

**ORDINANCE No. 2018-21**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 75, ARTICLE 1, DIVISION 100 "PUBLIC ARTS PROGRAM," SECTION 75-104, "MEMBERSHIP IN THE ART PROGRAM ADVISORY BOARD" AND SECTION 75-107, "APPLICABILITY" OF THE LAND DEVELOPMENT CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, various local governments throughout the country have implemented public art programs committing to the placement of public art in urban environments; and

**WHEREAS**, on June 15, 2015, the City of Doral adopted the Public Arts Program to stimulate the cultural environment by enhancing the City's heritage, diversity, and character through public artworks integrated in the architecture, infrastructure and landscape; and

**WHEREAS**, public art enhances the quality of life through artistic opportunities and creates a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles, chronicling history through the collection of artifacts, documents and memorabilia that will acknowledge the past and create programs and activities that will further these goals; and

**WHEREAS**, the public art requirements found in this Article are design standards based on the aesthetic needs of the community and are not intended to be either an impact fee or a tax; and

**WHEREAS**, the Mayor and City Council of the City of Doral finds it to be in the best interest of the citizens of this community to amend the Land Development Code by creating a public art program.

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

**Section 1. Recital.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2. Code Amended.** The Code of Ordinances of the City of Doral is hereby amended as follows:

## CHAPTER 75 – PUBLIC ARTS PROGRAM

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### DIVISION 100-125 – PUBLIC ARTS PROGRAM

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#### **Sec. 75-104. - Membership in the art program advisory board-public art program committee**

(a) Membership. The City's Public Art Program Committee shall consist of five (5) 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. ~~The Mayor and each member of the City Council shall recommend a member to the Public Arts Program Advisory Board. The Advisory Board shall consist of five (5) members. The Mayor and City Council shall vote on the selection of each member. The Board members shall serve for two (2) year, under staggered terms, serving without compensation. Each Board Member must be knowledgeable in one of the identified fields of: fine art, be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of art work, be a professional in the field of art, architecture, art history, architectural history, urban planning, landscape architecture, interior design, graphic or product design, and possess a minimum of a bachelor's degree in said field from an accredited university. To ensure a balanced and diverse Board it is recommended that two of the Board Members be architects (landscape architect, architect, architectural historian, or urban planner); two be skilled in fine art (fine art history, art dealer, art gallery, artists' representative, museum curator, etc.); and one be an interior designer or professor of art or art history.~~

(b) Meetings. The Public Arts Program Committee ~~Advisory Board~~ shall hold at least one meetings as needed each month, except for the month of August, on days to be determined by the City Manager ~~Board~~. The Public Arts Program Committee

~~shall not have regularly scheduled meetings more frequently than once a month. Other regularly scheduled may be set by the Committee Board, and Additional special meetings may be held at the call of the City Manager chairman and at such other times as the Manager 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 staff liaison to the Board may cancel the meeting and provide notice to each member, the Manager, Parks and Recreation Director or his/her designee, and the City Clerk.~~

(c) Quorum. Quorum shall be reached when no less than three (3) committee members are present. ~~requirements shall be governed by the provisions found in the Code.~~ The staff liaison to the Committee Board shall keep minutes of the Committee Board proceedings, showing the vote of each member on items requiring Committee Board action.

(d) Dismissal Replacement. ~~If any member fails to attend any two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the Committee Board shall declare the member's office vacant, and the City Council shall promptly fill that vacancy, 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 Committee Board shall find that his/her private or personal interests are involved in the matter coming before the Committee Board, he/she shall disqualify himself/herself from all participation in that matter. No member of the Committee Board shall have, his/ or her work of art considered or approved by the Public Arts Program Committee Advisory Board during their term of service on the Committee Board or for one (1) year thereafter.

(f) Duties. The Committee Board shall review and propose art work items to be acquired under the City's Public Arts Program. The Committee Board shall issue a recommendation to the City Council for all art work program acquisitions in accordance with this division. The Committee Board 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 Committee Board, 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 Committee Board shall screen submissions and will recommend to the Manager and City Council for final authorization for each acquisition not more than three (3) possible selections, which can be existing works of art or new commissions.

(g) Vacancies. Any vacancies in the membership of the Public Arts Program Committee Advisory Board shall be filled by the Manager.

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### **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 (1.5%) percent of the construction cost of the project, ~~provided that no funds shall be appropriated for this purpose from the ad valorem tax operations fund.~~

(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 (1.25%) percent of the construction costs, for artwork provided on site, or one (1%) 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 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 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 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.

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**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, if being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 7. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 8. Effective Date.** This Ordinance shall become effective upon its passage and adoption by the City Council, is binding on all successors, and assigns.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 26 day of September, 2018.

PASSED AND ADOPTED on SECOND READING this 1 day of November, 2018.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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CONNIE DIAZ, CMC  
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