

September 19, 2023

C-4

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute all documents necessary for a Second Amendment to Agreement No. 36420 to Negotiate Exclusively with Century Affordable Development, Inc., for continued negotiations in connection with the disposition and development of City-owned Exempt Surplus property at 6845 Atlantic Avenue (Subject Property). (District 9)

DISCUSSION

On October 11, 2022, City Council authorized Agreement to Negotiate Exclusively No. 36420 (ENA) to allow Century Affordable Development, Inc., a California nonprofit corporation for public benefit (Developer), to enter negotiations with the City of Long Beach (City) for the potential disposition and development of exempt surplus City-owned property located at 6845 Atlantic Avenue (Subject Property Attachment). Staff have been engaged in negotiations with the Developer since the authorizing City Council action, and a subsequent extension of the ENA through October 31, 2023 was granted and memorialized through a First Amendment. The Developer has requested additional time to allow for the completion of due diligence in connection to the disposition and development of the Subject Property. To that end, staff is recommending that Council approve a Second Amendment to the ENA to memorialize an extension term of 90 days, through January 31, 2024, with a 90-day renewal option.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on August 15, 2023 and by Budget Management Officer Nader Kaamouh on August 18, 2023.

TIMING CONSIDERATIONS

City Council consideration of this transaction is requested on September 12, 2023, to ensure the timely execution of the Second Amendment to the ENA.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

There is no known fiscal or local job impact associated with this recommendation at this time. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



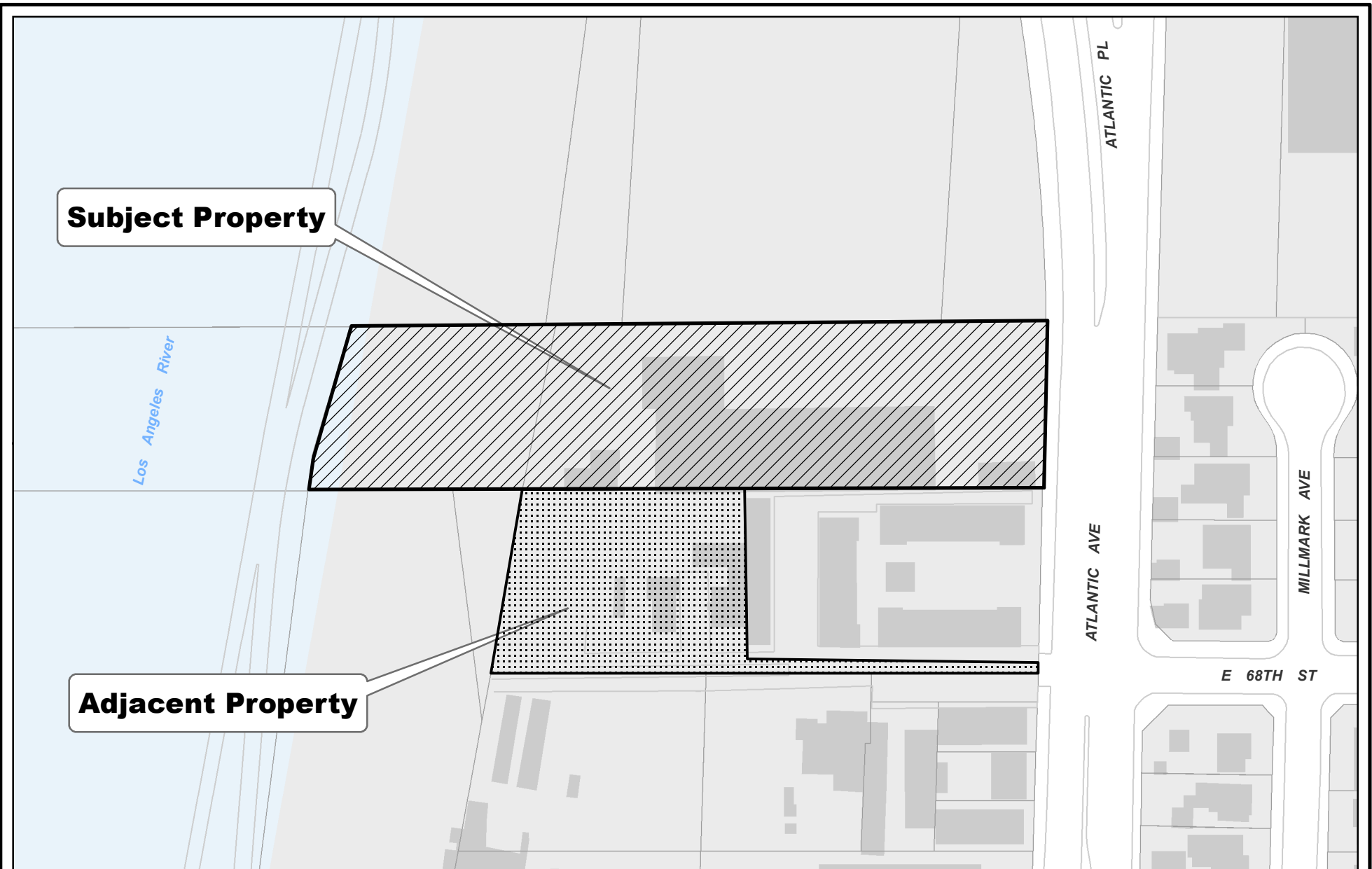
BO MARTINEZ
DIRECTOR
ECONOMIC DEVELOPMENT

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT: A – MAP OF SUBJECT PROPERTY



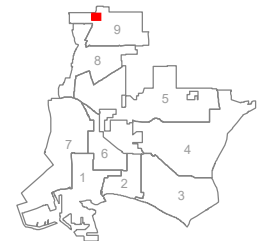
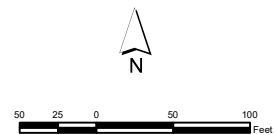
Subject Property

Adjacent Property



Subject Property:
 6845 Atlantic Ave
 Council District : 9

Attachment



LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

Proposers are responsible for accessing these links to review the names prior to answering the following questions.

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

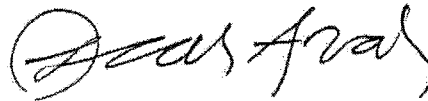
NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

8.14.23

Date



Digitally signed by oscar alvarado

Date: 2023.08.14 09:17:59 -07'00

Signature of authorized individual

Oscar Alvarado, Vice President

Type or write name of authorized individual

Century Affordable Development, Inc.

Type or write name of company