

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE MANAGEMENT DISTRICT PLAN AND FINAL ENGINEER'S REPORT, RENEWING THE DOWNTOWN CHULA VISTA PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT FOR A PERIOD OF TEN YEARS AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH DISTRICT, AND APPROVING THE "THIRD AVENUE VILLAGE AGREEMENT AND ENCROACHMENT PERMIT FOR MAINTENANCE SERVICES BETWEEN THE CITY OF CHULA VISTA AND THE THIRD AVENUE VILLAGE ASSOCIATION"

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highway Code Sections 36600, *et seq.*)(the "PBID Law") authorizes the City of Chula Vista to form one or more business improvement districts (a "BID") within Chula Vista, and to renew such districts; and

WHEREAS, the City Council of the City of Chula Vista wishes to continue to promote the economic revitalization and physical maintenance of the business districts within Chula Vista; and

WHEREAS, the renewal of the Downtown Chula Vista PBID (the "PBID"), which generally encompasses the area along Third Avenue, from E Street to I Street, and is more particularly described in the District Management Plan, dated January 2016, and the accompanying Engineer's Report dated April 2016 (the "Management Plan"), which is on file in the office of the City Clerk and incorporated by this reference, within Chula Vista will further the City Council's goals of creating jobs, assisting new businesses and supporting the existing business district within the City; and

WHEREAS, the services to be provided by the PBID and described in the Management Plan will include economic development and marketing for business retention and attraction; district wide maintenance; Third Avenue enhanced maintenance; sponsoring of annual special events; and

WHEREAS, a petition signed by property owners in the proposed PBID who will pay more than fifty percent (50%) of the assessment proposed to be levied has been submitted to support the renewal of the PBID; and

WHEREAS, the estimated cost for the first year of operation of the PBID is Four Hundred Fifty Five Thousand Dollars (\$455,000) which cost may be increased in future years a

maximum of five percent (5%) annually, and which estimated cost constitutes the total amount of all special benefits to be conferred on the properties within the PBID district; and

WHEREAS, on April 26, 2016, the City Council adopted a Resolution of Intention (Resolution No. 2016-062) to renew the PBID; and

WHEREAS, a noticed public hearing was held by the City Council to receive public input on the PBID renewal on June 14, 2016, at 5:00 P.M. at City Council Chambers located at 276 Fourth avenue, Chula Vista; and

WHEREAS, the City Council authorized the results of the ballots submitted by property owners located within the boundaries of the PBID, to be opened and counted by the City Clerk's Office; and

WHEREAS, ballots were counted and weighted according to the proportional financial obligation of the affected properties, and it was determined that the percentage of ballots submitted in opposition to the assessment was: ____; and the percentage of ballots submitted in favor of the assessment was: _____, therefore, a majority protest did not exist; and; and

WHEREAS, the properties within the PBID district shall be subject to the PBID Law, and any amendments to it; and

WHEREAS, the improvements, maintenance, and activities to be conferred on the properties within the PBID district will be funded by the levy of the assessment; and

WHEREAS, the Third Avenue Village Association ("TAVA") intends to perform certain services contemplated in the Management Plan, including district-wide maintenance and Third Avenue enhanced maintenance, pursuant to an agreement with the City; and

WHEREAS, City staff has been working with TAVA to prepare the "Third Avenue Village Agreement and Encroachment Permit for the Maintenance Services between the City of Chula Vista and the Third Avenue Village Association" (the "Agreement") which clarifies the maintenance responsibilities and serves as the encroachment permit required for TAVA to conduct the services and activities contemplated in the Agreement and Management Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find that the properties within the PBID district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and that the properties will receive special benefits and accepts the Management Plan.

BE IT FURTHER RESOLVED that the City Council hereby renews the Downtown Chula Vista Property-Based Improvement District and authorizes the levy and collection of assessments within the PBID in accordance with the Management Plan, for a period of ten years, effective January 1, 2017.

BE IT FURTHER RESOLVED that the City Council hereby approve the “Third Avenue Village Agreement and Encroachment Permit for the Maintenance Services between the City of Chula Vista and the Third Avenue Village Association” allowing TAVA to conduct the services and activities contemplated in the Agreement and Management Plan.

Presented by

Approved as to form by

Eric Crockett
Economic Development Director

Glen R. Googins
City Attorney