ORDINANCE NO. 20-024

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING A CONCESSION LEASE BETWEEN LA CRÈME HOSPITALITY, INC.
AND THE CITY OF PACIFIC GROVE FOR FOOD AND BEVERAGE CONCESSION
SERVICES AT THE POINT PINOS GRILL

FACTS

1. The City of Pacific Grove (City) owns and operates the Pacific Grove Golf Course
Clubhouse, known as Point Pinos Grill at the Pacific Grove Municipal Golf Links,
through a concessionaire agreement for food and beverage services. (“PREMISES”).

2. The PREMESIS is improved with a restaurant including a kitchen, a banquet room, a
dining room, outdoor patio, two public restrooms, and a snack bar at 79 Asilomar Ave.

3. This facility was leased and operated by Aqua Terra Culinary until December 2019
when the tenant provided a notice to the City of their inability to operate the Point
Pinos Grill due to the company’s financial issues.

4. In order to maintain business continuity, City staff negotiated and entered into a
temporary month-to-month lease agreement with Ardent Culinaire, Inc. effective
February 1, 2020.

5. The City issued a Request for Proposal (RFP) on March 9, 2020. The RFP closed May
29, 2020 at 2:00 pm. The City received sealed proposals from three entities. A panel of
City staff reviewed the proposals and interviewed each proposer. As a result of the
selection process, the proposal submitted by La Crème Hospitality, Inc. was selected as
the highest rated proposal for their unique qualifications and most favorable lease
terms.

6. Per Council authorization at the July 1, 2020 closed session City Council meeting, staff
entered into negotiations with La Crème Hospitality, Inc. Staff provided negotiation
updates to the City Council at Closed Session meetings on July 1, 2020, August 5,

7. The concession lease allows La Crème Hospitality, Inc. the exclusive use of PREMESIS
for the sale of food, beverages (including alcoholic beverages) and related services
including banquets, and other related events.

8. The concession lease is not an expanded use of the PREMISES by La Crème
Hospitality, Inc.

9. The concession lease allows La Crème Hospitality, Inc. to change the name of the
PREMISES from “Point Pinos Grill” to “The Grill at Point Pinos”.

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10. Leasing of the PREMISES will not have a significant effect on the environment and is found exempt from the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines which allows for the leasing, licensing, repair, and maintenance of public or private structures.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in full within the body of this ordinance.

SECTION 2. The request for concession agreement is hereby approved, in the form entitled AGREEMENT FOR FOOD AND BEVERAGE CONCESSION SERVICES AT THE POINT PINOS GRILL (LEASE AGREEMENT), effective November 1, 2020, which agreement is hereby referenced as though fully set forth herein.

SECTION 3. In the event of legal challenge to any aspect of this approval, La Crème Hospitality, Inc. shall defend and save harmless the City against any claim, judgment or liability arising out of such challenge. La Crème Hospitality, Inc. may, in the event of such challenge and as an alternative to its obligation to defend and save harmless, terminate the concession agreement.

SECTION 4. As a condition of the approval hereby made, La Crème Hospitality, Inc. shall not only execute the LEASE AGREEMENT, but shall also sign and acknowledge the findings, terms and conditions of this ordinance on a line to be provided below by the city clerk.

SECTION 5. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 6. Severability. 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 7. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption [or insert other date].
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 21st day of October, 2020, by the following vote:

AYES: Councilmembers Amelio, Garfield, Smith, and Tomlinson.

NOES: Mayor Peake, Mayor Pro Tem Huitt, and Councilmember McAdams

ABSENT: None.

APPROVED:

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BILL PEAKE, Mayor

ATTEST: 10/26/2020

DATED:__________________________

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney