

RESOLUTION NO. 2021-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A SHORT-TERM MAINTENANCE AND USE AGREEMENT WITH SIGN TECHNOLOGY, INC. TO OPERATE AND MAINTAIN AN EXISTING SIGN KIOSK ON CITY PROPERTY LOCATED ON THE NORTH SIDE OF WHITELOCK PARKWAY AT BRUCEVILLE ROAD [APN: 132-0720-026] (CEQA EXEMPT)

WHEREAS, on April 8, 2015, the City Council adopted Resolution No. 2015-079 approving the tax default acquisition of a ±2.83-acre parcel located on the north side of Whitelock Parkway situated between Bellaterra Drive and Bruceville Road [Assessor Parcel Number 132-0720-026] (the Property) in support of the Whitelock Parkway – Shed B Channel Tree Planting Project (WFL001); and

WHEREAS, Sign Technology, Inc., (Sign Technology) owns an 8' x 18' directional kiosk sign that holds sixteen 1.5' x 8' panels (Kiosk) for new home subdivision directions, which was existing on the Property prior to the City's acquisition by tax sale; and

WHEREAS, Sign Technology's lease with the previous owner terminated by the recording of the tax deed in favor of the City on September 30, 2016; and

WHEREAS, staff proposes to allow Sign Technology's continued legal non-conforming use and maintenance of an approximate 200 square-foot area on the Property for the existing Kiosk with new home subdivision directions while winding down its business related to the Kiosk over the period of the next three years; and

WHEREAS, in consideration for the proposed Maintenance and Use Agreement (Agreement), staff has negotiated a monthly payment of \$50 per panel, paid to the City, not to exceed \$800 per month for use of all sixteen panels on the Property, which has been agreed to by Sign Technology; and

WHEREAS, staff recommends entering into the Maintenance and Use Agreement whereby Sign Technology agrees to maintain the Kiosk and panels in "as-new" condition until the Kiosk is removed from the Property or for a maximum of three years from the effective date of the Agreement, whichever occurs first; 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;" and

WHEREAS, the use activity is a project under CEQA, which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, Section 15301 (Existing Facilities) of CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provides a categorical exemption from CEQA for projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving no negligible or no expansion of use beyond that existing at the time of the lead agency's determination.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the proposed Maintenance and Use Agreement exempt from CEQA pursuant to the above referenced CEQA exemption, and hereby authorizes the City Manager to enter into a Maintenance and Use Agreement with Sign Technology, Inc., in substantially the form presented, including all associated documents necessary to complete the agreement terms for the short-term use and maintenance of an existing, legal non-conforming new home subdivision kiosk on City property located on the north side of Whitelock Parkway at Bruceville Road, Sacramento County Assessor Parcel Number 132-0720-026, in consideration for a monthly payment to the City not to exceed \$800 until the kiosk is removed from the property or for a maximum term of three years from the effective date of the Agreement, whichever occurs first.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of January 2021




BOBBIE SINGH-ALLEN, 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. 2021-015

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 January 13, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California