

ORDINANCE No. 2019-31

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A TEXT AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE, AMENDING 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; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 15, 2015, the City of Doral adopted the Public Arts Program (the “Art in Public Places Program”) providing for the acquisition and maintenance of art in public places; and

WHEREAS, on November 1, 2018, the City of Doral amended the Art in Public Places Program via Ordinance No. 2018-21, establishing a “Public Art Program Committee”; and

WHEREAS, currently the Public Art Program Committee consists of five (5) employees from one or more City department designated and selected by the City Manager; and

WHEREAS, pursuant to City Charter, members of boards or agencies are appointed by the Mayor subject to the approval of the City Council; and

WHEREAS, the City has been administering the Art in Public Places Program and finds that certain amendments to the Land Development Code would be beneficial to its administration; and

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

WHEREAS, it is appropriate to modify certain provisions in the Public Arts Program to be consistent with the City Charter; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Council on October 23, 2019, at which hearing all interested parties were afforded an opportunity to be heard; and

WHEREAS, the City Council has reviewed the proposed text amendment to the Land Development Code and find the text amendment to be in the City's interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. The City Council of the City of Doral hereby approve/deny 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

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~~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 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. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Vice Mayor Fraga upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED on FIRST READING this 23 day of October, 2019.

PASSED AND ADOPTED on SECOND READING this 19 day of November, 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