

Ordinance Fact Sheet

TO: City Council

DATE: November 4, 2002

FROM: City Attorney

SUBJECT: Pasadena Center Operating Company

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 OF THE PASADENA MUNICIPAL CODE REGARDING THE PASADENA CENTER OPERATING COMPANY.

PURPOSE OF ORDINANCE:

This ordinance amends provisions regarding the appointment of members to the Pasadena Center Operating Company to add a fourteenth member to the Board who holds an economic interest in commercial real property located within the proposed Midtown/Civic Auditorium sub-district within the Central District Specific Plan of the City, as depicted on the map attached to this report, to represent similarly situated persons. An economic interest in real property as used herein is defined under Title 2 of the California Code of Regulations. A member has an economic interest where the member has a direct or indirect interest worth two thousand dollars (\$2,000) or more in fair market value in real property that is zoned or used for commercial purposes and is located in the proposed Midtown/Civic Auditorium sub-district within the Central District Specific Plan area of the City. Decisions by the Pasadena Center Operating Company Board cannot have a reasonably foreseeable material financial effect on any other economic interest held by the member other than the interest the member was appointed to represent. Also, the decision must affect the member's economic interest in a manner that is substantially the same or proportionally the same as the decision will financially affect a substantial segment of the population the member was appointed to represent. Such economic interests would normally prohibit some owners of such economic interest from participating in a decision affecting the Pasadena Center property. The ordinance also increases the number of members on the Pasadena Center Operating Company from thirteen to fourteen and increases the quorum of the body from seven to eight.

REASON WHY LEGISLATION IS NEEDED:

The City Council directed preparation of an ordinance to codify proposed changes related to the Pasadena Center Operating Company. The City Council finds and declares that the purposes and objectives of the Pasadena Center can succeed only with the cooperation and active support of persons having an economic interest in the commercial real property surrounding the Pasadena Center. This legislation is needed to allow for the representation of such persons with an economic interest in commercial real property within the proposed Midtown/Civic Auditorium sub-district within the Central District of the City to serve on the Pasadena Center Operating Company. Section 410 of the Pasadena City Charter requires that the Municipal Code be amended by ordinance.

PROGRAM, DEPARTMENTS, OR GROUPS AFFECTED

The Pasadena Center Operating Company would implement the proposed ordinance.

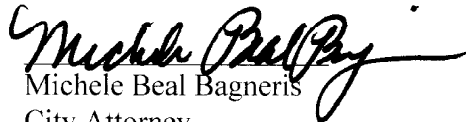
FISCAL IMPACTS:

There are no financial impacts to this ordinance.


POLICY CHANGES:

The adoption of this ordinance adds a new member to the Pasadena Center Operating Company Board to represent the interests of persons holding an economic interest in commercial real property within the proposed Midtown/Civic Auditorium sub-district within the Central District of the City, it increases the Board from thirteen to fourteen and it increases the quorum requirements from seven to eight.

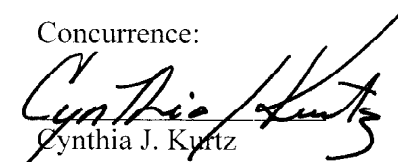
Respectfully Submitted,


Michele Beal Bagneris
City Attorney

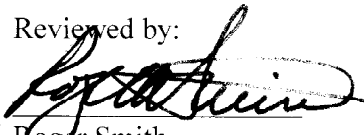
Prepared by:


Ann Sherwood Rider
Assistant City Attorney

Concurrence:

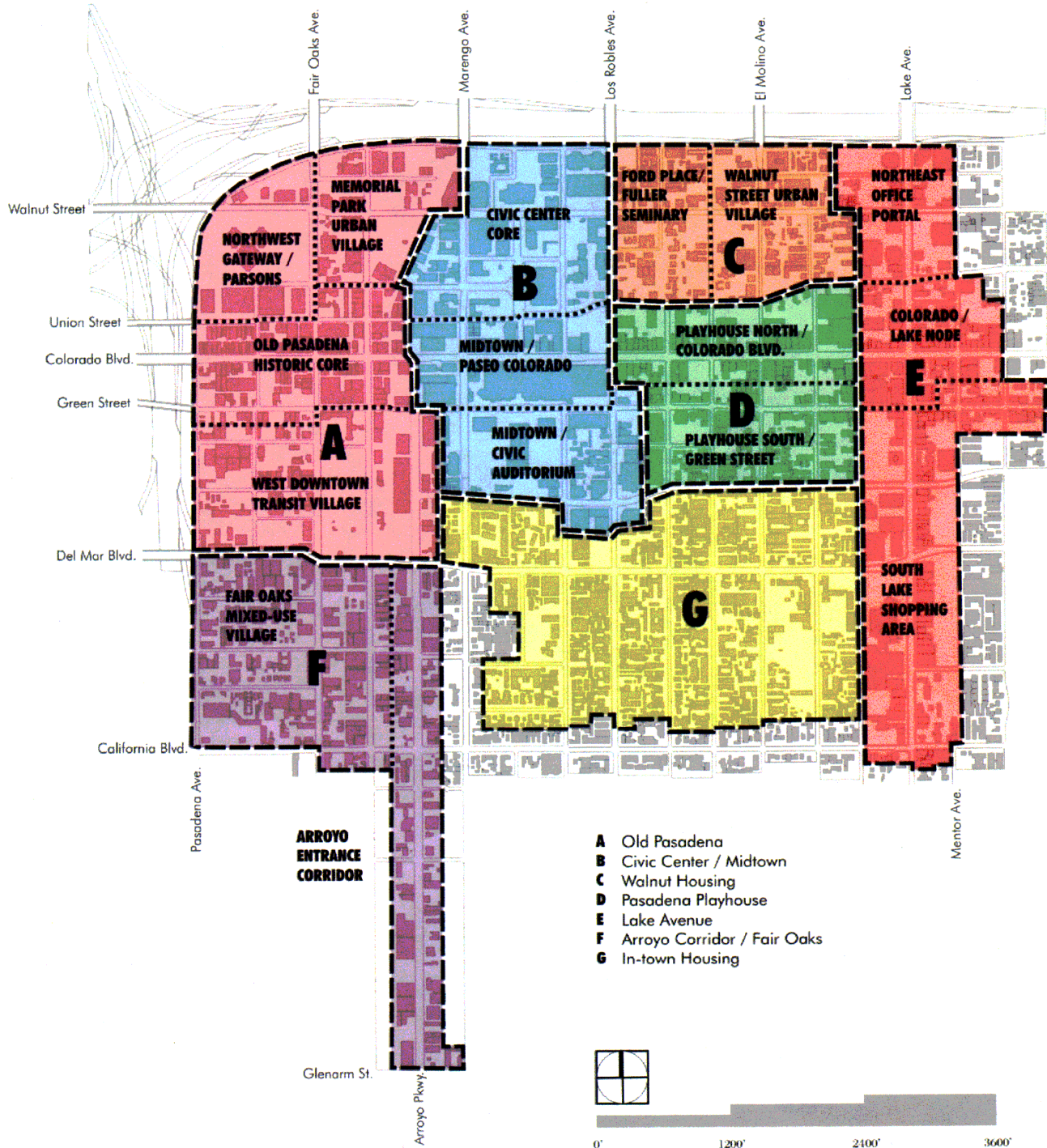

Cynthia J. Kurtz
City Manager

Reviewed by:


Roger Smith
Chief Executive Officer
Pasadena Center Operating Company

Section 3 DISTRICT-WIDE LAND USE CONCEPT

District-Wide Map 1: Precinct Concept



Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.165 OF THE PASADENA MUNICIPAL CODE REGARDING THE PASADENA CENTER OPERATING COMPANY

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 2.165.030 of the Pasadena Municipal Code is hereby amended to read:

“2.165.030 Membership - Appointments and terms.

A. The board shall consist of ~~7~~ 14 members, who shall be appointed as follows:

1. The mayor shall nominate 8 members from persons recommended by the other 7 city council members. Such nominations shall include a member of the city council;

2. The major hotels in Pasadena may nominate 1 representative per hotel to represent the interests of hotels for a total of not more than 4 members. A major hotel is defined herein as a property of over 250 rooms. In the event that there are more than 4 major hotels in the city, the board shall establish a rotation for nomination;

3. The City Council finds and declares that because the purposes and objectives of the Pasadena Center can succeed only with the cooperation and active support of the surrounding commercial property owners, the Mayor may nominate a member who has an economic interest in commercial real property situated within the proposed Midtown/Civic Auditorium sub-district to represent and further the interests of

persons with such an economic interest. An economic interest in real property is defined under Title 2, California Code of Regulations, section 18703.2. As defined therein, a member has an economic interest in commercial real property within the proposed Midtown/Civic Auditorium sub-district within the Central District Specific Plan framework of the City where the member has a direct or indirect interest worth two thousand dollars (\$2,000) or more in fair market value that is zoned or used for commercial purposes and which is located in the said sub-district, which sub-district is depicted on maps on file in the Planning Department. Said member's economic interest shall not have a reasonably foreseeable material financial effect on other economic interests held by the member other than the economic interest the member was appointed to represent. Said member shall not participate in any decisions that will financially affect the member's economic interest in a manner that is substantially different from others with the economic interest he is appointed to represent.

34. All nominations except the city manager or his or her authorized representative are subject to ratification by the city council. The City Manager or his or her authorized representative, at the election of the City Manager by written notice to the City Clerk is appointed as a member.
- B. Members shall be appointed for a term of 3 years, and city members, except for the city manager or his/her appointed representative, shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed.

No city member, except for the city manager or his/her appointed representative, who has served 2 consecutive terms shall be eligible for reappointment to the board prior to the passage of a 2-year interval.

- C. If a city member required to reside in the city ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.
- D. Any member of the board may be removed by the city council at its pleasure. Any member of the board may be removed by the city council for cause as specified in the Corporations Code or articles or bylaws of the corporation. Any city member of the board required to reside in the city may be removed by the city council if he/she ceases to reside in the city or has 3 consecutive unexcused absences.”

SECTION 2. Section 2.165.040 of the Pasadena Municipal Code is hereby amended to read:

“2.165.040 Qualifications

- A. All members, except the City Manager or his or her authorized representative, the commercial real property interest member and the hotel representatives as set forth in Section 2.165.030, shall be residents of the city.
- B. Members should possess an understanding of the operations of the Pasadena Center.”

SECTION 3. Section 2.165.070 of the Pasadena Municipal Code is hereby amended to read:

“2.165.070 Meetings - Records

- A. The board shall meet at least once a year. All its meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the president or a majority of the board.
- B. ~~Seven~~ Eight members of the board shall constitute a quorum. No action of the board shall be valid without a majority vote unless a different rule is provided herein.
- C. Officers of the city shall have the right to attend meetings and make recommendations to the board.
- D. The board shall keep a record, which shall be available for public inspection, of all its resolutions, proceedings, and other actions.”

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 5. This ordinance shall take effect upon the expiration of 30 days from its publication.

Signed and approved this _____ day of _____, 2002.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 2002, by the following vote:

AYES:

NOES:


ABSTAIN:

ABSENT:

Published:

Jane Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Ann Sherwood Rider
Assistant City Attorney