

RESOLUTION No. 19-260

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL TO TRANSMIT TO THE LOCAL GOVERNING BODY AN AMENDMENT TO THE LAND DEVELOPMENT CODE, CHAPTER 75 “PUBLIC ARTS PROGRAM”, SECTION 75-104 ENTITLED “MEMBERSHIP IN THE PUBLIC ART PROGRAM COMMITTEE”; CREATING THE “PUBLIC ARTS PROGRAM ADVISORY BOARD”; PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERMS; PROVIDING FOR MEETINGS; PROVIDING FOR QUORUM; PROVIDING FOR DISMISSAL; PROVIDING FOR CONFLICT OF INTEREST; PROVIDING FOR DUTIES; PROVIDING FOR VACANCIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the intent of the text amendment to Chapter 75 “Public Arts Program”, Section 75-104 “Membership in the Public Art Program Committee” is to create a “Public Art Program Advisory Board” which will be responsible for advising and making recommendations to the City Council on the selection of artists, construction, and the placement of public art on City rights-of-way, City-owned property, and artwork on private property.

WHEREAS, on October 23, 2019, the Local Planning Agency (LPA) conducted a duly advertised public hearing on the amendment to the City’s Land Development Code, and has considered all evidence and comments received concerning the proposed amendment to the Land Development Code as required by state law and local ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY THAT:

Section 1. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

¹Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline

Section 2. The Local Planning Agency hereby recommends approval to the local governing body (City Council) to consider the text amendment to Chapter 75 “Public Arts Program”, Section 75-104 entitled “Membership in the Public Art Program Committee”, creating the “Public Arts Program Advisory Board. The Land Development Code of the City of Doral, Florida is hereby amended to read as follows¹:

CHAPTER 75 – PUBLIC ARTS PROGRAM

ARTICLE I. – PUBLIC ARTS PROGRAM

Section 75-104 – Membership in the public art program ~~committee~~ advisory board

- (a) *Membership.* Members of the Public Art Program Advisory Board shall be appointed by the Mayor subject to the approval of the City Council. The Advisory Board shall consist of five (5) members. The Board members shall serve for two (2) year, under staggered terms, serving without compensation. Two Board Members must be knowledgeable in one of the identified fields of: fine art, architecture, art history, architectural history, urban planning, landscape architecture, graphic arts, museum curator, be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives their primary income from the sale or display of Artwork, be a professional in the field of art.. ~~The city's public art program committee shall consist of five members and be composed of employees from one or more city departments as designated and selected by the city manager or his/her designee. An Art In Public Place (AIPP) consultant may be contracted by the city to advise the committee. The committee's membership need not be for a fixed term and may be changed from time to time by the city manager.~~
- (b) *Meetings.* The Public Arts Program Advisory Board shall hold at least one meeting quarterly, except for the month of August and December, on days to be determined by the Board. Other regularly scheduled meetings may be set by the Board, and additional meetings may be held at the call of the Board chairman or City Manager and at such other times as the Board may determine. Meetings that are not regularly scheduled shall not be held without at least ten (10) days written notice to each member provided that upon concurrence of the chairman of the Board and the City Manager, an emergency meeting may be call at any time with appropriate notice. If the agenda for a regularly scheduled meeting does not contain any items on which the Board needs to take action, the Parks and Recreation staff liaison to the Board may cancel the meeting and provide notice to each Board member, the Manager, the Mayor, Parks and Recreation Director or his/her designee, and the City Clerk. The public arts program committee shall hold meetings as needed on days to be determined by the city manager. The public arts program committee shall not have regularly scheduled

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~~meetings more frequently than once a month. Additional special meetings may be held at the call of the city manager at such other times as the manager may determine.~~

- (c) *Quorum.* Quorum shall be reached when no less than three Board ~~committee~~ members are present. The Parks and Recreation staff liaison to the Board ~~committee~~ shall keep minutes of the Board ~~committee~~ proceedings, showing the vote of each member on items requiring Board ~~committee~~ action.
- (d) *Dismissal/ Replacement.* If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the Board shall declare the member's office vacant, and the Mayor shall promptly fill that vacancy. If any member fails to attend any meeting, the city manager, in an effort to maintain five voting committee members, shall designate, select and replace the absent member at the meeting. An absence notwithstanding, the committee may meeting provided that quorum is reached.
- (e) *Conflict of interest.* If any member of the Board ~~committee~~ shall find that his/her private, family, employment, representative or personal interests are involved in the matter coming before the Board ~~committee~~, he/she shall recuse ~~disqualify~~ himself/herself from all participation in that matter. No member of the Board ~~committee~~ shall have, his/ her work of art considered or approved by the Public Arts Program Advisory Board ~~committee~~ during their term of service on the Board ~~committee~~ or for one year thereafter. No member should represent an artist while they are a member of the board or for one (1) year thereafter.
- (f) *Duties.* The Board ~~committee~~ shall review and propose artwork items to be acquired under the City's Public Arts Program. The Board ~~committee~~ shall issue a recommendation to the City Council for all artwork program acquisitions in accordance with this division. The Board ~~committee~~ shall oversee the public education and curatorial aspects of the program. The Parks and Recreation Director, or his/her designee, or consultant shall be the liaison to the Board ~~committee~~, shall prepare a budget for staff and other expenditures necessary to operate the program and shall deliver an annual report to the ~~manager and~~ City Council. The Board ~~committee~~ shall screen submissions and will recommend to the City Council for final authorization and for each acquisition. not more than three possible selections, which can be existing works of art or new commissions.
- (g) *Vacancies.* Any vacancies in the membership of the Public Arts Program Advisory Board ~~committee~~ shall be filled by the Mayor ~~manager~~ by appointment for the unexpired term of the member affected.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption by the Local Planning Agency (LPA).

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The foregoing Resolution was offered by Vice Mayor Mariaca who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes

PASSED TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 23 DAY OF OCTOBER, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY