

ORDINANCE No. 2020-10

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 75-103, “ADMINISTRATION OF THE PROGRAM”, SECTION 75-104, “MEMBERSHIP IN THE PUBLIC ARTS PROGRAM ADVISORY BOARD”, SECTION 75-107, “APPLICABILITY”, SECTION 75-108.1, “CERTIFICATE OF OCCUPANCY”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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, on November 19, 2019, The City of Doral amended the Art in Public Places Program to reestablish the “Public Arts Program Advisory Board” which will be responsible for advising and making recommendations to the City Council on the selection of artists, design, construction, and the placement of public art on City rights-of-way, City-owned property, and artwork on private property; 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

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Council on May 13, 2020, 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 Land Development Code of the City of Doral, Florida is hereby amended to read as follows¹:

CHAPTER 75 – PUBLIC ARTS PROGRAM

DIVISION 100-125 – PUBLIC ARTS PROGRAM

Sec. 75-103. - Administration of the program.

The city's public arts program shall be administered by the city manager, or his/her designee. ~~city's parks and recreation department.~~

Sec. 75-104. - Membership in the public art program 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 members. The board members shall serve for two years, 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.
- (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 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 city manager, or his/her designee ~~parcs and recreation staff liaison to the board~~ may cancel the meeting and provide notice to each board member, the manager, the mayor, ~~parcs and recreation director or his/her designee~~, and the city clerk.
- (c) *Quorum*. Quorum shall be reached when no less than three board members are present. The city manager, or his/her designee ~~parcs and recreation staff liaison to the board~~ shall keep minutes of the board proceedings, showing the vote of each member on items requiring board action.
- (d) *Dismissal*. If any member fails to attend two of three 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.
- (e) *Conflict of interest*. If any member of the board shall find that his/her private, family, employment, representative or personal interests are involved in the matter coming before the board, he/she shall recuse himself/herself from all participation in that matter. No member of the board shall have, his/ her work of art considered or approved by the public arts program advisory board during their term of service on the board or for one year thereafter. No member should represent an artist while they are a member of the board or for one year thereafter.
- (f) *Duties*. The board shall review and propose artwork items to be acquired under the city's public arts program. The board shall issue a recommendation to the city council for all artwork program acquisitions in accordance with this division. The board shall oversee the public education and curatorial aspects of the program. The city manager, or his/her designee, ~~parcs and recreation director, or his/her designee~~, or consultant shall be the liaison to the board, and shall prepare a budget for staff and other expenditures necessary to operate the program and shall deliver an annual report to the city council. The board shall screen submissions and will recommend to the city council for final authorization and acquisition.
- (g) *Vacancies*. Any vacancies in the membership of the public arts program advisory board shall be filled by the mayor by appointment for the unexpired term of the member affected.

Sec. 75-107. - Applicability.

- (a) Government development projects. All government development projects shall provide for the acquisition of works of art equivalent in value to not less than one and one-half percent of the construction cost of the project.
- (b) Nongovernmental and private sector development projects. All nongovernmental and private sector development projects (including interior or exterior modifications, additions, or new construction) including: parking structures, residential developments of more than two units, mixed use projects, and/or commercial sites shall provide for the acquisition of works of art in value to not less than one and quarter percent of the construction costs, for artwork provided on site, or one percent of the construction costs for either

- art work provided off site or a contribution to the art fund or some combination thereof, subject to the project valuation schedule below:
- (1) Project development with construction costs exceeding \$250,000.00 shall be subject to the provisions of this division.
 - (2) A single residential unit (including interior or exterior modifications, additions or new construction) with construction cost exceeding \$750,000.00 shall also be subject to the provisions of this division.
- (c) Exemptions. Nongovernmental and private sector development projects can be exempt from this division by the city council, provided
- (1) The structure is intended primarily to house one or more social service agency providers, affordable housing projects, or religious facilities; or
 - (2) The project consists of the reconstruction of structures which have been damaged by fire, flood, wind, or other force majeure occurrence; or
 - (3) Government development projects or portions thereof that do not include buildings.
- (d) In order to determine the value of construction, the applicant(s) shall provide the city manager, or his/her designee ~~parks and recreation department~~ a copy of the executed architectural, engineering and construction services contract(s) for the development project so that the city can accurately determine the value of the project so that the public arts program fee is properly calculated based upon the anticipated construction costs.

Sec. 75-108.1. - Certificate of occupancy.

- (a) *Final approval.* No final approval, such as a final inspection or a certificate of occupancy, for development projects subject to the city's public arts program requirements shall be issued unless one or more of the following has been achieved:
- (1) The approved art has been installed in a manner that is [in] compliance with the requirements set forth in this ordinance and the public arts program guidelines; or
 - (2) All in-lieu art fees have been paid; or
 - (3) Financial security (including but not limited to a performance bond, letter of credit, or similar instrument) in an amount equal to the acquisition and installation costs of an approved art selection, has been provided to the city in a form approved by the city attorney and the city manager, or his/her designee ~~parks and recreation director or his/her designee~~ and placed into escrow account; or
 - (4) Donation of art which have been approved the board are delivered by the applicant to the city and are accepted by the city in accordance with this ordinance.

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 Mariaca, who moved its adoption. The motion was seconded by Councilmember Cabrera 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 13 day of May, 2020.

PASSED AND ADOPTED on SECOND READING this 10 day of June, 2020.



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