



# CITY OF LONG BEACH

# R-23

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

October 7, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

- 1) Receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing;
- 2) Adopt the attached Resolution approving the reissuance of Multifamily Mortgage Revenue Bonds for Jamboree West Gateway Apartments in an amount not to exceed \$13,000,000; and
- 3) Authorize the City Manager to execute all documents necessary to complete this transaction as indicated in the resolution. (District 1)

## DISCUSSION

On November 16, 2004, the City Council authorized the issuance of Multifamily Housing Revenue Bonds (Bonds) in the amount of \$11,000,000 to finance the acquisition and construction of the Jamboree West Gateway Apartments (now called Puerto Del Sol Apartments), located at 3<sup>rd</sup> Street and Golden Avenue (Attachment A). Subsequent to the City Council action, Series 2004B bonds totaling \$11,000,000 were issued on December 13, 2004.

On July 12, 2005, the City Council authorized the issuance of additional Multifamily Housing Revenue Bonds in an amount not to exceed \$2,500,000 to provide additional financing for the acquisition and construction of the Jamboree West Gateway Apartments (Attachment B). Subsequent to the City Council action, Series 2005A bonds totaling \$2,000,000 were issued on November 22, 2005.

At the time the bonds were issued, construction was expected to be completed by January 2007. Construction was completed about a year later, primarily due to significant changes to the design, including plumbing and HVAC changes that occurred after construction began to mitigate escalating construction costs. Despite these challenges, construction was substantially complete in January 2008 and the Temporary Certificate of Occupancy was issued. Tenant move-in was scheduled for

HONORABLE MAYOR AND CITY COUNCIL

October 7, 2008

Page 2

February 2008. However, mold was discovered in 15 of 64 units as a result of water intrusion, and those 15 units remained vacant while remediation was completed. The loan funded with the proceeds of the Bonds matured on May 1, 2008. On April 22, 2008, the City Council authorized reissuance of the Multifamily Housing Revenue Bonds to allow for more time to complete the project (Attachment C).

Because of the very sensitive nature of the mold and its effects, extreme care was taken to determine the cause and eliminate the existence of any spores. After the mitigation measures, additional testing was done to prove its efficacy. All units have tested clean and the project is now fully occupied. However, because this process took longer than expected, the construction loan maturity date must be extended again to allow for additional time to obtain the permanent financing and repay the construction loan.

As such, the Borrower, Jamboree West Gateway L.P., has requested that the City execute an agreement to modify the Bond documents to allow for additional time. The Bonds may need to be reissued to extend the loan and ensure compliance with Internal Revenue Service (IRS) tax rules for tax-exempt bonds.

The IRS Code requires that the Borrower seek approval from the City Council for the reissuance of bonds benefiting facilities within the City. A Tax and Equity Fiscal Responsibility Act (TEFRA) public hearing notification was published in the Press Telegram on August 20, 2008 (Attachment D). The TEFRA hearing was held on September 16, 2008 at 9:00 a.m. The public hearing, required by Federal tax law regulations, will be conducted by the City Treasurer in the sixth floor conference room at City Hall. On October 7, 2008, the City Treasurer will report the results of the TEFRA hearing.

Before proceeding with the requested modifications to the Bond documents, it is necessary for the City Council to receive documentation of the TEFRA hearing, and adopt the attached Resolution authorizing such modifications and reissuance.

This letter was reviewed by Deputy City Attorney Richard F. Anthony on September 15, 2008, and Budget Management Officer Victoria Bell on September 16, 2008.

TIMING CONSIDERATIONS

City Council action is requested on October 7, 2008 to prevent default of the construction loan.

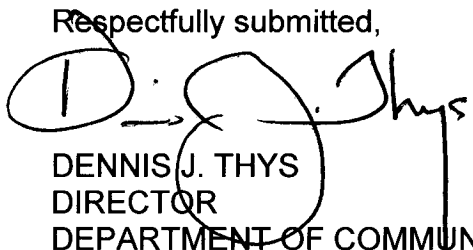
FISCAL IMPACT

There is no fiscal impact related to the recommended action. The Borrower will repay the Bond debt with revenue from project rents.

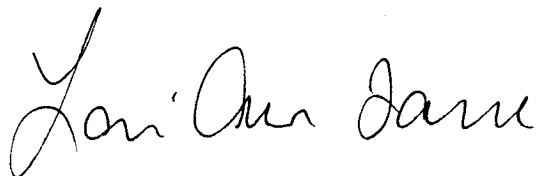
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

Handwritten signature of Dennis J. Thys in black ink, written over the typed name and title.

DENNIS J. THYS  
DIRECTOR  
DEPARTMENT OF COMMUNITY DEVELOPMENT

Handwritten signature of Lori Ann Farrell in black ink, written over the typed name and title.

LORI ANN FARRELL  
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

DJT:ET:PU:ms  
10-7-08 Jamboree West Gateway Apartments v2.doc

ATTACHMENTS: ATTACHMENT A – NOVEMBER 16, 2004 CITY COUNCIL LETTER ATTACHMENTS AND RESOLUTION  
ATTACHMENT B – JULY 12, 2005 CITY COUNCIL LETTER ATTACHMENTS AND RESOLUTION  
ATTACHMENT C – APRIL 22, 2008 CITY COUNCIL LETTER ATTACHMENTS AND RESOLUTION  
ATTACHMENT D – NOTICE OF PUBLIC HEARING  
RESOLUTION

APPROVED:

Handwritten signature of Patrick H. West in black ink, written over a horizontal line.  
PATRICK H. WEST  
CITY MANAGER

~~R-23~~

## CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

November 16, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**SUBJECT:** Resolution Authorizing the Issuance, Sale and Delivery of Multifamily Mortgage Revenue Bonds for the Jamboree West Gateway Apartments in an Aggregate Principal Amount not to Exceed \$11,000,000 and Approving and Authorizing Other Related Documents and Actions (District 1)

### DISCUSSION

On December 2, 2003, the City Council adopted a Resolution expressing the City's intent to issue Multifamily Mortgage Revenue Bonds in an amount not to exceed \$11,000,000 for the Jamboree West Gateway Apartments. Following the City Council's authorization, the City and the developer, Jamboree Housing Corporation, submitted an application to the California Debt Limit Allocation Committee (CDLAC) for an allocation of \$11,000,000 in tax-exempt Multifamily Mortgage Revenue Bonds to develop 64 units of family rental housing. On September 22, 2004, CDLAC awarded an allocation of Multifamily Mortgage Revenue Bonds in the amount of \$11,000,000 to the City of Long Beach for the project. A copy of the December 2, 2003, City Council letter providing more detail on the project is attached.

Pursuant to current City policy and state law, on November 16, 2004, a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing was conducted in the office of the City Treasurer regarding the potential issuance by the City of \$11,000,000 in Multifamily Mortgage Revenue Bonds for the financing of the Jamboree West Gateway Apartments.

To proceed with the bond issuance and sale, it is necessary for the City Council to adopt the attached Resolution authorizing the issuance, sale and delivery of Multifamily Mortgage Revenue Bonds in an amount not to exceed \$11,000,000.

This letter was reviewed by Assistant City Attorney Michael J. Mais on November 9, 2004, and Budget Management Officer David Wodynski on November 4, 2004.

### TIMING CONSIDERATIONS

City Council action is requested on November 16, 2004 to meet the projected bond closing date of December 15, 2004.

FISCAL IMPACT

There are no direct City costs, other than staff time, related to the recommended action. The developer will repay the Bond debt with revenue from project rents. There will be a one-time fee of \$50,000 paid by the developer to reimburse the City for its staff costs. This fee will be equally split between the Department of Community Development and the Department of Financial Management, resulting in a one-time revenue increase of \$25,000 to the Housing Development Fund (SR 135) and \$25,000 to the General Fund (GP) in Fiscal Year 2005. The Department of Community Development will also receive \$10,000 per year from the developer for the term of the bonds as an annual monitoring fee to be deposited into the Housing Development Fund.

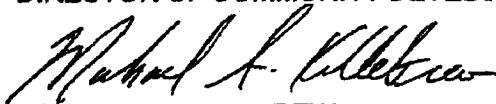
IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt the attached Resolution authorizing the issuance, sale and delivery of Multifamily Mortgage Revenue Bonds for the Jamboree West Gateway Apartments in an amount not to exceed \$11,000,000 and approving and authorizing other related documents, official actions and matters; and
2. Authorize the City Manager to execute all documents necessary to complete this transaction as indicated in the attached resolution.

Respectfully submitted,



MELANIE S. FALLON  
DIRECTOR OF COMMUNITY DEVELOPMENT



MICHAEL A. KILLEBREW  
ACTING DIRECTOR OF FINANCIAL MANAGEMENT

MSF/MAK/BS/JG/pcu

APPROVED:



GERALD R. MILLER  
CITY MANAGER

Attachments:

- December 2, 2003 City Council letter and approved Resolution
- Resolution authorizing the issuance, sale and delivery of Multifamily Housing Revenue Bonds

Robert  
Alford  
City Attorney  
333 West Ocean Boulevard  
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RESOLUTION NO. C-28483

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AUTHORIZING THE ISSUANCE  
OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE  
PURPOSE OF FINANCING THE ACQUISITION AND  
CONSTRUCTION OF A MULTIFAMILY RENTAL HOUSING  
PROJECT TO BE KNOWN AS JAMBOREE WEST  
GATEWAY APARTMENTS, AND APPROVING OTHER  
RELATED DOCUMENTS AND ACTIONS

WHEREAS, pursuant to Chapter 7 of Part 5 of Division 31 of the  
California Health and Safety Code, as amended (the "Act"), the City of Long Beach (the  
"City") is authorized to issue revenue bonds for the purpose of financing the acquisition,  
construction, rehabilitation, refinancing, or development of multifamily rental housing  
and for the provision of capital improvements in connection with and determined  
necessary to the multifamily rental housing; and

WHEREAS, Jamboree Housing Corporation (the "Corporation"), has  
requested that the City issue revenue bonds to finance the acquisition and construction  
by Jamboree West Gateway L.P., a California limited partnership (the "Borrower") of a  
proposed 64 unit multifamily rental housing facility to be located at 745 West Third  
Street in the City (the "Project"); and

WHEREAS, the City Council of the City (the "City Council") has  
determined to approve the issuance by the City of up to \$11,000,000 principal amount

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1 of the City of Long Beach Multifamily Housing Revenue Bonds (Jamboree West  
2 Gateway Apartments) as provided below (the "Bonds") and the financing of a mortgage  
3 loan to be made to the Borrower from the proceeds of the Bonds to be used to finance  
4 the Project (the "Mortgage Loan"); and

5  
6 WHEREAS, in accordance with an allocation granted by the California  
7 Debt Limit Allocation Committee ("CDLAC") of bond authority for the Project on  
8 September 22, 2004, the Bonds may bear interest that is excluded from gross income  
9 for federal income tax purposes; and

10  
11 WHEREAS, the issuance of the Bonds was preliminarily approved by the  
12 City Council by a resolution adopted on December 2, 2003 (the "Prior Resolution"), after  
13 publication of a notice of public hearing and the holding by the City Treasurer of the  
14 public hearing as required by the Internal Revenue Code of 1986, as amended (the  
15 "Code"); and

16  
17 WHEREAS, the Bonds are expected to be issued after  
18 December 2, 2004, and, under the Code, if the issuance of the Bonds occurs more than  
19 one year after the holding of the public hearing, a new public hearing must be held with  
20 respect to the Project; and

21  
22 WHEREAS, on the date hereof, the acting City Treasurer has held a new  
23 public hearing as required by the Code at which any interested party could be heard  
24 regarding the location, ownership, construction, operation or financing of the Project;  
25 and

26  
27 WHEREAS, Washington Mutual Bank, FA, has expressed its intention to  
28 purchase the Bonds, and the City Council finds that the public interest and necessity  
require that the City at this time make arrangements for the sale of the Bonds; and

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1                   WHEREAS, there have been prepared and have been placed on file with  
2 the City Attorney the following documents:

3                   (1)     the form of Indenture of Trust (the "Indenture"), by and between the  
4 City and Washington Mutual Bank, FA, as Bondowner Representative (the "Bondowner  
5 Representative"); and  
6

7                   (2)     the form of Loan Agreement (the "Loan Agreement"), by and  
8 between the City and the Borrower; and

9                   (3)     the form of Regulatory Agreement and Declaration of Restrictive  
10 Covenants (the "Regulatory Agreement"), by and between the City and the Borrower.

11                   WHEREAS, it appears that each of the documents listed above is in  
12 appropriate form and is an appropriate document to be executed and delivered for the  
13 purposes intended; and  
14

15                   WHEREAS, all conditions, things and acts required to exist, to have  
16 happened and to have been performed precedent to and in the issuance of the Bonds  
17 and the making of the Mortgage Loan as contemplated by this Resolution and the  
18 documents referred to herein exist, have happened and have been performed in due  
19 time, form and manner as required by the laws of the State of California, including the  
20 Act.  
21

22                   NOW, THEREFORE, the City Council of the City of Long Beach resolves  
23 as follows:

24                   Section 1. Finding and Determination. It is hereby found and determined  
25 that it is necessary and desirable for the City to provide for the financing of the  
26 acquisition and construction of the Project through the issuance and sale of the Bonds  
27 in order to assist persons of very low income within the City of Long Beach in obtaining  
28



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1 decent, safe and sanitary housing. The City Council hereby finds that the Prior  
2 Resolution incorrectly stated in Section 3 thereof that the adoption of the Prior  
3 Resolution was solely for the purpose of satisfying the requirements of CDLAC, when  
4 the Prior Resolution was actually intended to express the City Council's intent to issue  
5 the Bonds for the Project as contemplated by the Code, and the Prior Resolution is  
6 hereby amended, nunc pro tunc, by deleting the first sentence of Section 3 thereof.

8           Sec. 2. Authorization of Bonds. For the purpose of financing the  
9 acquisition and construction of the Project, the City hereby determines to issue the  
10 Bonds in an aggregate principal amount not to exceed \$11,000,000. The Bonds shall  
11 bear such rates of interest and shall mature on such dates as provided in the Indenture.  
12 The Bonds shall be in substantially the form set forth in the Indenture, with such  
13 appropriate variations, omissions, insertions and provisions as are required or permitted  
14 by the Indenture. The Bonds shall be special, limited obligations of the City and shall  
15 be payable as to principal and interest, and the obligations of the City under the  
16 Indenture shall be paid and satisfied, solely from the revenues, receipts and other  
17 moneys and assets pledged therefor under the Indenture. The Bonds shall in no way  
18 be general obligations of the City.

20           Sec. 3. Execution, Delivery and Sale of the Bonds. The Bonds shall be  
21 executed on behalf of the City by the manual or facsimile signature of the Mayor, City  
22 Manager, Director of Financial Management or Treasurer, or any person serving as the  
23 acting Director of Financial Management or acting Treasurer (each being a "Designated  
24 Officer" and, collectively, the "Designated Officers"), and the official seal of the City, or a  
25 facsimile thereof, shall be impressed or imprinted thereon and attested with the manual  
26 or facsimile signature of the City Clerk or a Deputy City Clerk. The Bonds are hereby  
27  
28

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1 authorized to be sold to Washington Mutual Bank, FA, on the terms set forth in the  
2 Indenture and the Loan Agreement.

3           Sec. 4. Approval of the Indenture. The Indenture, in the form on file in  
4 the City Attorney's office, is hereby approved. The Designated Officers, each acting  
5 along, are hereby authorized to execute and deliver the Indenture in such form,  
6 together with such changes as may be approved by the Designated Officer executing  
7 the same, upon consultation with the City Attorney and Bond Counsel, such execution  
8 thereof to constitute conclusive evidence of the approval of all changes from the form of  
9 the Indenture approved by this Resolution.  
10

11           Sec. 5. Approval of Loan Agreement. The Loan Agreement, in the form  
12 on file in the City Attorney's office, is hereby approved. The Designated Officers, each  
13 acting along, are hereby authorized to execute and deliver the Loan Agreement in such  
14 form, together with such changes as may be approved by the Designated Officer  
15 executing the same, upon consultation with the City Attorney and Bond Counsel, such  
16 execution thereof to constitute conclusive evidence of the approval of all changes from  
17 the form of the Loan Agreement approved by this Resolution.  
18

19           Sec. 6. Approval of Regulatory Agreement. The Regulatory Agreement,  
20 in the form on file in the City Attorney's office, is hereby approved. The Designated  
21 Officers, each acting alone, are hereby authorized to execute and deliver the  
22 Regulatory Agreement in such form, together with such changes as may be approved  
23 by the Designated Officer executing the same, upon consultation with the City Attorney  
24 and Bond Counsel, such execution thereof to constitute conclusive evidence of the  
25 approval of all changes from the form of the Regulatory Agreement approved by this  
26 Resolution.  
27  
28

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1                   Sec. 7. The Bonds, when executed, shall be delivered to the Bondowner  
2 Representative for authentication. The Bondowner Representative is hereby requested  
3 and directed to authenticate the Bonds by executing the Bondowner Representative's  
4 certificate of authentication appearing thereon, and to deliver the Bonds, when duly  
5 executed and authenticated, to Washington Mutual Bank, FA, in accordance with  
6 written instructions executed and delivered on behalf of the City by a Designated  
7 Officer, which any Designated officer, acting alone, is hereby authorized and directed to  
8 execute and deliver to the Bondowner Representative. Such instructions shall provide  
9 for the delivery of the Bonds to Washington Mutual Bank, FA in accordance with the  
10 Indenture and the Loan Agreement, upon payment of the purchase price thereof.  
11

12                   Sec. 8. Bond Counsel. The law firm of Quint & Thimmig LLP is hereby  
13 designated as Bond Counsel to the City for the Bonds. The City Attorney is hereby  
14 authorized to execute an agreement with said firm for its services with respect to the  
15 Bonds in a form acceptable to the City Attorney, provided that any and all  
16 compensation of Bond Counsel is payable solely from the proceeds of the Bonds or  
17 funds contributed by the Borrower.  
18

19                   Sec. 9. Actions Ratified and Authorized. All actions heretofore taken by  
20 the officers and agents of the City with respect to the issuance and sale of the Bonds  
21 are hereby approved, confirmed and ratified, and the Designated Officers are each  
22 hereby authorized, for and in the name and on behalf of the City, to do any and all  
23 things and take any and all actions and execute and deliver any and all certificates,  
24 agreements and other documents, including but not limited to (a) a subordination and/o  
25 intercreditor agreement (in a form acceptable to the City Attorney), and (b) those  
26 certificates and other documents described in the Indenture or the Loan Agreement,  
27  
28

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City Attorney ...  
333 West ...  
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1 which they, or any of them, may deem necessary of advisable in order to consummate  
2 the lawful issuance and delivery of the Bonds and the making of the Mortgage Loan in  
3 accordance with the Act and this Resolution.

4  
5 Sec. 10. Further Consents, Approvals and Other Actions. All consents,  
6 approvals, notices, orders, requests and other actions permitted or required by any of  
7 the documents authorized by this Resolution or otherwise appropriate in the  
8 administration of the Bonds and the lending program financed thereby, including  
9 without limitation any of the foregoing which may be necessary or desirable in  
10 connection with any amendment of such documents, any sale or transfer of the Project,  
11 any substitution of security for the Bonds, or any redemption of the Bonds may be taken  
12 or given by any of the Designated Officers, without further authorization by the City  
13 Council, and the Designated Officers are hereby authorized and directed to give any  
14 such consent, approval, notice, order or request and to take any such action which such  
15 officer may deem necessary or desirable to further the purposes of this Resolution.  
16

17 Sec. 11. Effective Date. This Resolution shall take effect from and after  
18 the date of its passage and adoption.

19 I hereby certify that the foregoing Resolution was adopted by the City

20  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

Robert  
City Attorney  
333 West O.  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

1 Council of the City of Long Beach, at its meeting of November 16, 2004, by the  
2 following vote:

3 Ayes: Councilmembers: Lowenthal, Baker, Colonna,  
4 O'Donnell, Kell, Richardson,  
5 Reyes Uranga, Gabelich, Lerch.  
6

7  
8 Noes: Councilmembers: None.  
9

10 Absent: Councilmembers: None.  
11

12  
13  
14 James G. Korman  
15 City Clerk  
16

17  
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22 CERTIFIED AS A TRUE AND CORRECT COPY  
23 James G. Korman  
24 CITY CLERK OF THE CITY OF LONG BEACH  
25 Kathleen J. Casus  
26 DATE: NOV 30 2004

27 ELG 11/04/04 #04-04848  
28 L:\APPS\CtyLaw32\WPDOCS\1004\1004\00066992.WPD

UP TO \$11,000,000  
CITY OF LONG BEACH  
MULTIFAMILY HOUSING REVENUE BONDS  
(JAMBOREE WEST GATEWAY APARTMENTS), SERIES 2004B

CERTIFICATE REGARDING CITY RESOLUTION

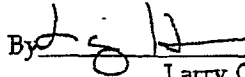
The undersigned hereby states and certifies:

(i) that the undersigned is the duly elected, qualified and acting City Clerk of the City of Long Beach, a chartered city and municipal corporation, duly organized and existing under the Constitution and laws of the State of California (the "City"), and as such, is familiar with the facts herein certified and is authorized to certify the same; and

(ii) that attached hereto is a true, correct and complete copy of Resolution No. C-28483, entitled "A Resolution of the City Council of the City of Long Beach Authorizing the Issuance of Multifamily Housing Revenue Bonds for the Purpose of Financing the Acquisition and Construction of a Multifamily Rental Housing Project to be Known as Jamboree West Gateway Apartments, and Approving Other Related Documents and Actions," adopted by the City Council of the City on November 16, 2004 (the "Resolution"), which Resolution has not been amended, modified, supplemented, rescinded or repealed and is in full force and effect as of the date hereof.

Dated: December 13, 2004

CITY OF LONG BEACH

By  \_\_\_\_\_  
Larry G. Herrera,  
City Clerk



~~RES-21~~



## CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

December 2, 2003

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**SUBJECT: Adoption of Resolution Authorizing the City's Intent to Issue Tax-Exempt Multifamily Housing Revenue Bonds in an Amount not to Exceed \$11 Million and Authorizing Other Related Actions (District 1)**

### DISCUSSION

The Long Beach Redevelopment Agency (RDA) is pursuing the development of the West Gateway project in the Downtown and Central Redevelopment Project Areas. The RDA has entered into Exclusive Negotiating Agreements with four developers for the development of various sites in the West Gateway area. Among the developers is Jamboree Housing Corp., a non-profit affordable housing developer that has been selected to develop an affordable workforce housing project on Site No. 1 of the West Gateway (Jamboree Housing Site). The RDA and the Long Beach Housing Development Company (LBHDC) are working jointly on the acquisition and development of the Jamboree Housing Site and have taken a number of actions.

In February 2003, the RDA considered and approved a series of recommendations. Among the recommendations, the RDA approved and directed staff to: (1) pursue the assemblage of Site No. 1 for the development of a 100 percent affordable housing development using housing set-aside funds; (2) prepare an exclusive negotiation agreement with Jamboree Housing Corp. for Site No. 1; and (3) undertake neighborhood stakeholder meetings for all of the West Gateway development.

Also in February 2003, the LBHDC authorized its President to negotiate the acquisition of Site No. 1 parcels, allocated funds for the assemblage of the site, and authorized its President to execute a Memorandum of Agreement with the RDA to facilitate the acquisition of Site No. 1. In June 2003, the LBHDC further authorized its President to enter into an Agreement to Negotiate Exclusively with the RDA and Jamboree Housing Corp. for the development of the Jamboree Housing Site.



HONORABLE MAYOR AND CITY COUNCIL  
December 2, 2003  
Page 2

Staff is currently working with Jamboree Housing Corp. on the particulars of the project, including the design, size and quantity of units, and development of a financing plan. Several financing scenarios that include low-income housing tax credits and Tax-Exempt Multifamily Mortgage Revenue Bonds are being considered. In the event that bonds are selected as the most feasible financing for the project, it is necessary for the City to indicate its intent to issue conduit bonds as early as possible to ensure that all eligible project costs, such as acquisition, relocation, legal, site preparation, construction, and financing costs, can be included in the future bond award. If ultimately issued, future conduit bonds will be serviced from the project's cash flow, with no liability to the City. City Council action at this point serves to facilitate the next steps in the process, and is not a final approval to sell bonds to finance the project. The authority to actually issue bonds will be requested at a future date.

Pursuant to current City policy and state law, on December 2, 2003, a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing was conducted in the office of the City Treasurer regarding the potential issuance by the City of \$11 million in Tax-Exempt Multifamily Mortgage Revenue Bonds for the financing of the Jamboree Housing Project.

This letter was reviewed by Deputy City Attorney Everett L. Glenn on November 17, 2003, Budget Bureau Manager Michael Killebrew on November 21, 2003, and City Treasurer James Sadro on November 17, 2003.

#### TIMING CONSIDERATIONS

City Council action is requested on December 2, 2003, to ensure that all eligible project costs can be included in a future bond award.

#### FISCAL IMPACT

There are no direct City costs, other than staff time, related to the recommended action. If bonds are issued, the developer will repay the debt with revenue from project rents.

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HONORABLE MAYOR AND CITY COUNCIL  
December 2, 2003  
Page 3

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt the attached Resolution authorizing the City's intent to issue Tax-Exempt Multifamily Mortgage Revenue Bonds for the Jamboree Housing Project in an amount not to exceed \$11 million and authorizing other related actions approving and authorizing related documents, official actions and matters; and
2. Authorize the City Manager to execute all documents necessary to complete this transaction.

Respectfully submitted,

  
for MELANIE S. FALLON  
DIRECTOR OF COMMUNITY DEVELOPMENT

  
ROBERT S. TORREZ  
DIRECTOR OF FINANCIAL MANAGEMENT

MSF/BS/JG/pcu  
J:\Share\City Council Items\2003\December 2 bond\intent.ccltr V4.doc

Attachment

APPROVED:

  
for GERALD R. MILLER  
CITY MANAGER

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RESOLUTION NO. C-28299

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH EXPRESSING THE CITY'S INTENT  
TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS FOR  
THE ACQUISITION AND CONSTRUCTION OF  
MULTIFAMILY RESIDENTIAL RENTAL APARTMENTS BY  
JAMBOREE HOUSING CORPORATION, AND APPROVING  
RELATED ACTIONS

WHEREAS, the City of Long Beach (the "City") is authorized by Chapter 7  
of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act"),  
to issue and sell revenue bonds for the purpose of providing financing for the acquisition  
and construction of multifamily rental housing facilities located within the City to be  
occupied in part by low income tenants; and

WHEREAS, Jamboree Housing Corporation (the "Developer") has requested  
the City to issue revenue bonds (the "Bonds") pursuant to the Act for the purpose of  
financing the acquisition and construction by the Developer of a proposed 65 unit  
multifamily residential rental housing project (the "Project") to be constructed on a site  
which is generally located on the north side of Third Street between Maine Avenue and  
Golden Avenue in the City, currently consisting of seven properties with the following street  
addresses: 715,721, 725,729,733 and 745 West Third Street, and 301-307 Maine Avenue;  
and

WHEREAS, it is intended that the interest on the Bonds be excluded from  
gross income for federal tax purposes; and

WHEREAS, the Bonds will be considered to be "qualified exempt facility  
bonds" under Section 142(a) of the Internal Revenue Code of 1986, as amended (the  
"Code"), and Section 147(f) of the Code requires that the "applicable elected

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333 West Ocean Boulevard  
Long Beach, California 90802-4664  
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City Attorney of Long Beach  
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Long Beach, California 90802-4664  
Telephone (562) 579-2200

1 representative" with respect to the City approve the issuance of the Bonds following a  
2 public hearing on the Bonds, in order for the interest on the Bonds to be tax-exempt; and

3 WHEREAS, this City Council is the applicable elected representative of the  
4 City for purposes of the Code; and

5 WHEREAS, a notice of said public hearing has been duly given as required  
6 by the Code, and the City Treasurer has heretofore held such public hearing at which all  
7 such interested persons were given an opportunity to be heard on all matters relative to the  
8 location, operation and financing of the Project and the City's issuance of the Bonds  
9 therefor, and a summary of any oral or written testimony received at the public hearing has  
10 been presented to the City Council for its consideration; and

11 WHEREAS, the City Council now desires express its intent to issue the  
12 Bonds and to direct the City's Director of Community Development to take all actions  
13 necessary to apply for a private activity bond allocation for the Project from the California  
14 Debt Limit Allocation Committee ("CDLAC").

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
16 follows:

17 Section 1. The City intends to issue the Bonds in a principal amount not to  
18 exceed \$11,000,000 for the purpose of making a loan to the Owner to finance costs of the  
19 acquisition and construction of the Project by Developer.

20 Sec. 2. The City Council directs the Director of Community  
21 Development to take all actions necessary or desirable to obtain an allocation for the  
22 issuance of private activity bonds for the Project from CDLAC in the aggregate amount of  
23 not to exceed \$11,000,000 (the "Allocation") The Director of Community Development shall  
24 take all actions required or desirable under the procedures of CDLAC and Chapter 11.8  
25 of Division 1 of Title 2 (commencing with Section 8869.80) of the California Government  
26 Code to apply for the Allocation from CDLAC. In accordance with the procedures of  
27 CDLAC concerning a deposit, the City shall obtain the deposit required by CDLAC from  
28 moneys made available by the Developer. The Director of Community Development is



**CITY OF LONG BEACH**

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

~~**R-23**~~

July 12, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

- (1) Adopt the attached Resolution authorizing the City's intent to issue Tax-Exempt Multifamily Mortgage Revenue Bonds in the amount of \$2.5 million for additional financing for the acquisition and construction of the Jamboree West Gateway Apartments; and
- (2) Authorize the City Manager to execute all documents necessary to complete this transaction as indicated in the Resolution (District 1)

**DISCUSSION**

On November 16, 2004, the City Council adopted a Resolution authorizing the issuance, sale and delivery of Multifamily Mortgage Revenue Bonds for the Jamboree West Gateway Apartments in the amount of \$11,000,000. Subsequent to City Council action, bonds were issued on December 13, 2004. A copy of the City Council letter is attached for your information (Attachment A).

At the time the bonds were issued, the construction budget was based on 50% complete construction drawings and on the ability to convey the site to the developer so that construction could begin by March 15, 2005. The site has not been conveyed to the developer due to delays with acquisition, tenant relocation, and the relocation of a historic home from the site. Due to rising construction costs during this time, and higher construction bids based on 100% complete construction drawings, construction costs have risen and it is necessary to increase financing for the project by \$2.5 million.

To proceed with the additional bond issuance, it is necessary for the City Council to adopt the attached Resolution indicating the City's intent to issue Tax-Exempt Multifamily Mortgage Revenue Bonds for additional financing in the amount of \$2.5 million for the acquisition and construction of the Jamboree West Gateway Apartments.

Pursuant to current City policy and state law, on July 12, 2005, a TEFRA Hearing was conducted in the office of the City Treasurer regarding the potential issuance by the City of \$2.5 million in Multifamily Mortgage Revenue Bonds to provide additional financing for the project.

HONORABLE MAYOR AND CITY COUNCIL  
July 12, 2005  
Page 2

This letter was reviewed by Deputy City Attorney Everett Glenn and Budget Management Officer David Wodynski on June 30, 2005.

TIMING CONSIDERATIONS

Council action is requested at the July 12, 2005 meeting in order to meet the July 21, 2005 California Debt Limit Allocation Committee application deadline.

FISCAL IMPACT

There is no fiscal impact related to the recommended action. The developer will repay the Bond debt with revenue from project rents.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
for CRAIG A. BECK  
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

  
for MICHAEL A. KILLEBREW  
DIRECTOR OF FINANCIAL MANAGEMENT

CAB/ES/PU/cb  
U:\SHARE\City Council Items\2005\CC\tr 7-12-05 Res Auth Multi Family Bonds.doc

APPROVED:

  
GERALD R. MILLER  
CITY MANAGER

Attachments:

Attachment A - November 16, 2004 City Council letter and Resolution  
Resolution indicating the City's intent to issue Revenue Bonds

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City Authority of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90801-4664  
Telephone (562) 570-2200

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RESOLUTION NO. RES-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH EXPRESSING THE CITY'S INTENT TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS FOR ADDITIONAL FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF MULTIFAMILY RESIDENTIAL RENTAL APARTMENTS BY JAMBOREE WEST GATEWAY, L.P., AND APPROVING RELATED ACTIONS

WHEREAS, the City of Long Beach (the "City") is authorized by Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act"), to issue and sell revenue bonds for the purpose of providing financing for the acquisition and construction of multifamily rental housing facilities located within the City to be occupied in part by low income tenants; and

WHEREAS, on December 13, 2004, the City issued its up to \$11,000,000 City of Long Beach Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2004B (the "2004 Bonds") pursuant to the Act for the purpose of financing the acquisition and construction by Jamboree West Gateway, L.P., a California limited partnership (the "Owner") of a 65 unit multifamily residential rental housing project (the "Project") to be constructed by the Owner on a site which is generally located on the north side of Third Street between Maine Avenue and Golden Avenue in the City, currently consisting of seven properties with the following street addresses: 715,721, 725,729,733 and 745 West Third Street, and 301-307 Maine



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1 Avenue; and

2 WHEREAS, construction of the Project was delayed due to site clearance  
3 issues and construction costs have increased, and the Owner has now requested that  
4 the City issue an approximately \$2,500,000 of revenue bonds (the "Bonds") to provide  
5 additional financing for the Project; and  
6

7 WHEREAS, it is intended that the interest on the Bonds be excluded from  
8 gross income for federal tax purposes; and

9 WHEREAS, the Bonds will be considered to be "qualified exempt facility  
10 bonds" under Section 142(a) of the Internal Revenue Code of 1986, as amended (the  
11 "Code"), and Section 147(f) of the Code requires that the "applicable elected  
12 representative" with respect to the City approve the issuance of the Bonds following a  
13 public hearing on the Bonds, in order for the interest on the Bonds to be tax-exempt;  
14 and  
15

16 WHEREAS, this City Council is an applicable elected representative of the  
17 City for purposes of the Code; and

18 WHEREAS, a notice of said public hearing has been duly given as  
19 required by the Code, and the City Treasurer has heretofore held such public hearing at  
20 which all such interested persons were given an opportunity to be heard on all matters  
21 relative to the location, operation and financing of the Project and the City's issuance of  
22 the Bonds therefor, and a summary of any oral or written testimony received at the  
23 public hearing has been presented to the City Council for its consideration; and

24 WHEREAS, the City Council now desires to express its intent to issue the  
25 Bonds and to direct the City's Director of Community Development to take all actions  
26 necessary to apply for a private activity bond allocation for the Bonds from the  
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City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90807-4664  
Telephone (562) 570-2200

1 California Debt Limit Allocation Committee ("CDLAC").

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves  
3 as follows:

4 Section 1. The City intends to issue the Bonds in a principal amount of  
5 approximately \$2,500,000 for the purpose of making a loan to the Owner to finance  
6 costs of the acquisition and construction by the Owner of the Project.  
7

8 Sec. 2. The City Council directs the Director of Community Development  
9 to take all actions necessary or desirable to obtain an allocation for the issuance of  
10 private activity bonds for the Project from CDLAC in the amount of  
11 approximately \$2,500,000 (the "Allocation"). The Director of Community Development  
12 shall take all actions required or desirable under the procedures of CDLAC and  
13 Chapter 11.8 of Division 1 of Title 2 (commencing with Section 8869.80) of the  
14 California Government Code to apply for the Allocation from CDLAC. In accordance  
15 with the procedures of CDLAC concerning a deposit, the City shall obtain the deposit  
16 required by CDLAC from moneys made available by the Owner. The Director of  
17 Community Development is authorized to negotiate a Deposit Agreement between the  
18 City and the Developer or the Owner to provide for safekeeping of any such deposit.  
19  
20

21 Sec. 3. The adoption of this Resolution is for the purpose of satisfying the  
22 requirements of CDLAC related to the Allocation and the public approval requirement of  
23 the Code, and to indicate the City's intent to issue the Bonds to provide additional  
24 financing for the Project. However, the adoption of this Resolution shall not obligate the  
25 City to issue the Bonds on terms other than which are fully acceptable to the City in its  
26 discretion. The issuance of the Bonds shall be subject to approval by a separate  
27 resolution of the City Council, which resolution shall consider the approval by the City  
28

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333 West Ocean Boulevard  
Long Beach, California 90802-4664  
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Council of the primary documents with respect to the Bonds to which the City will be a party.

Sec. 4. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

I certify that this resolution was adopted by the City Council of the City of Long Beach, California, at its meeting of July 12, 2005, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

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\_\_\_\_\_

City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH APPROVING LOAN MODIFICATION  
AGREEMENT RELATED TO MULTIFAMILY HOUSING  
REVENUE BONDS FOR JAMBOREE WEST GATEWAY  
APARTMENTS, AND APPROVING OTHER RELATED  
ACTIONS

WHEREAS, pursuant to Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code, as amended (the "Act"), the City of Long Beach (the "City") is authorized to issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing; and

WHEREAS, at the request of Jamboree West Gateway L.P., a California limited partnership (the "Borrower"), on December 13, 2004 the City issued up to \$11,000,000 of Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2004B and on December 1, 2005 the City issued up to \$2,000,000 of Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2005A (collectively, the "Bonds") to finance the acquisition and construction by the Borrower of a 64 unit multifamily rental housing facility located at 745 West Third Street in the City (the "Project") currently known as Puerto Del Sol Apartment Homes (formerly known as Jamboree West Gateway Apartments); and

WHEREAS, the completion of the construction of the Project has been delayed due to unforeseen circumstances, and the Borrower has now requested that the City execute an agreement providing for modifications to the documents for the Bonds to allow for more time for the completion of the Project; and

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 WHEREAS, because the modifications to the documents for the Bonds may  
2 result in a reissuance of the Bonds for federal tax purposes, a public hearing must be  
3 held with respect to the possible reissuance of the Bonds in order that the interest on the  
4 Bonds continue to be exempt from federal income taxes; and

5 WHEREAS, on April 21, 2008, the City Treasurer held a public hearing  
6 regarding the reissuance of the Bonds as required by applicable federal tax law at which  
7 any interested party could be heard regarding the reissuance of the Bonds and the  
8 location, ownership, construction, operation or financing of the Project; and

9 WHEREAS, the Second Loan Modification Agreement among the City, the  
10 Borrower and Washington Mutual Bank (the "Modification Agreement"), has been  
11 prepared and placed on file with the City Attorney; and

12 WHEREAS, it appears that the Modification Agreement is in appropriate  
13 form and is an appropriate document to be executed and delivered for the purposes  
14 intended;

15  
16 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
17 follows:

18 Section 1. Approval of Reissuance of Bonds. The reissuance of the  
19 Bonds by reason of the extension of the maturity of the loans funded with the proceeds of  
20 the Bonds, all as contemplated by the Modification Agreement, is hereby approved.

21 Section 2. Approval of Modification Agreement. The Modification  
22 Agreement, in the form on file in the City Attorney's office, is hereby approved. The City  
23 Manager, the Director of Financial Management or the Treasurer (each being a  
24 "Designated Officer" and, collectively, the "Designated Officers"), each acting alone, are  
25 hereby authorized to execute and deliver the Modification Agreement in such form,  
26 together with such changes as may be approved by the Designated Officer executing the  
27 same upon consultation with the City Attorney and Bond Counsel to the City for the  
28 Bonds, such execution thereof to constitute conclusive evidence of the approval of all

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 changes from the form of the Modification Agreement approved by this Resolution.

2           Section 3.    Actions Ratified and Authorized. All actions heretofore taken  
3 by the officers and agents of the City with respect to the issuance and sale of the Bonds  
4 are hereby approved, confirmed and ratified, and the Designated Officers are each  
5 hereby authorized, for and in the name and on behalf of the City, to do any and all things  
6 and take any and all actions and execute and deliver any and all certificates, agreements  
7 and other documents, including but not limited to (a) a subordination agreement (in a  
8 form acceptable to the City Attorney), and (b) any certificates and other documents  
9 described in the Modification Agreement, which they, or any of them, may deem  
10 necessary of advisable in order to consummate the modification of the documents for the  
11 Bonds as contemplated by the Modification Agreement.

12           Section 4.    Further Consents, Approvals and Other Actions. All consents,  
13 approvals, notices, orders, requests and other actions permitted or required by the  
14 Modification Agreement or the documents referred to therein, or otherwise appropriate in  
15 the administration of the Bonds and the lending program financed thereby, including  
16 without limitation any of the foregoing which may be necessary or desirable in connection  
17 with any amendment of such documents, any sale or transfer of the Project, any  
18 substitution of security for the Bonds, or any redemption of the Bonds, may be taken or  
19 given by any of the Designated Officers, without further authorization by the City Council,  
20 and the Designated Officers are hereby authorized and directed to give any such  
21 consent, approval, notice, order or request and to take any such action which such officer  
22 may deem necessary or desirable to further the purposes of this Resolution.

23           Section 5.    This resolution shall take effect immediately upon its adoption  
24 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

25  
26           I hereby certify that the foregoing resolution was adopted by the City  
27 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2008, by the

28 *////*

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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following vote:

Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

HAM:fl  
04/02/08; rev. 4/16/08  
#A08-01027



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT, TREASURY BUREAU

## R-32

333 WEST OCEAN BOULEVARD 6<sup>TH</sup> FLOOR • LONG BEACH, CALIFORNIA 90802  
562-570-6845

April 22, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

- 1) Receive supporting documentation into the record regarding the Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing;
- 2) Adopt the attached resolution approving the reissuance of Multifamily Mortgage Revenue Bonds for Jamboree West Gateway Apartments in an amount not to exceed \$13,000,000; and
- 3) Authorize the City Manager to execute all documents necessary to complete this transaction as indicated in the resolution. (District 1)

### DISCUSSION

On November 16, 2004, the City Council authorized the issuance of Multifamily Housing Revenue Bonds (Bonds) in the amount of \$11,000,000 to finance the acquisition and construction of the Jamboree West Gateway Apartments (now called Puerto Del Sol Apartments), located at 3<sup>rd</sup> Street and Golden Avenue (Attachment A). Subsequent to the City Council action, Series 2004B bonds totaling \$11,000,000 were issued on December 13, 2004.

On July 12, 2005, the City Council authorized the issuance of additional Multifamily Housing Revenue Bonds in an amount not to exceed \$2,500,000 to provide additional financing for the acquisition and construction of the Jamboree West Gateway Apartments (Attachment B). Subsequent to the City Council action, Series 2005A bonds totaling \$2,000,000 were issued on November 22, 2005.

At the time the bonds were issued, construction was expected to be completed by January 2007. Construction was completed about a year later primarily due to significant changes to the design, including plumbing and HVAC changes that occurred after construction began to mitigate escalating construction costs. Despite these challenges, construction was virtually complete in January 2008 and the Temporary Certificate of Occupancy was issued. Tenant move-in was scheduled for February



2008. However, mold was discovered in 15 of 64 units as a result of water intrusion, and those 15 units are currently vacant while remediation is being completed. The construction loan funded with the proceeds of the Bonds matures on May 1, 2008. Remediation and occupancy of these 15 units will not conclude by this date. It is anticipated that the remediation and repairs will be complete by mid May, and the remaining tenants will move in by the end of May.

As such, the Borrower, Jamboree West Gateway L.P., has requested that the City execute an agreement to modify the Bond documents to allow for additional time to complete the project. The original maturity date of the loan was November 1, 2007 with the option of two three-month extensions. Both extensions were granted. As the final maturity of the loan is May 1, 2008, the Bonds may need to be reissued to extend the loan and ensure compliance with Internal Revenue Service (IRS) tax rules for tax-exempt bonds.

The IRS Code requires that the Borrower seek approval from the City Council of the reissuance of bonds benefiting facilities within the City. A Tax and Equity Fiscal Responsibility Act (TEFRA) public hearing notification was published in the Press-Telegram on April 4, 2008. The TEFRA hearing will be held on April 21, 2008 at 9:00 a.m. The public hearing, required by Federal tax law regulations, will be conducted by the City Treasurer in the sixth floor conference room at City Hall. On April 22, 2008, the City Treasurer will report the results of the TEFRA hearing.

Before proceeding with the requested modifications to the Bond documents, it is necessary for the City Council to receive documentation of the TEFRA hearing, and adopt the attached Resolution authorizing such modifications and reissuance.

This letter was reviewed by Deputy City Attorney Richard F. Anthony on April 16, 2008, and Budget Management Officer Victoria Bell on April 11, 2008.

#### TIMING CONSIDERATIONS

City Council action is requested on April 22, 2008 to meet the loan maturity date of May 1, 2008.

#### FISCAL IMPACT

There is no fiscal impact related to the recommended action. The developer will repay the Bond debt with revenue from project rents.

HONORABLE MAYOR AND CITY COUNCIL  
April 22, 2008  
Page 3

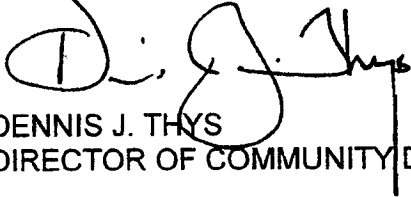
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL  
DIRECTOR OF FINANCIAL MANAGEMENT/CFO



DENNIS J. THYS  
DIRECTOR OF COMMUNITY DEVELOPMENT

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APPROVED:



PATRICK H. WEST  
CITY MANAGER

ATTACHMENTS: ATTACHMENT A - JULY 12, 2005 CITY COUNCIL LETTER ATTACHMENTS AND RESOLUTION  
RESOLUTION

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on September 16, 2008, the City Treasurer of the City of Long Beach (the "City") will hold a public hearing regarding the reissuance by the City of revenue bonds in an amount of up to \$13,000,000 that were issued by the City for the purpose of providing financing for the acquisition and construction of a multifamily rental housing development in the City for persons and families of low income. On December 13, 2004, the City issued its up to \$11,000,000 principal amount of City of Long Beach Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2004B, and on December 1, 2005, the City issued its up to \$2,000,000 principal amount of City of Long Beach Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2005A (collectively, the "Bonds"), and the City now expects to enter into modifications to the legal documents for the Bonds which may result in a reissuance of the Bonds for federal tax purposes. It is expected that, after the public hearing, the City Council of the City will consider the adoption of a resolution which approves the modifications to the documents for the Bonds.

The project being financed consists of 64 units and is located at 745 West Third Street in the City. The owner of the project is Jamboree West Gateway L.P., a California limited partnership (the "Developer"), and the initial operator of the project will be The John Stewart Company, or another entity selected by the Developer. Units in the project are rented to low income tenants.

All those interest in matters related to either the reissuance of the Bonds or the location, ownership, construction, operation or financing of the project are invited to attend and be heard at the public hearing, which will commence at 9:00 a.m. or as soon thereafter as the matter may be heard on September 16, 2008, and will be held in the large conference room in the office of the City Treasurer of the City, located at 333 West Ocean Boulevard, 6<sup>th</sup> Floor, Long Beach, California. Any written or oral comments given at the hearing will be provided to the City Council before it considers the approval of the modifications to the documents for the Bonds. If you have any questions regarding this matter, please call Patrick Ure, Housing Development Officer in the City 's Department of Community Development, at (562) 570-6026.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH APPROVING THIRD LOAN  
MODIFICATION AGREEMENT RELATED TO  
MULTIFAMILY HOUSING REVENUE BONDS FOR  
JAMBOREE WEST GATEWAY APARTMENTS, AND  
APPROVING OTHER RELATED ACTIONS

WHEREAS, pursuant to Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code, as amended (the "Act"), the City of Long Beach (the "City") is authorized to issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing; and

WHEREAS, at the request of Jamboree West Gateway L.P., a California limited partnership (the "Borrower"), on December 13, 2004 the City issued its up to \$11,000,000 of Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2004B and on December 1, 2005 the City issued its up to \$2,000,000 of Multifamily Housing Revenue Bonds (Jamboree West Gateway Apartments), Series 2005A (collectively, the "Bonds"), and the City has made a loan (the "Loan") of the proceeds of the Bonds to the Borrower to finance the acquisition and construction by the Borrower of a 64 unit multifamily rental housing facility located at 745 West Third Street in the City (the "Project") currently known as Puerto Del Sol Apartment Homes (formerly known as Jamboree West Gateway Apartments); and

WHEREAS, in April of 2008, the Borrower advised the City that, due to unforeseen circumstance, the completion of the Project was delayed and the Borrower then requested that the City enter into a Second Loan Modification Agreement with the

1 Borrower and Washington Mutual Bank, FA, the purchaser of the Bonds (the "Bank"), to  
2 extend the maturity date of the Loan from May 1, 2008 to August 1, 2008; and

3 WHEREAS, the Borrower has now advised the City that further unforeseen  
4 delays have occurred in connection with the Borrower obtaining some of the funds  
5 necessary to repay the Loan at its maturity, and the Borrower has now requested that the  
6 City execute a Third Loan Modification Agreement with the Borrower and the Bank  
7 providing for a further extension of the maturity date of the Loan to December 1, 2008;  
8 and

9 WHEREAS, because the further extension of the maturity date of the Loan  
10 may result in a reissuance of the Bonds for federal tax purposes, a public hearing must  
11 be held with respect to the possible reissuance of the Bonds in order that the interest on  
12 the Bonds continue to be exempt from federal income taxes; and

13 WHEREAS, on September 16, 2008, the City Treasurer held a public  
14 hearing regarding the reissuance of the Bonds as required by applicable federal tax law  
15 at which any interested party could be heard regarding the reissuance of the Bonds and  
16 the location, ownership, construction, operation or financing of the Project; and

17 WHEREAS, there has been prepared and have been placed on file with the  
18 City Attorney a copy of the Third Loan Modification Agreement (the "Third Modification  
19 Agreement"); and

20 WHEREAS, it appears that the Third Modification Agreement is in  
21 appropriate form and is an appropriate document to be executed and delivered for the  
22 purposes intended.

23 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
24 follows:

25 Section 1. Approval of Reissuance of Bonds. The reissuance of the Bonds  
26 by reason of the extension of the maturity of the loan funded with the proceeds of the  
27 Bonds, all as contemplated by the Third Modification Agreement, is hereby approved.

28 Section 2. Approval of Third Modification Agreement. The Third

1 Modification Agreement, in the form on file in the City Attorney's office, is hereby  
2 approved. The City Manager, the Director of Financial Management or the Treasurer  
3 (each being a "Designated Officer" and, collectively, the "Designated Officers"), each  
4 acting alone, are hereby authorized to execute and deliver the Third Modification  
5 Agreement in such form, together with such changes as may be approved by the  
6 Designated Officer executing the same upon consultation with the City Attorney and  
7 Bond Counsel to the City for the Bonds, such execution thereof to constitute conclusive  
8 evidence of the approval of all changes from the form of the Third Modification  
9 Agreement approved by this Resolution.

10 Section 3. Actions Ratified and Authorized. All actions heretofore taken by  
11 the officers and agents of the City with respect to the issuance and sale of the Bonds are  
12 hereby approved, confirmed and ratified, and the Designated Officers are each hereby  
13 authorized, for and in the name and on behalf of the City, to do any and all things and  
14 take any and all actions and execute and deliver any and all certificates, agreements and  
15 other documents, including but not limited to (a) a subordination agreement (in a form  
16 acceptable to the City Attorney), and (b) any certificates and other documents described  
17 in the Third Modification Agreement, which they, or any of them, may deem necessary of  
18 advisable in order to consummate the modification of the documents for the Bonds as  
19 contemplated by the Third Modification Agreement.

20 Section 4. Further Consents, Approvals and Other Actions. All consents,  
21 approvals, notices, orders, requests and other actions permitted or required by the Third  
22 Modification Agreement or the documents referred to therein, or otherwise appropriate in  
23 the administration of the Bonds and the lending program financed thereby, including  
24 without limitation any of the foregoing which may be necessary or desirable in connection  
25 with any amendment of such documents, any sale or transfer of the Project, any  
26 substitution of security for the Bonds, or any redemption of the Bonds, may be taken or  
27 given by any of the Designated Officers, without further authorization by the City Council,  
28 and the Designated Officers are hereby authorized and directed to give any such

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 consent, approval, notice, order or request and to take any such action which such officer  
2 may deem necessary or desirable to further the purposes of this Resolution.

3 Section 5. Effective Date. This Resolution shall take effect from and after  
4 the date of its passage and adoption.

5 I hereby certify that the foregoing Resolution was adopted by the City  
6 Council of the City of Long Beach, at its meeting of \_\_\_\_\_, 2008, by the  
7 following vote:

8 Ayes: Councilmembers: \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 Noes: Councilmembers: \_\_\_\_\_

13 \_\_\_\_\_

14 Absent: Councilmembers: \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_  
City Clerk

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