

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE ESCONDIDO ZONING CODE
ARTICLE 37, PERTAINING TO PUBLIC ART
COMMISSION MEMBERSHIP

File No: AZ 18-0001

WHEREAS, Zoning Code Article 37 pertains to public art and establishes a seven-member Public Art Commission with eligibility requirements that appointed members must either reside or own a business within the City's general plan, and

WHEREAS, the City Council desires to promote more effective administration of the Commission in order to facilitate better attendance, quorums and recruiting, and

WHEREAS, the City Council desires to amend the membership of the Public Art Commission from seven (7) members to five (5) members, and to amend the commission eligibility requirements to allow up to two (2) members who work in Escondido and who do not either reside or own a business in the community.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and a public hearing has been held before the City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b) "General

Rule”, and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving this code amendment.

SECTION 3. That upon consideration of the Factors to be Considered, attached as Exhibit “A” to this Ordinance, the staff report and Exhibit “A” incorporated by this reference, and all public testimony presented at the hearing held on this project, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That Section 33-732 of Article 37 of the Escondido Zoning Code Chapter 33 is amended as set forth in and attached as Exhibit “B” to this Ordinance and incorporated by this reference.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 4th day of April, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2018-05 passed at a regular meeting of the City Council of the City of Escondido held on the 4th day of April, 2018, after having been read at the regular meeting of said City Council held on the 21st day of March, 2018.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2018-05

EXHIBIT "A"
FACTORS TO BE CONSIDERED
File No: AZ 18-0001

1. The public health, safety and welfare would not be adversely affected by approval of the proposed amendment to reduce the number of Public Art Commissioners from seven to five members, and to amend the commission eligibility requirements to allow up to two (2) members who work in Escondido who do not either reside or own a business in the community, because the amendment would be consistent with the General Plan and the remainder of the Public Art requirements.
2. The proposed amendment to Article 37 of the Zoning Code involving a reduction in the number of Public Art Commissioners and change in membership eligibility requirements would not be detrimental to surrounding properties, since operation of the Public Art program would not change.
3. The proposed amendment to the Zoning Code is consistent with the General Plan, since it would support the policies of the Community Health and Services Element, and it would result in more efficient recruiting, better attendance and better discussions at Public Art Commission meetings.

EXHIBIT "B"

Proposed Amendment to Article 37 Sec. 33-732 (Repeal and replace)

Sec. 33-732. Appointment and terms of office.

(a) The city council shall appoint a public art commission, which shall meet as needed. The commission shall consist of five (5) members possessing an interest in public art. Members of the public art commission shall be appointed by the mayor. Members shall reside or own a business within the city's general plan; up to two (2) members may be appointed who do not reside or own a business within the city's general plan provided they are employed at a business within the city's general plan. Members of the public art commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(b) The terms of office for members of the public art commission shall be for a four (4) year period commencing with the actual date of appointment and ending on March 31st of the fourth year thereafter.

(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term.

(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.

(e) Ex officio advisers shall include:

(1) A visual artist;

(2) An architect or urban designer;

(3) An arts professional such as a curator, fine arts collector, art critic or art educator;

(4) A member of the business or industry community;

(5) A member of the community services commission.

(Zoning Code, Ch. 107, § 1074.30; Ord. No. 89-57, § 1, 11-8-89; Ord. No. 90-57, § 1, 10-17-90; Ord. No. 2005-05, § 9, 10-26-05; Ord. No. 2008-14, § 6, 5-14-08; Ord. No. 2012-15, § 4, 8-1-12, Ord. No. 2014-01, § 4, 1-15-14)

Crossout / Underline Version

EXHIBIT "B"

**Proposed Amendment to
Article 37 Sec. 33-732
(Repeal and replace)**

Sec. 33-732. Appointment and terms of office.

(a) The city council shall appoint a public art commission, which shall meet as needed. The commission shall consist of seven-five (75) members possessing an interest in public art. Members of the public art commission shall be appointed by the mayor and shall reside or own a business within the city's general plan; up to two (2) members may be appointed who do not reside or own a business within the city's general plan provided they are employed at a business within the city's general plan. ~~The commission shall consist of seven (7) members possessing an interest in public art.~~ Members of the public art commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(b) The terms of office for members of the public art commission shall be for a four (4) year period commencing with the actual date of appointment and ending on March 31st of the fourth year thereafter.

(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term.

(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.

(e) Ex officio advisers shall include:

- (1) A visual artist;
- (2) An architect or urban designer;
- (3) An arts professional such as a curator, fine arts collector, art critic or art educator;
- (4) A member of the business or industry community;
- (5) A member of the community services commission.

(Zoning Code, Ch. 107, § 1074.30; Ord. No. 89-57, § 1, 11-8-89; Ord. No. 90-57, § 1, 10-17-90; Ord. No. 2005-05, § 9, 10-26-05; Ord. No. 2008-14, § 6, 5-14-08; Ord. No. 2012-15, § 4, 8-1-12, Ord. No. 2014-01, § 4, 1-15-14)