



# City of Chula Vista

## Legislation Details (With Text)

<b>File #:</b>	16-0556	<b>Name:</b>	
<b>Type:</b>	Consent Item	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	12/6/2016	<b>Final action:</b>	12/6/2016
<b>Title:</b>	ORDINANCE NO. 3393 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 2.25, 2.33, AND 2.53 TO REVISE THE QUALIFICATION REQUIREMENTS AND APPOINTMENT PROCESS APPLICABLE TO THE CITY'S CULTURAL ARTS COMMISSION (SECOND READING AND ADOPTION)		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Item 4 - Attachment 1 - Proposed Amended 2.33 strikeout underline.pdf, 2. Item 4 - Attachment 2 - Proposed amended 2.25.050 adding cultural arts commission.pdf, 3. Item 4 - Attachment 3 - Proposed amended 2.53.030 adding cultural arts commission.pdf, 4. Item 4 - Ordinance.pdf

Date	Ver.	Action By	Action	Result
12/6/2016	1	City Council	approve	Pass

ORDINANCE NO. 3393 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 2.25, 2.33, AND 2.53 TO REVISE THE QUALIFICATION REQUIREMENTS AND APPOINTMENT PROCESS APPLICABLE TO THE CITY'S CULTURAL ARTS COMMISSION (SECOND READING AND ADOPTION)

### RECOMMENDED ACTION

Council adopt the ordinance.

### SUMMARY

On September 13, 2016, the City Council unanimously approved the Chula Vista Cultural Arts Master Plan (Master Plan). Master Plan Goal 2, Strategy 4 (A) and (C) calls for the establishment of a qualified Cultural Arts Commission to be appointed in accordance with the provisions of Chula Vista Municipal Code ("CVMC") section 2.25.050 (E) and (H).

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### Environmental Determination

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical

change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION RECOMMENDATION**

That the City Council adopt the Ordinance.

## **DISCUSSION**

In 1990, the City Council seated the Cultural Arts Commission (Commission) to serve as a resource to advise and make recommendations on cultural arts citywide. The role of the Commission was to identify cultural arts needs and issues affecting the citizens of the City. A Commission that is comprised of citizens with specific experience and education in the arts and personal understanding of the issues and needs of the creative industry, or “Qualified Commission,” would further this purpose. A qualified Commission would provide further credibility to Chula Vista’s developing creative industry and would strengthen Chula Vista’s role in the arts locally, regionally, nationally and internationally. Establishing qualification criteria for Commission appointments is an important first step in the implementation of the Cultural Arts Master Plan and further validates Chula Vista’s commitment to strengthen Chula Vista’s creative economy and Chula Vista as a cultural arts destination.

### **Proposed Amendments**

There is great economic value in building upon and expanding cultural arts in Chula Vista. Chula Vista currently has a nine (9) member Commission with the purview to advise and make recommendations to the City Council and the City Manager on cultural arts issues affecting the citizens of the City. Each of the existing Commissioner’s are dedicated individuals that have a passion for the arts, several of which are artists themselves. The proposed amendments would help to ensure that as the strategies and initiatives of the Master Plan are implemented and, as Commission vacancies arise, that new appointees would have the qualifications necessary for Chula Vista to remain responsive to the dynamic nature of the creative industry.

For this reason, and to ensure that the various disciplines of cultural arts are represented on the Commission, it is proposed that a minimum of six (6) members be appointed from among professionals in the disciplines of arts and culture, including but not limited to the performing arts, fine arts, culinary arts, media arts or related art. Table 1 summarizes the proposed municipal code amendments that would be required to implement the composition and appointment process, and to delete out of date references and information.

***-- Please see Summary of Proposed Municipal Code Revisions beginning on the next page --***

Table 1 - Summary of Proposed Municipal Code Revisions

CVMC Code Sections	Proposed Amendment(s)
<p><b>2.33.030 Functions and duties</b></p> <p>G. Promote the creation of a cultural environment to attract visitors and income.</p> <p>H. Advise the Redevelopment Agency regarding the expenditure of fine arts in-lieu fees.</p> <p>I. Make recommendations to the Redevelopment Agency on fine arts features with redevelopment districts.</p>	<p><b>Replace and delete out of date references and information.</b></p> <p>G. Replace <i>income</i> with <i>economic development</i> to align with the recently adopted Cultural Arts Master Plan</p> <p>Promote the creation of a cultural environment to attract visitors and <del>income</del> <b>economic development.</b></p> <p>H. Delete out of date reference in its entirety</p> <p><del>H. Advise the Redevelopment Agency regarding the expenditure of fine arts in-lieu fees.</del></p> <p>I. Delete out of date reference in its entirety</p> <p><del>I. Make recommendations to the Redevelopment Agency on fine arts features with redevelopment districts.</del></p>
<p><b>2.33.040 Membership</b></p> <p>The Cultural Arts Commission shall consist of nine voting members, to be appointed in accordance with Article VI of the City Charter, and Chapter <u>2.25</u> CVMC.</p>	<p><b>Add appointment provision and professional composition requirements.</b></p> <p>The Cultural Arts Commission shall consist of nine voting members <del>that represent a diversity of backgrounds</del>, to be appointed in accordance with Article VI of the City Charter, and <del>CVMC 2.25.050 (E and H).</del> Further, <del>all nine</del> (9) members shall demonstrate, competence, knowledge and experience in cultural arts; and a minimum of six (6) members shall be appointed from among artists, educators, and those with professional qualifications and experience in disciplines of arts and culture, including the performing arts, fine arts, culinary arts, media arts or related arts disciplines.</p>

CVMC Code Sections	Proposed Amendment(s)
<p><b>2.33.050 Meeting schedule</b></p> <p>The Commission shall hold regular meetings on the second Monday of every January, March, May, July, September, and November at 5:45 p.m. in the Civic Center library, 365 F Street. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC <a href="#">2.25.200</a>. (Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).</p>	<p>Remove out of date information and Replace with reference to City Charter and Municipal Code provisions for Commission meetings.</p> <p>As required by the City Charter the Commission shall hold regular meetings and shall establish the day, time and location for its regular meeting in accordance with CVMC <a href="#">2.25.200</a>.</p>
<p><b>2.25.050 Membership – Applications – Interview, nomination and appointment process.</b></p>	<p>Add <i>Cultural Arts Commission</i> to 2.25.050 <del>4</del> (C), and (E).</p> <p>C. When a vacancy occurs on a board or commission, the City Clerk shall forward applications received for the vacant position to the Mayor, who shall review the forwarded applications, select applicants to be interviewed, interview selected applicants, and make nominations for appointment, subject to the City Council's approval, for all boards and commissions except for the Board of Ethics, Civil Service Commission, <b>Cultural Arts Commission</b>, Growth Management Oversight Commission, <del>Mobilehome Rent Review Commission</del>, Planning Commission, and Parks and Recreation Commission.</p> <p>E. Vacancies on the <b>Cultural Arts Commission</b>, Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly shall be appointed in accordance with Chapter <a href="#">2.53</a> CVMC.</p>

CVMC Code Sections	Proposed Amendment(s)
2.53.030 Definitions	<p>Add <i>Cultural Arts Commission</i> as a "Specified City Commission"</p> <p>D. "Specified City commissions" means those City commissions specified in CVMC <a href="#">2.25.050(E)</a> as follows: <b>Cultural Arts Commission</b>, Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly.</p>

## CONCLUSION

Taken together, the proposed amendments would be an invaluable tool in assisting the City in meeting the goals and objectives of the Master Plan. Therefore, staff recommends the City Council adopt the proposed ordinance amendments.

## DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial 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 amendments would support several of the Strategic Plan Goals, including; Strategy 2.2; to promote an environment for residents and businesses to prosper, Goal 5, Strategy 5; to encourage residents to engage in civic activities, and Strategy 5.2; to provide opportunities that enrich the community's quality of life by ensuring that the Cultural Arts Commission is qualified to assist the City in transforming cultural arts into a sustainable industry and a catalyst to making Chula Vista a cultural arts destination. In addition, the proposed amendments meet Chula Vista Cultural Arts Master Plan Goal 2, Strategy 4 (A) and (C).

## CURRENT YEAR FISCAL IMPACT

There are no current year costs associated with the proposed amendments as the proposed qualification criteria would be implemented upon Commission vacancies,

## ONGOING FISCAL IMPACT

No ongoing direct fiscal impacts are anticipated as part of the proposed amendments.

## ATTACHMENTS

1. Proposed Amended CVMC Chapter 2.33 with strikeout underline text
2. Proposed Amended CVMC Section 2.25.050 to add Cultural Arts Commission
3. Proposed Amended CVMC Section 2.53.030 to add Cultural Arts Commission

*Staff Contact: Lynnette Tessitore; Cultural Arts Manager*