



Agenda Report

DATE: JULY 30, 2007

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: RECOMMENDATION REGARDING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA DESCRIBING THE PASADENA COMMUNITY DEVELOPMENT COMMISSION'S PROGRAM PERTAINING TO THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance describing the Pasadena Community Development Commission's program pertaining to the acquisition of real property by eminent domain.

COMMITTEE RECOMMENDATION:

This item was scheduled for consideration by the Community Development Committee at their regular meeting of July 12, 2007. However, due to lack of a quorum, the item is to be rescheduled for the meeting of July 26, 2007. Staff will report on the Committee recommendation following that meeting.

BACKGROUND

Senate Bill No. 53 took effect on January 1, 2007 and is codified at Health & Safety Code Section 33342.7. Section 33342.7 requires a city that adopted a redevelopment plan prior to January 1, 2007 to adopt an ordinance that describes the Pasadena Community Development Commission's ("Commission") program to acquire property by eminent domain.

Adoption of the attached Ordinance does not give the Commission the power to acquire real property in any Project Area by eminent domain. To authorize the power of eminent domain would require the Commission and the City Council to

undertake proceedings to amend the Redevelopment Plans, and such proceedings would include, among other things, holding a joint public hearing of the City Council and the Commission on the proposed amendment after providing mailed notice to all of the property owners, businesses and residents in the Project Areas.

The new law (Section 33342.7) does not apply to other legislative bodies that may have the power of eminent domain, such as cities or housing authorities. Therefore, the City Council is not required to adopt an ordinance describing any program to acquire real property by eminent domain except the Commission's program.

The City Council adopted and approved the various Redevelopment Plans in Pasadena as follows:

<u>Redevelopment Plan</u>	<u>Date of Adoption</u>
Fair Oaks Avenue (Original Pepper Project Area)	9/11/1964
Downtown Redevelopment Plan	12/29/1970
Villa-Parke Redevelopment Plan	12/26/1972
Orange Grove Redevelopment Plan	1/23/1973
Lake/Washington Redevelopment Plan	6/15/1982
Old Pasadena Redevelopment Plan	7/19/1983
Fair Oaks Avenue (Amended Area)	7/21/1986
Lincoln Avenue	7/21/1986
Halstead/Sycamore	11/16/1993

Therefore, Section 33342.7 requires the City Council to adopt an ordinance describing the Commission's program pertaining to acquisition of real property by eminent domain under the Redevelopment Plans.

In all cases, the timelines granting the Commission the ability to utilize eminent domain have fully lapsed due either to specific redevelopment plan provisions or requirements contained in the Health & Safety Code. Therefore, the Redevelopment Plans do not grant the Commission the authority to acquire property by eminent domain. Nonetheless, to ensure compliance with newly enacted Section 33342.7, staff recommends that the City Council adopt the attached Ordinance.

FISCAL IMPACT

There is no fiscal impact as a result of this action.

Respectfully Submitted,


CYNTHIA J. KURTZ
City Manager/Chief Executive Officer

Prepared by:


JOHN P. ANDREWS
Senior Project Manager

Concurrence:


RICHARD BRUCKNER
Director of Planning & Development