

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN EACH IMPROVEMENT AREA THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT

WHEREAS, the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA (the “City Council”), desires to initiate proceedings to create a Community Facilities District and to designate two improvement areas therein pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”) and the City of Chula Vista Community Facilities District Ordinance, as originally enacted and as subsequently amended pursuant to the powers reserved by the City of Chula Vista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the “Ordinance”) (the Act and the Ordinance may be referred to collectively as the “Community Facilities District Law”) for the purposes set forth herein; and

WHEREAS, this Community Facilities District shall hereinafter be referred to as Community Facilities District No. 14M (Eastern Urban Center/Millenia) (the “District”) and the improvement areas proposed to be designated therein shall hereinafter be referred to as Improvement Area No. 1 and Improvement Area No. 2 (each, an “Improvement Area” and collectively, the “Improvement Areas”);and

WHEREAS, pursuant to the Community Facilities District Law, the City Council adopted a Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts (the “Goals and Policies”) that establish and state the City’s goals and policies concerning the use of the Act in providing adequate infrastructure improvements and public services for the City; and

WHEREAS, the maintenance of public parks is authorized to be funded by a community facilities district pursuant to the Act but is not enumerated in the Goals and Policies, as a public service authorized to be financed through a community facilities district established by the City; and

WHEREAS, the Goals and Policies provide, however, that other public services not listed in the Goals and Policies may be financed by a community facilities district established by the City if such services are authorized to be financed by the Act and the City Council determines that such services are otherwise consistent with the Goals and Policies and in the best interest of the City and the residents and property owners within a proposed Community Facilities District; and

WHEREAS, the City Council has determined that the financing of the maintenance of public parks located within Improvement Area No. 2 by the District is (i) consistent with the Goals and Policies, and (ii) in the best interest of the City, and the residents and the property owners within Improvement Area 2; and

WHEREAS, the City has determined at this time that it is appropriate to fund the maintenance of public parks within Improvement Area No. 2; and

WHEREAS, this City Council is now prepared to proceed to adopt its Resolution of Intention to initiate the proceedings for the establishment of such District, to set forth the boundaries for such District and the Improvement Areas therein, to indicate the type of public services to be financed by such District, to indicate a rate and method of apportionment of special taxes proposed to be levied within each Improvement Area sufficient to finance such services for and within each such Improvement Area, and to set a time and place for a public hearing relating to the establishment of such District and the designation of the Improvement Areas; and

WHEREAS, a map of such District has been submitted showing the boundaries of the territory proposed to be included in the District and in each of the Improvement Areas which territory includes the properties and parcels of land proposed to be subject to the levy of a special tax by the District for each of the Improvement Areas.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

SECTION 1. Recitals. The above recitals are all true and correct and are hereby made findings of the City Council.

SECTION 2. Initiation of Proceedings. These proceedings are initiated by this City Council pursuant to the provisions of the Community Facilities District Law.

SECTION 3. Boundaries of District and the Improvement Areas. It is the intention of this City Council to establish the Community Facilities District and to designate the Improvement Areas therein pursuant to the provisions of the Community Facilities District Law, and to determine the boundaries and parcels on which special taxes may be levied to finance certain services. A description of the boundaries of the territory proposed for inclusion in the District and each Improvement Area therein including properties and parcels of land proposed to be subject to the levy of a special tax by the District is as follows:

All that property as shown on a map as previously approved by this City Council, such map designated "Proposed Boundaries of Community Facilities District No. 14M (Eastern Urban Center/Millenia), City of Chula Vista, County of San Diego, State of California", a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

SECTION 4. Name of District and Improvement Areas. The proposed Community Facilities District shall be known and designated as "Community Facilities District No. 14M (Eastern Urban Center/Millenia)." The Improvement Areas within the District shall be known and designated as "Improvement Area No. 1" and "Improvement Area No. 2."

SECTION 5. Description of Services. It is the intention of this City Council to finance certain services that are in addition to those provided in or required for the territory within the District and will not be replacing services already available. A general description of the services to be funded by special taxes levied in Improvement Area No. 1 are set forth in Exhibit "A," attached hereto and by this reference incorporated herein. A general description of the

services to be funded by special taxes levied in Improvement Area No. 2 are set forth in Exhibit “B,” attached hereto and by this reference incorporated herein.

Such maintenance shall include, but not be limited to, the provision of all labor, material, administration, personnel, equipment and utilities necessary to maintain such improvements.

SECTION 6. Special Tax. It is also the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for such services and related incidental expenses authorized by the Community Facilities District Law, secured by recordation of a continuing lien against all non-exempt real property in each Improvement Area of the District, will be levied annually within the boundaries of each such Improvement Area. Under no circumstances will the special tax authorized to be levied within an Improvement Area be increased as a consequence of delinquency or default by the owner of any other parcel or parcels used for private residential purposes and located within such Improvement Area by more than 10 percent. For further particulars as to the rate and method of apportionment of the special tax proposed to be levied within Improvement Area No. 1, reference is made to the attached and incorporated Exhibit “C,” which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within such Improvement Area to clearly estimate the maximum amount that such person will have to pay for such services. For further particulars as to the rate and method of apportionment of the special tax proposed to be levied within Improvement Area No. 2, reference is made to the attached and incorporated Exhibit “C”, which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within such Improvement Area to clearly estimate the maximum amount that such person will have to pay for such services.

The special taxes herein authorized to be levied within Improvement Area No. 1, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any such special taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the District.

The special taxes herein authorized to be levied within Improvement Area No. 2 shall be collected through a direct billing procedure by the District.

SECTION 7. Public Hearing. Notice is given that on the 11th day of February, 2014, [NOTE: The Agenda Statement says February 4th] at the hour of 2 o’clock p.m., in the regular meeting place of the City Council being the Council Chambers, located at 276 4th Avenue, Chula Vista, California, a public hearing will be held where this City Council will consider the establishment of the proposed District, the designation of the Improvement Areas therein, the proposed rate and method of apportionment of the special taxes proposed to be levied within each Improvement Area, and all other matters as set forth in this resolution of intention. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the establishment of the District, the extent of the District, the designation or extent of the Improvement Areas or the furnishing of the services, will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk of

the City Council on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing.

If a written majority protest against the establishment of the District is filed, the proceedings shall be abandoned. If such majority protest is limited to certain services or portions of the special tax, those services or that tax shall be eliminated from the proposed District by the City Council, before the City Council takes action to establish the District.

SECTION 8. Election. If, following the public hearing described in the Section above, the City Council determines to establish the District and proposes to levy a special tax within each of the Improvement Areas within the District, the City Council shall then submit the levy of the special taxes to the qualified electors of each such Improvement Area. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within any Improvement Area for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of such Improvement Area, with each voter having one (1) vote. Otherwise, the vote shall be by the landowners of such Improvement Area who were the owners of record at the close of the subject hearing, with each landowners or the authorized representative thereof, having one (1) vote for each acre or portion of an acre of land owned within such Improvement Area.

A successful election relating to the special tax authorization shall, as applicable, establish and/or change the appropriations limit as authorized by Article XIII B of the California Constitution as it is applicable to this District.

SECTION 9. Designation of Authorized Representative for Voting. The City Council hereby designates the City Manager or his authorized representative as the person authorized to submit a ballot for and on behalf of the City for the purposes of submitting a ballot in the election described in the Section above.

SECTION 10. Notice. Notice of the time and place of the public hearing shall be given by the City Clerk by causing a Notice of Public Hearing to be published in the legally designated newspaper of general circulation, such publication pursuant to Section 6061 of the Government Code, with such publication to be completed at least seven (7) days prior to the date set for the public hearing.

PREPARED BY:

APPROVED AS TO FORM BY:

Richard A. Hopkins
Director of Engineering

Glen R. Googins
City Attorney

Exhibit A

Community Facilities District No. 14M (Eastern Urban Center/Millenia)

Improvement Area No. 1 Description of Services

The types of services to be funded by special taxes levied within Improvement Area No. 1 (“Services”) shall include maintenance and servicing of the following facilities (the “Improvement Area No. 1 Facilities”) and any administrative expenses related thereto:

I. STREET FRONTAGE MAINTENANCE

Eastlake Parkway

- Trees
- Palms
- Planting Areas/Irrigation/Recycled water
- Rodent Control
- Enhances paving

Birch Road

- Trees
- Palms
- Planting Areas/Irrigation/Recycled water
- Rodent Control
- Enhanced paving
- Recycled Water Irrigation Meters
- Back flow preventer inspection
- Wireless for irrigation controller
- Trash Receptacles
- Bike rack
- Benches

Bus Rapid Transit Facility

- Palms
- Planting Areas/Irrigation/Recycled water
- Rodent Control
- Decomposed Granite

Medians

- Eastlake Pkwy (Birch to Hunte Pkwy) 50%
- Birch (I-125 to Eastlake Pkwy) 100%

Pedestrian Bridge (over Eastlake Pkwy)

Bus Stop

Trash receptacles
Maintenance

II. PARK MAINTENANCE (PUBLIC URBAN PARKS)**Frontages (Parks 1, 2, 4, 5 and 6)**

Trees – shade
Palms
Planting Areas/Irrigation/Recycled water
Rodent Control
Recycled Water Irrigation Meters
Back flow preventer inspection
Wireless for irrigation controller
Enhanced paving
Porous pavers
Decomposed Granite
Uplighting
Decorative Lighting

Planting/Irrigation

Trees – shade
Trees – ornamental
Palms
Planting Areas/Irrigation/Recycled water
Sod/Irrigation/Recycled Water
Rodent Control
Recycled Water Irrigation Meters
Potable Water Irrigation Meters
Wireless for irrigation controller
Back flow preventer inspection

Hardscape

Seat Wall

Flatwork

Pedestrian paving (concrete and pavers)
Decomposed granite
Playground surfacing

Site Furniture

- Bike Racks
- Trash Receptacles/Collection
- Dog Waste Bag Dispenser/Collection/Disposal
- Benches
- Picnic Tables
- Moveable Tables and Chairs
- Umbrellas
- Decorative Lighting

Metalwork

- Metal fence/gate

Site Amenities/Features

- Fountain
- Fountain – Interactive or large
- Spray Park
- SCADA Monitoring System
- Signage, Wayfinding Elements
- Sculpture, Art Elements
- Playground Equipment
- Overlook Platform
- Tree House
- Outdoor Theater

Regional Trail

- Regional trail

Structures

- Restrooms, Maintained storage
- Gazebo, Pavilion
- Trellis, Overhead Structure

Athletic Facilities

- Basketball Court
- Tennis Court

III. BIORETENTION MAINTENANCE**Bioretention Basins**

- Inspection/Ongoing Maintenance
- Replacement 3 times per 100 years

Street M Underground Detention

IV. STORM WATER MAINTENANCE

Wolf Canyon Detention Basin

- Vegetation Removal
- Silt Removal Maintenance
- Silt Removal Screen Replacement
- Engineer's Inspection
- Periodic Inspection and Maintenance

Bioretention Facilities

Poggi Canyon

- Channel
- Detention Basin

Birch Street Filters

Vactor Truck Replacement

For purposes of this description of the Services to be funded by the levy of Special Taxes within Improvement Area No. 1, "maintenance" includes, but is not limited to, the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any of the Improvement Area No. 1 Facilities, including:

- (a) Repair, removal, or replacement of all or any part of any Improvement Area No. 1 Facilities.
- (b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- (c) The removal of trimmings, rubbish, debris, silt, and other solid waste.
- (d) The cleaning, sandblasting, and painting of walls and other Improvement Area No. 1 Facilities to remove or cover graffiti.
- (e) The elimination, control, and removal of rodents and vermin.

For purposes of this description of the Services to be funded by Special Taxes levied within Improvement Area No. 1, "servicing" includes, but is not limited to, the furnishing of:

- (a) Electric current or energy, gas, or other illuminating agent for any public lighting for Improvement Area No. 1 Facilities or for the lighting or operation of any other improvements related thereto.
- (b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other Improvement Area No. 1 Facilities.

For purposes of this description of the Services to be funded by the levy of Special Taxes within Improvement Area No. 1, "administrative expenses" means the actual or estimated costs incurred by the City, acting for and on behalf of the District as the administrator thereof, to determine, levy and collect the Special Taxes within Improvement Area No. 1, including salaries of City employees and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the District; the costs of collecting installments of the Special Taxes levied within Improvement Area No. 1; and any other costs required to administer Improvement Area No. 1 as determined by the City.

Exhibit B

Community Facilities District No. 14M (Eastern Urban Center/Millenia)

Improvement Area No. 2 Description of Services

The types of services to be funded by Special Taxes levied within Improvement Area No. 2 (“Services”) shall include maintenance and servicing of the following facilities (the “Improvement Area No. 2 Facilities”) and any administrative expenses related thereto:

I. PARK MAINTENANCE (PUBLIC URBAN PARKS)

Frontages (Parks 1, 2, 4, 5 and 6)

- Trees – shade
- Palms
- Planting Areas/Irrigation/Recycled water
- Rodent Control
- Recycled Water Irrigation Meters
- Back flow preventer inspection
- Wireless for irrigation controller
- Enhanced paving
- Porous pavers
- Decomposed Granite
- Uplighting
- Decorative Lighting

Planting/Irrigation

- Trees – shade
- Trees – ornamental
- Palms
- Planting Areas/Irrigation/Recycled water
- Sod/Irrigation/Recycled Water
- Rodent Control
- Recycled Water Irrigation Meters
- Potable Water Irrigation Meters
- Wireless for irrigation controller
- Back flow preventer inspection

Hardscape

- Seat Wall

Flatwork

- Pedestrian paving (concrete and pavers)
- Decomposed granite
- Playground surfacing

Site Furniture

Bike Racks
Trash Receptacles/Collection
Dog Waste Bag Dispenser/Collection/Disposal
Benches
Picnic Tables
Moveable Tables and Chairs
Umbrellas
Decorative Lighting

Metalwork

Metal fence/gate

Site Amenities/Features

Fountain
Fountain – Interactive or large
Spray Park
SCADA Monitoring System
Signage, Wayfinding Elements
Sculpture, Art Elements
Playground Equipment
Overlook Platform
Tree House
Outdoor Theater

Regional Trail

Regional trail

Structures

Restrooms, Maintained storage
Gazebo, Pavilion
Trellis, Overhead Structure

Athletic Facilities

Basketball Court
Tennis Court

For purposes of this description of the Services to be funded by Special Taxes levied within Improvement Area No. 2, “maintenance” includes, but is not limited to, the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any of the Improvement Area No. 2 Facilities, including:

- (a) Repair, removal, or replacement of all or any part of any Improvement Area No. 2 Facility.
- (b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- (c) The removal of trimmings, rubbish, debris, and other solid waste.
- (d) The cleaning, sandblasting, and painting of walls and other Improvement Area No. 2 Facilities to remove or cover graffiti.

For purposes of this description of the Services to be funded by Special Taxes levied within Improvement Area No. 2, “servicing” includes the furnishing of:

(a) Electric current or energy, gas, or other illuminating agent for any public lighting for Improvement Area No. 2 Facilities or for the lighting or operation of any other improvements related thereto.

(b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other Improvement Area No. 2 Facilities.

Exhibit C

Community Facilities District No. 14M (Eastern Urban Center/Millenia)

Rate and Method of Apportionment