

PROPOSED ORDINANCE NO. 2020-18

ORDINANCE NO. _____
 AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 32 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "DEPARTMENTS BOARDS, AND COMMISSIONS;" SPECIFICALLY CREATING SECTION 32.180 – 32.183; PROVIDING FOR THE ESTABLISHMENT OF A PUBLIC ART COMMITTEE; PROVIDING FOR COMPOSITION; PROVIDING FOR MEETINGS; PROVIDING FOR DUTIES AND RESPONSIBILITIES; AMENDING CHAPTER 97 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PARKS AND RECREATION;" ESTABLISHING A PUBLIC ART PROGRAM FOR THE CITY OF PEMBROKE PINES; CREATING SECTIONS 97.40 – 97.45; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROJECTS SUBJECT TO PUBLIC ART PROGRAM REQUIREMENTS; PROVIDING FOR A PUBLIC ART MASTER PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pembroke Pines is desirous of furthering its commitment to providing public art to beautify the appearance of the City, commemorate the City's history, and to enhance cultural opportunities throughout the City; and

WHEREAS, a Public Art Program helps to create a stronger sense of community identity and can expand the opportunity for residents and visitors to the City to encounter a variety of cultural experiences; and

WHEREAS, the City's professional staff has worked together to create a Public Art Program that will contribute to and enhance community identity and

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pride, reflect the community's values and culture, provide the highest quality art available, promote excellence and diversity through a variety of artists and media, encourage public participation and interaction with public space, and increase awareness of how surroundings impact experience, among other benefits; and

WHEREAS, the City Commission seeks to establish a Public Art Committee to engage the community and seek input on public art initiatives throughout the City; and

WHEREAS, the City Commission of the City of Pembroke Pines has deemed it to be in the best interests of the citizens and residents of the City to establish a public art program to further the City's commitment to provide public art in an effort to beautify the appearance of the City, commemorate the City's history, and to enhance cultural opportunities throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct, and incorporated herein by this reference.

SECTION 2. Chapter 32, entitled "Departments, Boards and Commissions," of the City of Pembroke Pines Code of Ordinances, is hereby amended by specifically creating a Public Art Committee, as follows:

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Public Art Committee.

Sec. 32.180 Establishment and Mission

- (a) There is hereby established a committee to be known as the "Public Art Committee."
- (b) The mission of the Public Art Committee is to expand cultural opportunities for residents and visitors and to enhance the appearance of the city through the selection and integration of artwork in a public environment.
- (c) Members of the Public Art Committee shall serve without compensation.

Sec. 32.181 Composition

- (a) Notwithstanding Section 32.002 through Section 32.004, the Public Art Committee consists of ~~five-seven~~ (75) regular members ~~and two (2) alternates~~, who live or conduct business in the city, with a strong commitment to the objectives of the public art program, who ~~unless otherwise stated~~ shall be appointed by the city manager, or his/her designee. Membership of the public art committee may include:
 - 1. ~~Two-Three~~ (32) individuals chosen from the following disciplines: landscape architecture, urban planning, engineering, or a related design discipline;
 - 2. One (1) professional artist, whose primary source of income is through the sale of original art or art instruction;
 - 3. One (1) ~~private citizen~~resident, knowledgeable in the field of public art, education, or community affairs; and
 - 4. One (1) private citizen from the development community.
 - 4.5. One (1) member of the Arts and Culture Board selected by a majority of the Arts and Culture Board.

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- (d) Membership terms. To provide for staggered terms, the individuals appointed pursuant to Subsection (a)(1) and (a)(2) shall serve for an initial term of three (3) years from the date of appointment; and the individuals appointed pursuant to Subsection (a)(3), (a)(4) and (a)(5) shall serve for an initial term of one (1) year from the date of appointment. Thereafter, all appointees shall be appointed to serve for a term of three (3) years from the date of appointment. Notwithstanding the foregoing, all board members shall continue to serve until their successors are appointed pursuant to this section.
- (e) Any member of the Public Art Committee that misses three (3) consecutive committee meetings may be replaced by the City Manager, at the City Manager's sole discretion.

Sec. 32.182 Meetings

- (a) The public art committee shall meet at least once per quarter or on an as needed basis.
- (b) Other meetings will be held as necessary to carry out the duties and responsibilities of the committee.
- (c) ~~Three (3)~~Four (4) members of the Public Art Committee shall constitute a quorum.

Sec. 32.183 Duties and Responsibilities

The public art committee shall have the following powers and duties:

- ~~(1) Recommendations to the City Manager through the Department Director or Liaison, on revisions to the public art guidelines.~~
- ~~(2)~~(1) Recommendations to the City Manager through the Department Director or Liaison, on revisions to the public art master plan, as set forth in Section 97.45.
- ~~(3)~~(2) Recommendations to the City Manager through the Department Director or Liaison, on art and artist selection.

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Sec. 32.184 Conflicts of Interest Prohibited

No member of the Public Art Committee shall have his/her work of art considered or approved by the Public Art committee during their term of service on the committee or for one (1) year thereafter; nor shall any member of the Public Art Committee derive a financial gain as a result of their service on the committee during their term of service or for one (1) year thereafter.

SECTION 3. Chapter 97, entitled "Parks and Recreation," of the City of Pembroke Pines Code of Ordinances, is hereby amended by specifically creating a Public Art Program, as follows:

PUBLIC ART PROGRAM

Sec. 97.40. - Short title; intent.

(a) This article shall be known and cited as the "Public Art Program."

(b) It is the intent and purpose of this article to further the commitment of the city to providing public art to beautify the appearance of the city, commemorate the city's history, and to enhance cultural opportunities throughout the city.

Sec. 97.41 - Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning:

Art Conservation means the maintenance and preservation of works of art and their protection from future damage and deterioration.

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Art Restoration denotes the repair or renovation of works of art that have already sustained injury or decay and the attempted restoration of such objects to something approaching their original undamaged appearance.

Art, artwork or works of art means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for purposes of this chapter:

- (1) Reproductions or unlimited copies of original artwork.
- (2) Art objects which are mass produced.
- (3) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site.

Artist or professional artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

Public Art means art accessible to the public and typically reflects an awareness of its site, both physically and socially and involves community process in creation. Public Art can be a stand-alone sculpture, mural or other artwork, an integration into architecture, an urban design/placemaking project that contributes to the cityscape or creates a sense of place or a temporary installation (non-permanent art work).

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Public art committee means the entity appointed by the City Manager or his/her designee to administer the public art program.

Sec. 97.42. - Public Art Program Master Plan.

- (a) The Recreation and Cultural Arts Department shall prepare, and from time to time revise, public art master plan which shall include public art needs and priority assessment, recommendations on types of public art and potential locations in the city, and implementation strategies for acquisition and maintenance.
- (b) The public art master plan shall include program guidelines, which shall provide guidance for program organization, organizational governance and staffing responsibilities; procedures for project planning; artist selection; art selection criteria; art placement criteria, donations; loans and memorials, collection management. .
- (c) The plan shall be developed with input from stakeholders ~~including, but not limited to, the Arts and Culture Advisory Board~~ and the Public Art Committee and adopted by the commission.

SECTION 4. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

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SECTION 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2019.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2019.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

GOOD _____

APPROVED AS TO FORM:

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CASTILLO _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

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