

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-3

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • 562.570.6726

January 18, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record and open the public hearing to receive public comment;

Adopt Resolution calling for a special election regarding the alteration of the services authorized to be financed by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area); and

Adopt Resolution declaring the results of the special election and directing recording of a first amendment to the notice of special tax lien for Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area). (District 5)

DISCUSSION

In 2007, under the provisions of the Long Beach Special Tax Financing Improvement Law (Chapter 3.52 of Division V of the Long Beach Municipal Code), the City Council formed Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area) (Improvement Area) to provide a means to finance certain public improvements and municipal services in a portion of the Douglas Park area south of Cover Street. The City is authorized to levy a special tax on property located in the Improvement Area (all of which is currently owned by The Boeing Company) to pay costs of specified facilities and services.

On May 26, 2010, the City entered into a Douglas Park Amended and Restated Development Agreement (Amended DA) with The Boeing Company, which allows for the services authorized to be funded by the Improvement Area to be altered to increase the area in which the services can be provided, and to remove a requirement that the services be in addition to those provided in the Improvement Area prior to the formation of the Improvement Area. City staff and representatives of The Boeing Company have agreed upon a planned implementation of the applicable provisions of the Amended DA that pertain to the Improvement Area.

On January 4, 2011, the City Council adopted a Resolution of Consideration to alter the description of the services authorized to be funded in and adjacent to the Improvement Area. That resolution called for a public hearing on the matter by the City Council at the January 18, 2011 City Council meeting. It is recommended that the City Council hold the public hearing regarding the proposed alteration of the description of the services authorized to be funded by the Improvement Area, and take testimony of any person desiring to speak on the matter.

Following the conduct of the public hearing, it is recommended that the City Council adopt a Resolution calling for a special election regarding the proposed alteration of the description of the services authorized to be funded by the Improvement Area. Because The Boeing Company owns all of the land in the Improvement Area, it is the only voter in the election, and the resolution authorizes and directs the City Clerk to conduct the election. The ballot for the election has already been sent to and returned by The Boeing Company, and it is expected that the election will be held and canvassed immediately following the adoption of the Resolution calling for the election.

Following the canvass of the election, it is recommended that the City Council adopt a Resolution declaring the results of the election and directing recordation of a first amendment to the Notice of Special Tax Lien for the Improvement Area. The amendment to the Notice of Special Tax Lien will place the public on notice of the authority of the Improvement Area to fund any of the services included in the revised description of the services for the Improvement Area.

This matter was reviewed by Assistant City Attorney Michael J. Mais on December 30, 2010 and Budget Management Officer Victoria Bell on December 29, 2010.

TIMING CONSIDERATIONS

City Council action on this item is requested on January 18, 2011, so that the alteration of the description of the services can be completed as contemplated by the Amended DA.

FISCAL IMPACT

There is no fiscal impact to the General Fund associated with the requested action. Payment of the costs of services to be provided by the Improvement Area, and of outside counsel fees associated with the alteration proceedings, will be paid from proceeds of special tax levies in the Improvement Area, which special taxes are to be paid by the owner of the property in the Improvement Area. This action is not expected to have a significant impact on local jobs.

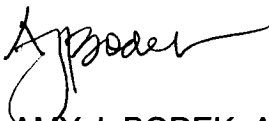
SUGGESTED ACTION:

Approve recommendation.

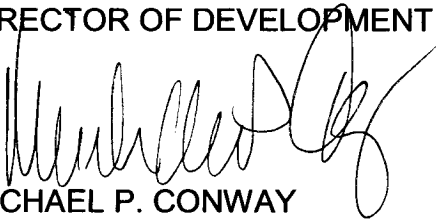
Respectfully submitted,



**ERIK SUND
ACTING DIRECTOR OF FINANCIAL MANAGEMENT**



**AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES**



**MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS**

ES:DN:MRN
T:\COUNCIL LETTERS\01-18-11 ccl - HEARING DOUGLAS PARK CFD 2007-1.DOC

ATTACHMENTS - RESOLUTIONS (2)

APPROVED:



**PATRICK H. WEST
CITY MANAGER**

1 RESOLUTION NO. RES-11-_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH DECLARING RESULTS OF
5 SPECIAL ELECTION IN IMPROVEMENT AREA B OF THE
6 CITY OF LONG BEACH COMMUNITY FACILITIES
7 DISTRICT NO. 2007-1 (DOUGLAS PARK – COMMERCIAL
8 AREA), DETERMINING THAT ALTERATION OF THE
9 SERVICES TO BE FUNDED BY THE IMPROVEMENT
10 AREA IS LAWFULLY AUTHORIZED, AND DIRECTING
11 RECORDING OF A FIRST AMENDMENT TO NOTICE OF
12 SPECIAL TAX LIEN

13
14 WHEREAS, in proceedings heretofore conducted by this City Council
15 pursuant to the Long Beach Special Tax Financing Improvement Law, constituting
16 Section 3.52.511 et seq. of the Long Beach Municipal Code (the "Law"), on this date this
17 City Council adopted Resolution No. RES-11-_____ entitled "A Resolution of the
18 City Council of the City of Long Beach Calling Special Election Regarding Alteration of
19 the Services Authorized to be Funded by Improvement Area B of the City of Long Beach
20 Community Facilities District No. 2007-1 (Douglas Park – Commercial Area)" (the
21 "Resolution Calling Election"), calling for a special election of the qualified electors within
22 Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1
23 (Douglas Park – Commercial Area) (the "Improvement Area"); and

24 WHEREAS, pursuant to the terms of the Resolution Calling Election, which
25 are by this reference incorporated herein, the special election was held on this date, and
26 the City Clerk has on file a Canvass and Statement of Results of Election, a copy of
27 which is attached hereto as Attachment A; and

28 WHEREAS, this City Council has reviewed the canvass and hereby

1 approves it;

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

4 Section 1. The issue presented at said special election was the alteration
5 of the services authorized to be funded by the Improvement Area, as described in the
6 Resolution Calling Election.

7 Section 2. The results of the special election are as set forth in said
8 Canvass on file with the City Clerk, a copy of which is attached to this Resolution as
9 Attachment A. Pursuant to the Canvass, the issue presented at the special election was
10 approved by the sole qualified elector of the Improvement Area.

11 Section 3. This City Council hereby determines that the alteration of the
12 services to be funded by the Improvement Area, as described in the Resolution Calling
13 Election, is lawfully authorized.

14 Section 4. The City Clerk is hereby directed to execute and cause to be
15 recorded in the office of the County Recorder of the County of Los Angeles a first
16 amendment to the Notice of Special Tax Lien with respect to the Improvement Area
17 (recorded in the Los Angeles County Records Office on February 27, 2007 as
18 instrument number 20070424059), in the form attached hereto as Attachment B, with the
19 recording to occur no later than fifteen days following adoption by this City Council of this
20 Resolution.

21 Section 5. It is hereby found that all prior proceedings and actions taken
22 by this City Council with respect to and the alteration of the services authorized to be
23 funded by the Improvement Area were valid and in conformity with the Law.

24 Section 6. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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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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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of January 18, 2011, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

ATTACHMENT A

CANVASS OF RETURNS AND STATEMENT OF RESULT OF ELECTION

IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOUGLAS PARK - COMMERCIAL AREA)

I hereby certify that on January 18, 2011, I canvassed the returns of the election held on January 18, 2011, in Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area), and that the total number of ballots cast in the Improvement Area and the total number of votes cast for and against the measure are as follows, and that the totals as shown for and against the measure are full, true and correct:

	Qualified Eligible <u>Votes</u>	Votes Cast	<u>YES</u>	<u>NO</u>
Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) Special Election, January 18, 2011.	<u>55</u>	<u>55</u>	_____	_____

BALLOT MEASURE: Shall the services authorized to be funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) be altered as described in Section 3 of Resolution No. RES-11-0002 of the City Council of the City of Long Beach adopted January 4, 2011, entitled "A Resolution of the City Council of the City of Long Beach of Consideration to Alter the Services Authorized to be Funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area)"?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 18th day of January, 2011.

By: _____
City Clerk, City of Long Beach

ATTACHMENT B

RECORDING REQUESTED BY
AND RETURN TO:

CITY CLERK
CITY OF LONG BEACH
333 West Ocean Boulevard
Long Beach, CA 90802

EXEMPT FROM RECORDER'S FEES
Pursuant to Government Code
Sections 6103 and 27383

FIRST AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOUGLAS PARK – COMMERCIAL AREA)

ATTACHMENT B

FIRST AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOUGLAS PARK - COMMERCIAL AREA)

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and the Long Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of the Long Beach Municipal Code (the "Law"), a Notice of Special Tax Lien (the "Notice") with respect to Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) ("Improvement Area B") was recorded in the Office of the County Recorder of the County of Los Angeles on February 27, 2007, as instrument no. 20070424059.

In accordance with the provisions of the Law, the City Council of the City of Long Beach, as the legislative body for Improvement Area B, has conducted proceedings to alter the description of the services eligible to be funded by Improvement Area B, and the alteration was approved by the qualified electors for Improvement Area B at a special election with respect thereto called and held as required by the Law.

This First Amendment to Notice of Special Tax Lien amends and restates the description of the services eligible to be funded by Improvement Area B, from that set forth in Exhibit A to the Notice, to be as set forth in Exhibit A hereto.

The name(s) of the owner(s) of the real property included within Improvement Area B and the assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included within Improvement Area B, in each case which are not exempt from the special tax and as they appear on the latest secured assessment roll as of the date of recording of this First Amendment to Notice of Special Tax Lien or as otherwise known to the City, are as set forth in Exhibit B attached hereto and hereby made a part hereof.

Reference is made to the boundary map of the community facilities district of which Improvement Area B is a part, recorded on February 2, 2007 in Book 192 of Maps of Assessment and Community Facilities Districts at Page 39 (instrument no. 20070234895), in the office of the County Recorder for the County of Los Angeles, State of California, which map is the final boundary map of Improvement Area B.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the City Treasurer of the City of Long Beach, 333 West Ocean Boulevard, Long Beach, California 90802, telephone number (562) 570-6845.

Dated: _____, 2011.

By: _____
City Clerk,
City of Long Beach

EXHIBIT A

REVISED DESCRIPTION OF SERVICES ELIGIBLE TO BE FUNDED BY IMPROVEMENT AREA B OF THE CITY OF LONG BEACH COMMUNITY FACILITIES DISTRICT NO. 2007-1 (DOUGLAS PARK - COMMERCIAL AREA)

SERVICES

Improvement Area B of the District shall be eligible to finance all or a portion of the costs of the following: repair, maintenance and replacement, as applicable, of streets, sidewalks, landscaping along streets, in medians and in other public parks and areas, traffic signs and signals, street lights and street signage. Improvement Area B of the District may fund any of the following related to the services described in the preceding sentence: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities, providing for revenues for capital replacement costs, paying the salaries and benefits of personnel (including but not limited to maintenance workers, patrol guards and other personnel), and for payment of other related expenses (including but not limited to employee benefit expenses and an allocation of general overhead expenses). The services may be provided in the area within and adjacent to Douglas Park, as identified in the Douglas Park Amended and Restated Development Agreement (the "Development Agreement") by and between the City of Long Beach (the "City") and The Boeing Company (recorded in the Los Angeles County Recorder's Office on May 26, 2010 as document number 20100720952), or in respect of any public improvements or facilities to be constructed pursuant to the Development Agreement; provided that, as a first priority, the City shall apply proceeds of Special Tax B (as such term is defined in the rate and method of apportionment of special taxes for Improvement Area B) to maintain in good condition within Douglas Park the public infrastructure on which proceeds of the Special Tax B may be expended.

EXHIBIT B

ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND WITHIN
IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOUGLAS PARK - COMMERCIAL AREA)

<u>Assessor's Parcel Nos.</u>	<u>Owner of Record of Parcels</u>
7149-001-052	The Boeing Company
7149-003-010	SSG Site Services - Real Property Management 2201 Seal Beach Boulevard Building 80, M/C 110-SG64 Seal Beach, CA 90740 Attention: Stephane M. Wandel