

C-21

August 24, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution amending Resolution No. RES-21-0073, which established an annual special tax of \$0.14 per square-foot for Community Facilities District No. 2007-2 for commercial properties in Belmont Shore for Fiscal Year 2022, and authorized the Los Angeles County Auditor-Controller to be included on the 2021-22 Secured Tax Roll, to correct Exhibit A. (District 3)

DISCUSSION

On August 5, 2008, the City Council approved and adopted the formation of Community Facilities District 2007-2 (CFD 2007-2) in the area of Belmont Shore to allow for bond issuance, property acquisition, and to confirm district boundaries. In December 2009, the City issued bonds under CFD 2007-2, which repaid parking bonds and pledged parking meter revenues to the CFD 2007-2 bond. The City has adopted annual levies since that time, usually at the same cost, for the same affected properties.

On July 13, 2021, the City Council approved Resolution RES-21-0073 authorizing the City to establish the special tax levy for CFD 2007-2 at an assessment rate at \$0.14 per square-foot of commercial property for Fiscal Year 2022 (FY 22). On August 11, 2021, NBS, Inc., the City's consultant for district administrative services, notified the City that it is necessary to re-adopt the Resolution with a corrected Exhibit A due to an inadvertent clerical error. The error has no effect on the overall charges or number of parcels assessed; and, the correct amounts are now assessed to the correct parcels. The Los Angeles County Auditor-Controller requires the corrected Resolution to include the CFD 2007-2 special tax on the 2021-22 Secured Tax Roll.

This matter was reviewed by Deputy City Attorney Amy R. Webber on August 12, 2021 and by Budget Management Officer Rhutu Amin Gharib on August 13, 2021.

TIMING CONSIDERATIONS

City Council action is requested on August 24, 2021, as the Los Angeles County Auditor-Controller requires receipt of the assessment roll expeditiously.

FISCAL IMPACT

The CFD 2007-2 levy is estimated to generate \$68,865 in FY 22. Assessment revenue and a transfer of \$200,000 in parking revenue generated in CFD 2007-2 are pledged for the payment of CFD 2007-2 debt service and administrative costs. The assessment revenue will be deposited in the Agency Special Assessment Fund Group in the Community Facility District Department. There is no impact to the General Fund Group and no local job impact is associated with this recommendation. 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,




ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

EL:AW:JG:lrl

ATTACHMENT: RESOLUTION

APPROVED:


THOMAS B. MODICA
CITY MANAGER

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING RESOLUTION NO.
RES-21-0073 ESTABLISHING AN ANNUAL SPECIAL TAX
FOR COMMUNITY FACILITIES DISTRICT NO. 2007-2
(BELMONT SHORE) FOR FISCAL YEAR 2021-2022

WHEREAS, the City Council of the City of Long Beach (hereinafter referred to as the “legislative body”) initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1 of Division 2, Title 5 of the Government Code of the State of California. This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 2007-2 (Belmont Shore); and

WHEREAS, this legislative body, by ordinance as authorized by Section 53340 of the government code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said Community Facilities District, and this legislative body is desirous to establish the specific rate of the special tax to be collected for the next fiscal year; and

WHEREAS, the levy had been set at a rate of \$0.12 per commercial lot square-foot for Fiscal Years 2006 through 2018; and

WHEREAS, the levy had been set at a rate of \$0.15 per commercial lot square-foot for Fiscal Year 2019; and

WHEREAS, the levy had been set at a rate of \$0.14 per commercial lot square-foot for Fiscal Years 2020 through 2021; and

WHEREAS, projections to cover operating costs and consultant and trustee

1 fees show a continued rate of \$0.14 per commercial lot square-foot and is being
2 recommended for Fiscal Year 2022; and

3 WHEREAS, on July 13, 2021, the City Council of the City of Long Beach
4 approved Resolution No. RES-21-0073, authorizing the City of Long Beach to establish
5 the special tax levy for CFD 2007-2; and

6 WHEREAS, on August 11, 2021, NBS, Inc., the City's consultant for district
7 administrative services, notified the City that a clerical error had been made on Exhibit "A";
8 and

9 WHEREAS, the error has no effect on the overall charges or number of
10 parcels assessed; however, the Los Angeles County Auditor-Controller requires the
11 Resolution to be corrected; and

12 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
13 follows:

14 Section 1. The above recitals are all true and correct.

15 Section 2. That the specific rate and amount of the special tax to be
16 collected to pay for the costs and expenses for the next fiscal year (2021-2022) for
17 Communities Facilities District 2007-2 (the "District") is hereby determined and
18 established as set forth in Exhibit "A", attached hereto and incorporated herein.

19 Section 3. That the rate as set forth above does not exceed the amount
20 as previously authorized by ordinance of this legislative body, and is not in excess of that
21 as previously approved by the qualified electors of the District.

22 Section 4. The proceeds of the special tax shall be used to pay, in whole
23 or in part, the costs of the following, in the following order of priority:

24 A. Payment of principal of and interest on any outstanding
25 authorized bonded indebtedness;

26 B. Necessary replenishment of bond reserve funds or other
27 reserve funds;

28 C. Payment of costs and expenses of authorized public facilities;

1 D. Repayment of advance and loans, if appropriate.

2 The proceeds of the special taxes shall be used as set forth above, and
3 shall not be used for any other purpose.

4 Section 5. The special tax shall be collected in the same manner as
5 ordinary ad valorem property taxes are collected, and shall be subject to the same
6 penalties and same procedure and sale in cases of any delinquency for ad valorem
7 taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative
8 costs incurred in collecting any said special tax.

9 Section 6. All monies above collected shall be paid into the Community
10 Facilities District funds, including any bond fund and reserve fund.

11 Section 7. The Auditor of the County is hereby directed to enter in the
12 next County assessment roll on which taxes will become due, opposite each lot or parcel
13 of land affected in a space marked "public improvements, special tax" or by any other
14 suitable designation, the installment of the special tax, and for the exact rate and amount
15 of said tax, reference is made to the attached Exhibit "A".

16 Section 8. The County Auditor shall then, at the close of the tax
17 collection period, promptly render to this Agency a detailed report showing the amount
18 and/or amounts of such special tax installments, interest, penalties and percentages so
19 collected and from what property collected, and also provide a statement of any
20 percentages retained for the expense of making any such collection.

21 Section 9. This resolution shall take effect immediately upon its adoption
22 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th 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 _____, 2021 by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

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EXHIBIT "A"

Exhibit A
CITY OF LONG BEACH
PRELIMINARY SPECIAL TAX ROLL 2021/22
COMMUNITY FACILITIES DISTRICT NO. 2007-2
(BELMONT SHORE)

OWNER (1)	APN	2021/22 LEVY (2)
LORBEER ENTERPRISES LP	7245-001-001	\$602.00
BUBSHORE LLC	7245-001-002	1,204.00
LORBEER ENTERPRISES LP	7245-001-003	602.00
BELMONT 2ND STREET LLC	7245-002-001	1,806.00
ABSTRACT HOLDINGS INC	7245-002-002	602.00
NIKOLAU PAUL AND JOYCE TRS & NIKOLAU FAMILY TRUST	7245-003-001	1,120.00
INNOMINATE LLC	7247-001-001	644.00
INNOMINATE LLC	7247-001-002	658.00
INNOCUOUS LLC	7247-001-003	658.00
HOF'S HUT RESTAURANTS INC	7247-001-004	658.00
HOROWITZ TIMNA K ET AL TRS & BIK FAMILY LP LESSEES	7247-002-001	2,016.00
INNOCUOUS LLC	7247-002-002	672.00
PLH HOLDINGS LLC	7247-003-001	420.00
LORBEER ENTERPRISES LP	7247-003-002	448.00
MMART 1 LLC	7247-003-003	434.00
SEIBERT JOSEPH AND CYNTHIA TRS & J AND C SEIBERT TRUST	7247-003-004	434.00
5018 E2 LLC	7247-003-005	952.00
PJ INVESTORS REAL ESTATE LLC	7247-004-001	672.00
NAM ISAKO CO TR & FRANK H C NAM TRUST	7247-004-002	672.00
5116 2ND LLC	7247-004-003	672.00
5116 2ND LLC	7247-004-004	672.00
ENGLISH JOHN A JR TR ET AL & ZENI SUSAN	7247-005-046	2,688.00
BAJA FISH TACOS INC	7247-006-001	602.00
BELMONT SHORES LLC AND & TESSER LLC	7247-006-002	602.00
LSB PROPERTY MANAGEMENT LLC	7247-006-003	602.00
DSC AMERICA INC	7247-006-004	602.00
JAC EQUITY LLC	7247-007-001	1,204.00
GERSCHULTZ STEVEN J CO TR & GERSCHULTZ FAMILY TRUST	7247-007-002	875.00
GERSCHULTZ STEVEN J CO TR & GERSCHULTZ FAMILY TRUST	7247-007-003	329.00
INNOCUOUS LLC	7247-008-001	588.00
TRUWEST INVESTMENT GROUP LP	7247-008-002	1,176.00
MMART LLC	7247-008-004	574.00
5300 E 2ND ST LLC	7247-009-001	565.60
COWELL COLONY CAPITAL LP	7247-009-002	596.40
LORBEER ENTERPRISES LP	7247-009-003	588.00
LORBEER ENTERPRISES LP	7247-009-004	588.00
MITCHELL LAND AND IMPROVEMENT CO	7249-017-013	805.00
CUTULI DIANA C CO TR & CUTULI GINA M	7249-017-018	1,255.80
DEKK ASSOCIATES	7249-018-029	602.00
HILL RICHARD H CO TR & LOUISE L ZUGG DECD TRUST	7249-018-030	602.00
PAPADAKIS LILLIAN G CO TR & STAMATINA BRATSALIS DECD TRUST	7249-018-031	602.00
C SHORE PROPERTIES LLC	7249-018-032	602.00
2ND ST PROFESSIONAL CENTER LLC	7249-019-021	1,162.00
TRUWEST INVESTMENT GROUP LP	7249-019-022	1,176.00
TRUWEST INVESTMENT GROUP LP	7249-022-024	588.00
TAVLARIDES ANGELO J AND MARY TRS & A AND M TAVLARIDES TRUST	7249-022-025	588.00
MILLAN JUDY & JUDY MILLAN TRUST	7249-022-026	588.00

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LMC LONG BEACH LLC	7249-022-028	305.20
KHEDR BELMONT SHORES LLC	7249-023-023	2,408.00
HARRIS PROPERTIES	7249-026-023	602.00
HILL ROBERT H & LOUISE L ZUGG DECD TRUST	7249-026-024	293.16
PRSCF LLC	7249-026-025	308.84
WITZLING SANDY AND SUSANNA TRS & S AND S SUSANNA TRUST	7249-026-028	1,204.00
200 NIETO LLC	7249-027-022	672.00
WELGE ANITA K & SIM JOAN W	7249-027-023	672.00
TAUCHER CURT AND JACQUELINE TRS & CJT AND PROPERTIES LLC	7249-027-024	672.00
FARMERS AND MERCHANTS TR CO & JANE CLARK MANAGEMENT TRUST	7249-027-025	672.00
BANK OF AMERICA	7249-030-021	672.00
5101 E2 LLC	7249-030-023	2,016.00
SASAKI FRANCES D & FRANCES SASAKI TRUST	7249-031-022	672.00
KHEDR MANAGEMENT GROUP LLC	7249-031-023	672.00
KHEDR MANAGEMENT GROUP LLC	7249-031-024	672.00
BAINES FAMILY LLC	7249-031-025	672.00
AMERICAN COMMERCIAL	7249-033-032	672.00
SAS 4901 LLC	7249-033-037	1,313.20
SAS 4901 LLC	7249-033-038	701.40
KHEDR PROPERTIES LLC	7249-034-024	1,302.00
FARMERS AND MERCHANTS BANK OF LONG BEACH	7249-034-029	1,316.00
TROSSEN KENNETH AND JUDITH TRS & TROSSEN FAMILY TRUST	7256-021-012	658.00
TROSSEN KENNETH AND JUDITH TRS & TROSSEN FAMILY TRUST	7256-021-013	658.00
RIVERSIDE PARTNERS LTD NO 100	7256-021-016	1,302.00
EPIC 4 INVESTMENT GROUP LLC	7256-021-019	4,370.80
HJM SUNRISE PLAZA LLC	7256-022-001	1,316.00
PARK AND SECOND LLC	7256-022-002	1,302.00
4600 E2 LLC	7256-023-001	1,344.00
EDD INVESTMENT CO	7256-023-002	1,344.00
BOREN LARRY L AND LYNN E TRS & BOREN FAMILY TRUST	7256-024-016	442.82
TOTALS:	78 PARCELS	\$68,865.02

(1) Ownership information taken from the preliminary 2021/22 secured roll data

(2) Computed at \$0.14 per taxable lot square foot

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