



# CITY COUNCIL AGENDA STATEMENT



July 17, 2018

File ID: 18-0163

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO COUNCIL POLICY 102-02 FLAGS, BANNERS - IN PUBLIC RIGHT-OF-WAY, AUTHORIZING A PERMIT PROCESS FOR THE TEMPORARY PLACEMENT OF BANNERS ON CITY-OWNED STREETLIGHT STANDARDS, FENCES OR OTHER CITY-OWNED PROPERTY

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

The City Manager's Office has amended policy 102-02 Flags, Banners – in Public Right-of-Way to include the temporary placement of banners on City-owned streetlight standards, fences or other City-owned property. The City Manager or designee will manage the administrative process of approving the issuance of banner permits on City-owned streetlight standards, fences or other City-owned property.

The City Manager or designee, shall have the authority to designate City-owned streetlight standards, fences or other City-owned property within the public right-of-way that are available for the display of banners.

The administrative process of approving the issuance of banner permits pertains to banners that have a public interest message. Banners that do not fall within this public interest message will have to be presented to City Council for approval.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Statutory Exemption pursuant to State CEQA Guidelines Section 15268 (Ministerial Projects) because it is temporary and would not have any permanent effects on the environment. Thus, no further environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

On January 6, 1970 the City Council by Resolution No. 5499, adopted Council Policy No. 102-02 to establish regulations for display flags and banners in the public right-of-way. The original purpose of the policy was to establish a process for permitting the display of the American flag in the public right-of-way.

In recent years, various agency partners have expressed the desire to display temporary banners in the public right-of-way on City-owned streetlight standards, fences or other City-owned property. The purpose of these banners has been to promote a public interest message within the City.

Policy 102-02 Flags, Banners – in Public Right-of-Way was amended to provide a streamlined process for the approval of banners within the City of Chula Vista that includes banners in the public right-of-way on City-owned streetlight standards, fences or other City-owned property.

Amendments to this policy update the banner permit requirements in several areas including the following:

- City Manager or designee shall have the authority to designate City-owned streetlight standards, fences or other City-owned property within the public right-of-way that are available for the display of banners
- Entities desiring to display a banner or banners on City-owned streetlight standards shall obtain a banner permit, including or in combination with an encroachment permit, from the City Manager or designee.
- The banner(s) shall comply with all City-approved policies regarding permissible specifications for banner displays
- The City Manager, or designee, has the authority to create an administrative policy regarding permissible banner specifications including but not limited to those related to acceptable designs, dimensions, materials, and logos/trademarks/servicemarks.

In addition to the above, a banner may be approved by the City Manager or designee for display on a streetlight standard, fence or other City-owned property under the policy only where it:

- Promotes a “public interest message”
- Will be displayed for no more than sixty (60) days.

## **DECISION-MAKER CONFLICT**

Staff has determined that the action contemplated by this item is ministerial, secretarial, manual, or clerical in nature and, as such, does not require the City Council members to make or participate in making a governmental decision, pursuant to California Code of Regulations Title 2, section 18704(d)(1). Consequently, this item does not present a conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The proposed actions support the Economic Vitality strategy as they would create an environment for organizations to promote public interest messages in the public right-of-way, and the Connected Community Strategy as it promotes a manner for these organizations to connect with our community and enrich the community's quality of life.

### **CURRENT-YEAR FISCAL IMPACT**

There are no anticipated fiscal impacts in the current fiscal year.

### **ONGOING FISCAL IMPACT**

There are no anticipated ongoing fiscal impacts.

### **ATTACHMENTS**

Policy 102-02

*Staff Contact: Olga Berdial*