

RESOLUTION NO. 2017-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO LAND LEASE #C-13-262 WITH FREEPORT VENTURES LLC, TO LEASE PROPERTY AT 9108 ELK GROVE BLVD, EXTENDING THE LEASE FOR TWO YEARS AND AUTHORIZING AN EXPENDITURE OF FUNDS NOT-TO-EXCEED \$21,600 [FOR A TOTAL EXPENDITURE OF FUNDS OVER THE TERM OF THE CONTRACT NOT-TO-EXCEED \$64,800] (CEQA EXEMPT)

WHEREAS, In July 2010, The City of Elk Grove negotiated a land lease contract, C-10-124, with Freeport Ventures LLC of Sacramento to lease the "Old Brewery" parking lot located at 9108 Elk Grove Blvd to provide public parking for the patrons and business owners of Old Town Elk Grove. The two-year lease was for \$900 per month. In July 2013 a new land lease contract, C-13-262 was issued. In July 2015, the City Manager authorized amendment C-15-203; and

WHEREAS, the City would like to continue to lease the parking lot for an additional two years; and

WHEREAS, Elk Grove Municipal Code Section 3.42.280(B)(1) requires lease agreements that exceed \$50,000 to be approved by the City Council. This second amendment two year extension request will exceed \$50,000; and

WHEREAS, Freeport Ventures LLC continues to offer the same terms and conditions from the initial contract and continues to provide an excellent opportunity and location to serve the patrons and business owners of Old Town Elk Grove; and

WHEREAS, The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."

NOW, THEREFORE BE IT RESOLVED that the City Council finds the lease of the parking lot from Freeport Ventures LLC to be exempt from CEQA pursuant to State CEQA Guidelines Section 15301 based upon the following finding:

Finding: The lease of the parking lot from Freeport Ventures LLC is exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

Evidence: State CEQA Guidelines Section 15301 provides an exemption from CEQA for the leasing of existing facilities involving negligible or no expansion of use beyond that existing at the time of the proposed action. The site is already developed with a parking lot and will be leased by the City for that purpose. No physical changes to the site are proposed as part of the lease. Therefore, the proposed lease qualifies for this exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager, to execute a two year lease agreement between Freeport Ventures LLC (Lessor) and the City of Elk Grove for property located at 9108 Elk Grove Boulevard, under the terms and conditions, and in substantially the form presented to the City Council.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of June 2017.



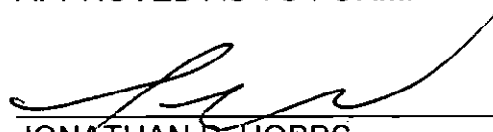
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-134**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

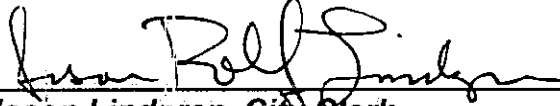
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 14, 2017 by the following vote:

AYES: COUNCILMEMBERS: Ly, Detrick, Hume, Nguyen, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**