

ORDINANCE NO. 14-007

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE APPROVING
THE THIRD AMENDMENT TO THE PUBLIC/PRIVATE PARTNERSHIP
OPERATING AGREEMENT AND LEASE BETWEEN THE CITY OF PACIFIC
GROVE AND THE MUSEUM FOUNDATION OF PACIFIC GROVE, INC.**

WHEREAS, On June 17, 2009, the City approved an *Operating Agreement and Lease* between the Museum Foundation of Pacific Grove and the City of Pacific Grove; and

WHEREAS, the City of Pacific Grove owns the Museum collection, owns the Museum facility, and maintains the Museum facility; and

WHEREAS, the Museum Foundation of Pacific Grove Museum cares for the Museum collection, utilizes the Museum collection in support of the Museum mission, operates the Museum, and raises the funds necessary to accomplish these tasks; and

WHEREAS, the City Charter, Article 15 (g), requires all leases of City property be approved by ordinance; and

WHEREAS, the City and Museum Foundation have already approved two amendments to the original Agreement and Lease; and

WHEREAS, after engaging in collaborative discussions, the City and Museum Foundation desire to make further improvements to the amended Agreement and Lease; and

WHEREAS, the City and Foundation have decided to incorporate all amendments to date into a new, restated agreement; and

WHEREAS, this activity qualifies for a CEQA Class 1 Categorical Exemption as provided by Section 15301 of the CEQA guidelines, set forth in Title 14 of the California Code of Regulations as it consists of permitting and leasing of existing facilities that involves negligible or no expansion of use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The Third Amendment to Public/private Partnership Operating Agreement and Lease between the City of Pacific Grove and the Museum Foundation of Pacific Grove is hereby approved. Except as expressly amended by this Third

Amendment, the Agreement shall remain in full force and effect according to each and every term, covenant, and condition thereof.

SECTION 3. The City Manager is authorized to execute all documents and to perform all other necessary City acts to implement the ordinance.

SECTION 4. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 21st day of May, 2014, by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Huitt, Lucius
NOES: Councilmember Miller
ABSENT: Councilmember Fischer

APPROVED:

BILL KAMPE, Mayor

ATTEST:

Ann Camel, Interim City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney