

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING THE REPORT OF THE ADVISORY BOARD FOR FISCAL YEAR 2014-2015 AND DECLARING ITS INTENTION TO LEVY ASSESSMENTS WITHIN THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2014-2015 AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, the City of Pasadena is a charter city organized and existing under the laws of the State of California; and

WHEREAS, Ordinance No. 6929 of the City of Pasadena, adopted February 3, 2003, established the Pasadena Tourism Business Improvement District (the "District") pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code sections 36500 et seq.) (the "Law"); and

WHEREAS, in accordance with Section 36533 of the Law, the Pasadena Center Operating Company, serving as advisory board with respect to the District, prepared and filed with the City Clerk a report entitled "Report of the Advisory Board with Regard to the Pasadena Tourism Business Improvement District for Fiscal Year 2014-2015" (the "Report"); and

WHEREAS, in accordance with the Law, the City Council is required to approve a report for each Fiscal Year for which assessments are to be levied and collected to pay the costs of the activities described in the Report; and

WHEREAS, the Pasadena Center Operating Company has heretofore presented to the City Clerk its Annual Report and the City Council desires to approve the report and to adopt this resolution evidencing its intention to levy an annual assessment for the one-year period commencing July 1, 2014 and ending June 30, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pasadena as follows:

1. The above recitals are true and correct.
2. The Report filed with the City Clerk by the Pasadena Center Operating Company contains all of the component parts required to be included by Section 36533 of the Streets and Highways Code.
3. Accordingly, the City Council hereby approves the Report as filed by the Pasadena Center Operating Company.
4. The City Council hereby declares its intention, except where funds are otherwise available, to levy and collect assessments within the Pasadena Tourism Business Improvement District for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015. Such assessment shall be in addition to any assessments, fees, charges or taxes imposed by the City. The assessment will be levied against each Hotel and Motel business in the City (as defined in

Ordinance 6929). No other business will be subject to the assessment. New Hotel and Motel Businesses established in the District after July 1, 2014 will not be exempt from the levy of the assessment.

5. The proposed activities authorized by the ordinance (Ordinance No. 6929), which established the Pasadena Tourism Business Improvement District, have not changed substantially since the ordinance was enacted on February 3, 2003. The activities include the promotion of tourism in the District, the promotion of public events that benefit the Hotel and Motel businesses operating in the District, the furnishing of music in any public place in the District and activities that benefit the Hotel and Motel businesses operating in the District.

6. The location of the Pasadena Tourism Business Improvement District is the City boundaries of the City of Pasadena.

7. A public hearing concerning the intention of the City Council to levy an annual assessment for Fiscal Year 2014-2015 will be held on June 16, 2014 at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber of the City of Pasadena located at 100 North Garfield Avenue, Pasadena, California.

8. The Report of the Pasadena Tourism Business Improvement District is on file with the City Clerk, 100 North Garfield Avenue, Room S228, Pasadena, California. A full and detailed description of the boundaries of the Pasadena Tourism Business Improvement District and activities to be provided for Fiscal Year 2014-2015 and the proposed assessments to be levied upon the businesses

within the Pasadena Tourism Business Improvement District for Fiscal Year 2014-2015 are contained therein.

9. Written and oral protests may be made at the public hearing. The City Council shall hear and consider all protests against the levy of the proposed annual assessment or the furnishing of specified types of activities within the Pasadena Tourism Business Improvement District. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. Every written protest shall be filed with the City Clerk at 100 North Garfield Avenue, Room S228, Pasadena, California, at or before the time fixed for the public hearing. The City Council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. The written protest that does not comply with these requirements shall not be counted in determining a majority protest.

If, at the conclusion of the public hearing, written protests are received from the owners of businesses in the District that will pay 50 percent or more of the Assessment proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent (i.e., there is a majority protest), no further proceedings to levy the Assessment, as described in this resolution, shall be taken for a period of one year from the date of the finding of a majority protest by the City Council.

If the majority protest is only against the furnishing of a specified type or types of activities within the District, those types of activities must be eliminated.

10. The City Clerk shall give notice of the public hearing by causing this resolution to be published once in a newspaper of general circulation in the City in the manner prescribed by Section 36534(b) of the Streets and Highway Code.

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Adopted at the regular meeting of the City Council on the 16th Day of  
June, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

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Mark Jomsky  
City Clerk

APPROVED AS TO FORM:



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Ann Sherwood Rider  
Assistant City Attorney

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# **Pasadena Tourism Bureau Improvement District**

## **Fiscal Year 2014-2015**

### Introduction

The Board of Directors of the Pasadena Center Operating Company, acting as advisory board to the Pasadena Tourism Business Improvement District (the "TBID"), has caused this report to be prepared pursuant to Section 36533 of the Parking and Business Improvement Law of 1989 (Section 36500 and following of the California Streets and Highways Code) (the "Law"). This report is for the fiscal year commencing July 1, 2014 and ending June 30, 2015. ("Fiscal Year 2014-15")

As required by the Law, this report contains the following information:

- (1) Any proposed changes in the boundaries of the TBID or in any benefit zones within the TBID;
- (2) The improvements and activities to be provided for Fiscal Year 2014-15;
- (3) An estimate of the costs of providing the improvements and the activities for that Fiscal Year;
- (4) The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for Fiscal Year 2014-15;
- (5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
- (6) The amount of any contributions to be made from sources other than assessments levied pursuant to the Law.

Submitted by: James McDermott on behalf of the Board of Directors of the Pasadena Center Operating Company on May 28, 2014.

Received on file in the Office of the City Clerk of the City of Pasadena on \_\_\_\_\_ by \_\_\_\_\_.

Section 1: Proposed changes in the boundaries of the TBID or in any benefit zones within the TBID.

There are no changes to the TBID boundaries. The boundaries of the TBID are the City Limits of the City of Pasadena. There are no benefit zones within the TBID.

Section 2: The improvements and activities to be provided for Fiscal Year 2014-15.

No improvements are proposed to be provided for Fiscal Year 2014-15. The activities listed in Exhibit 'A' to this Report are proposed to be provided annually.

Section 3: An estimate of the cost of providing the improvements and the activities for Fiscal Year 2014-15.

The total cost of providing the activities is estimated to be \$3,000,000. The budget for providing the activities is set forth in Exhibit 'B-1' to this Report.

Section 4: The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for Fiscal Year 2014-15.

Except where otherwise defined in Resolution No. 8215, adopted on February 24, 2003, all capitalized terms shall have the meanings set forth in Section 4.44.020 of the Pasadena Municipal Code. Additionally, the following terms shall have the following meanings:

1. "Gross Occupancy Revenue" means the total Rent received from Transients by a Hotel and Motel Business.
2. "Hotel and Motel Business" means and Operator of a Hotel other than the operator of a Hotel that is owned by a non-profit corporation and operated as an adjunct to a charitable or educational activity.
3. "Transient Occupancy Tax" means the tax imposed by the City pursuant to Section 4.44.030 of the Pasadena Municipal Code.

The Assessment will be levied against each Hotel and Motel Business in the City. No other business shall be subject to the Assessment.

The Assessment will be calculated as a percentage of each day's Gross Occupancy Revenue. The rate of the Assessment will be set annually by resolution of the City Council adopted pursuant to Section 36535 of the Law, and will not exceed 2.89%. For Fiscal Year 2013-14 the rate is recommended to be 2.89%.

The Assessment calculated based on each day's Gross Occupancy Revenues shall be paid to the City no later than the date on which the Hotel and Motel Business is required, pursuant to Section 4.44.070 of the Pasadena Municipal Code, to remit to the

City the Transient Occupancy Tax collected by the Hotel and Motel Business on that day.



New Hotel and Motel Businesses established in the District after the beginning of any fiscal year shall not be exempt from the levy of the assessment for that fiscal year but shall instead be subject to the assessment.

Section 5: The amount of any surplus or deficit revenues to be carried over from a previous fiscal year

There is no surplus or deficit.

Section 6: The amount of any contributions to be made from sources other than assessments levied pursuant to the Law.

Assessment proceeds will be approximately \$3,000,000 for Fiscal Year 2014-15. In addition to this amount, the City of Pasadena and the Pasadena Center Operating Company may make contributions to the marketing and promotion programs set forth in this report pursuant to the Agreement between the City and the Pasadena Center Operating Company. Assessment proceeds will be spent only on activities authorized in the Annual Report and Pasadena Municipal Code Chapter 4.101.