

1 RESOLUTION NO. RES-11-0002

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH OF CONSIDERATION TO ALTER
5 THE SERVICES AUTHORIZED TO BE FUNDED BY
6 IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
7 COMMUNITY FACILITIES DISTRICT NO. 2007-1
8 (DOUGLAS PARK – COMMERCIAL AREA)

9
10 WHEREAS, on January 23, 2007, this City Council adopted Resolution No.
11 RES-07-0012 (the "Resolution of Intention") declaring its intention to establish
12 Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1
13 (Douglas Park – Commercial Area) (the "Improvement Area") pursuant to the Long Beach
14 Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of the
15 Long Beach Municipal Code (the "Law"), for the purpose of funding the costs of certain
16 facilities and services, as further provided in that Resolution; and

17 WHEREAS, the City Council now desires to commence proceedings to
18 expand the area in which services authorized to be funded by the Improvement Area can
19 be provided;

20 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
21 follows:

22 Section 1. The City Council hereby finds and determines that public
23 convenience and necessity require that the description of the services authorized to be
24 funded by the Improvement Area be altered.

25 Section 2. The name of the Improvement Area is "Improvement Area B
26 of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park –
27 Commercial Area)," and reference is hereby made to Resolution No. RES-07-0020,
28 adopted by this City Council on February 20, 2007 for further particulars regarding the

1 Improvement Area. The territory included in the Improvement Area is as shown on the
2 boundary map of the Improvement Area recorded on February 2, 2007 in Book 192 of
3 Maps of Assessment and Community Facilities Districts at Page 39 (instrument no. 2007
4 0234895), in the Office of the County Recorder for the County of Los Angeles, State of
5 California.

6 Section 3. It is proposed that the services authorized to be funded by the
7 Improvement Area be altered to allow the services to be performed in areas within and
8 adjacent to the Improvements Area. Specifically, it is proposed that the previously-
9 approved description of the services authorized to be funded by the Improvement Area
10 be altered by deleting the following sentence therein: "Any services to be funded by
11 Improvement Area B will be in addition to those provided in the territory of Improvement
12 Area B before the date of creation of Improvement Area B, and will not supplant services
13 already available within that territory when Improvement Area B was created." and by
14 inserting in such description, in lieu of the deleted sentence, the following: "The services
15 may be provided in the area within and adjacent to Douglas Park, as identified in the
16 Douglas Park Amended and Restated Development Agreement (the "Development
17 Agreement") by and between the City of Long Beach (the "City") and The Boeing
18 Company (recorded in the Los Angeles County Recorder's Office on May 26, 2010 as
19 document number 20100720952), or in respect of any public improvements or facilities to
20 be constructed pursuant to the Development Agreement; provided that, as a first priority,
21 the City shall apply proceeds of Special Tax B (as such term is defined in the rate and
22 method of apportionment of special taxes for Improvement Area B) to maintain in good
23 condition within Douglas Park the public infrastructure on which proceeds of the Special
24 Tax B may be expended."

25 Section 4. Tuesday, January 18, 2011, at 5:00 p.m., or as soon
26 thereafter as the matter may be heard, in the regular meeting place of this City Council,
27 Council Chambers, City Hall, 333 West Ocean Boulevard, Long Beach, California, be,
28 and the same are hereby appointed and fixed as the time and place when and where this

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

1 City Council, as legislative body for the Improvement Area, will conduct a public hearing
2 on the proposed alteration of the description of the services authorized to be funded by
3 the Improvement Area and consider and finally determine whether the public interest,
4 convenience and necessity require the alteration.

5 Section 5. The law firm of Quint & Thimmig LLP is hereby designated as
6 Special Counsel to the City in connection with the alteration proceedings for the
7 Improvement Area. The City Attorney is hereby authorized to execute an agreement with
8 said firm for its services related to the Improvement Area, in a form acceptable to the City
9 Attorney.

10 Section 6. The City Clerk is hereby directed to cause notice of the public
11 hearing to be given by publication one time in a newspaper of general circulation
12 circulated within the area of the Improvement Area. The publication of the notice shall be
13 completed at least seven (7) days before the date set for the public hearing. The notice
14 shall substantially in the form of Exhibit A hereto.

15 Section 7. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

17 I hereby certify that the foregoing resolution was adopted by the City
18 Council of the City of Long Beach at its meeting of January 4, 2011, by the following vote:

19 Ayes: Councilmembers: Garcia, Schipske, Andrews, Johnson,
20 Gabelich, Neal.

21 _____
22 _____
23 Noes: Councilmembers: None.

24 _____
25 Absent: Councilmembers: Lowenthal, DeLong, O'Donnell.


26 _____
27 
28 _____
City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

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

Notice is hereby given that on January 4, 2011, the City Council of the City of Long Beach adopted a Resolution 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)." Pursuant to the Long Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of the Long Beach Municipal Code (the "Law"), the City Council of the City of Long Beach hereby gives notice as follows:

A. The text of said Resolution is as follows:

WHEREAS, on January 23, 2007, this City Council adopted Resolution No. RES-07-0012 (the "Resolution of Intention") declaring its intention to establish Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) (the "Improvement Area") pursuant to the Long Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of the Long Beach Municipal Code (the "Law"), for the purpose of funding the costs of certain facilities and services, as further provided in that Resolution; and

WHEREAS, the City Council now desires to commence proceedings to expand the area in which services authorized to be funded by the Improvement Area can be provided.

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

Section 1. The City Council hereby finds and determines that public convenience and necessity require that the description of the services authorized to be funded by the Improvement Area be altered.

Section 2. The name of the Improvement Area is "Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area)," and reference is hereby made to Resolution No. RES-07-0020, adopted by this City Council on February 20, 2007 for further particulars regarding the Improvement Area. The territory included in the Improvement Area is as shown on the boundary map of the Improvement Area recorded on February 2, 2007 in Book 192 of Maps of Assessment and Community Facilities Districts at Page 39 (instrument no. 2007 0234895), in the Office of the County Recorder for the County of Los Angeles, State of California.

Section 3. It is proposed that the services authorized to be funded by the Improvement Area be altered to allow the services to be performed in areas within and adjacent to the Improvements Area. Specifically, it is proposed that the previously-approved description of the services authorized to be funded by the Improvement Area be altered by deleting the following sentence therein: "Any services to be funded by Improvement Area B will be in addition to those provided in the territory of Improvement Area B before the date of creation of Improvement Area B, and will not supplant services already available within that territory when Improvement Area B was created." and by inserting in such description, in lieu of the deleted sentence, the following: "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."

Section 4. Tuesday, January 18, 2011, at 5:00 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, Council Chambers, City Hall, 333 West Ocean Boulevard, Long Beach, California, be, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for the Improvement Area, will conduct a public hearing on the proposed alteration of the description of the services authorized to be funded by the Improvement Area and consider and finally determine whether the public interest, convenience and necessity require the alteration.

Section 5. The law firm of Quint & Thimmig LLP is hereby designated as Special Counsel to the City in connection with the alteration proceedings for the Improvement Area. The City Attorney is hereby authorized to execute an agreement with said firm for its services related to the Improvement Area, in a form acceptable to the City Attorney.

Section 6. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper of general circulation circulated within the area of the Improvement Area. The publication of the notice shall be completed at least seven (7) days before the date set for the public hearing. The notice shall substantially in the form of Exhibit A hereto.

Section 7. This Resolution shall take effect immediately upon its adoption.

B. The time and place established under the Resolution for the public hearing required under the Law are Tuesday, January 18, 2011, at the hour of 5:00 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of the City Council of the City of Long Beach, Council Chambers, City Hall, 333 West Ocean Boulevard, Long Beach, California.

C. At the hearing, the testimony of all interested persons or taxpayers for or against the alteration of the services authorized to be funded by the Improvement Area will be heard. Any interested person may file a protest in writing as provided in Section 3.52.529 of the Law. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the Improvement Area, or the owners of one-half or more of the area of the land in the territory included in the Improvement Area and not exempt from the special tax authorized to be levied in the Improvement Area file written protests against the alteration of the services authorized to be funded by the Improvement Area, no further proceedings with respect to such alteration shall be taken for a period of six months from the date of the decision of the City Council.

D. The proposed voting procedure with respect to the alteration shall be by special mail or hand-delivered ballot to the owner of the real property located within the Improvement Area.

Dated: _____, 2011

/s/ Larry Herrera
City Clerk,
City of Long Beach

[to be published no later than January 11, 2011]