



## Legislation Text

---

**File #:** 11-0015, **Version:** 1

---

Recommendation to adopt Resolution 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); and set the date for a public hearing for Tuesday, January 18, 2011 at 5:00 p.m. (District 5)

The Long Beach Special Tax Financing Improvement Law, as contained in the Long Beach Municipal Code, Division V, Chapter 3.52, governs the formation of community facilities districts, as approved by City Council. The Special Tax Financing Improvement Law, which is broader than the State of California's Mello-Roos Law, provides a mechanism to form community facilities districts and to finance public capital facilities and services. Once formed, a community facilities district can finance facilities and provide services through payment of a special tax levied against the owners of land in the community facilities district.

In 2007, under the provisions of the Special Tax Financing Improvement Law, 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 B) 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 Improvement Area B (all of which is currently owned by The Boeing Company) to pay costs of the authorized 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 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.

Adoption of the attached Resolution will declare the City Council's intention to alter the description of the services authorized to be funded in and adjacent to the Improvement Area, and will set a date of public hearing on the proposed alteration for January 18, 2011 at 5:00 p.m., or as soon thereafter as the matter may be heard. The Resolution describes the proposed alteration to the description of the services authorized to be funded by the Improvement Area, sets the public hearing, authorizes the City Attorney to execute an agreement with Quint & Thimmig, LLP, as counsel designated to assist the City with the alteration proceedings, and directs the City Clerk to publish a Notice of Public Hearing.

Immediately following the public hearing on January 18, 2011, it is expected that an election will be called, at which time The Boeing Company, as the sole owner of the property in the Improvement Area, will vote to approve the alteration of the description of the services.

This matter was reviewed by Assistant City Attorney Heather A. Mahood on December 16, 2010 and Budget Management Officer Victoria Bell on December 17, 2010.

City Council action on this item is requested on January 4, 2011, so that the alteration of the description of the services can be completed as contemplated by the Amended DA.

There is no fiscal impact to the General Fund associated with the requested action. Payment 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.

Approve recommendation.

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).

ERIK SUND  
ACTING DIRECTOR OF FINANCIAL MANAGEMENT

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

MICHALE P. CONWAY  
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST  
CITY MANAGER