854 Area Code/Telephone/Extension

4275 South River Road County of Yolo APN: 46-260-06 & 07  
Project Location (include county)

Project Description: Approval of a conditional use permit for the restoration and minor expansion of the existing Four Season Marina.

This is to advise that the West Sacramento Planning Commission has approved the above described project on October 16, 1997 and has made the following determinations regarding the above described project:  
(Date)

- 1. The project  will  will not have a significant effect on the environment.
- 2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures  were  were not made a condition of the approval of the project.
- 4. A statement of Overriding Considerations  was  was not adopted for this project.
- 5. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:  
N/A

Signature (Public Agency) *Stu P...*  Date Oct. 23, 1997 Title Senior Planner

Date received for filing at OPR:

OCT 23 1997  
POSTED TO

Revised October 1989

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