

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David C. Moe II, Redevelopment Manager *DCM*

DATE: October 12, 2006 (City Council Meeting of 10/18/06)

SUBJECT: Consider an Ordinance Amending Sections 17.50.040 and 17.50.120.B. of Chapter 17.50, Art in Public Places, and Adding Chapter 2.38, Moorpark Arts Commission, to the Moorpark Municipal Code

BACKGROUND

On August 2, 2006, the Redevelopment Agency of the City of Moorpark considered establishing the Moorpark Arts Commission to review and comment on the operation and programming of the High Street Arts Center. The Agency directed staff to schedule a City Council agenda item to dissolve the Public Art Advisory Committee and establish the Commission.

DISCUSSION

In order to dissolve the current Moorpark Public Art Advisory Committee, and create a Moorpark Arts Commission, several actions would be required as follows: 1) Adopt an ordinance revising Sections 17.50.040 and 17.50.120.B of Title 17, Zoning, of the Moorpark Municipal Code to remove the reference to the Public Art Advisory Committee, and create the Moorpark Arts Commission by adding Chapter 2.38 to Title 2, Administration and Personnel (draft ordinance is attached); 2) Adopt a resolution establishing compensation for the Moorpark Arts Commission; and 3) At the time of the next update to the City Council's Policies Resolution, delete the reference to the Public Art Advisory Committee.

A draft ordinance is attached to this report that would accomplish the Code amendments, as described above. Although the attached draft ordinance amends Sections 17.50.040 and 17.50.120.B of the Zoning Code, the City Attorney has determined that a public hearing and Planning Commission review are not required pursuant to Government Code Section 65853.

The Commission is proposed to act in an advisory capacity to the City Council in all matters pertaining to the Arts Center's operational budget, programming activities,

administration and development of the annual theatrical season, promotion of the Arts Center's programs and services, and preparation of a long-range capital improvement plan. In addition, in accordance with Chapter 17.50 (Art in Public Places), the Commission would act in an advisory capacity and review the conceptual design and location of artwork, solicit public comment, and provide a recommendation to the City Council. The attached draft ordinance establishes the Commission generally consistent with the existing Parks and Recreation Commission.

The membership of the Moorpark Arts Commission is proposed to include five (5) members who reside in the City of Moorpark or its area of interest, or who own a business within the City of Moorpark. Recruitment for the Commission would be done consistent with the City Council's adopted recruitment and advertisement policy. Following recruitment, an agenda item would be scheduled and the standard appointment procedure would be followed. Pursuant to that policy, the Mayor shall solicit suggested nominees from members of the Council; prior to making a motion for appointment, the Mayor shall announce the names of all persons he/she intends to nominate, and in the order to be nominated; the Mayor shall then make a motion putting forth each individual name to be approved for appointment; a second shall be required; and the Council shall vote on each appointment individually. Each appointment would be for a two-year term on the Commission.

As proposed, the Commission would hold regular quarterly meetings, and the dates, time and place of such meetings would be determined by the Commission at its first meeting in January of each year. The Commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Government Code. Members of the Commission would be compensated in an amount per meeting, as adopted by resolution of the City Council. Staff's intent is to schedule a resolution establishing the compensation for the new Commission to coincide with the second reading of the attached ordinance.

STAFF RECOMMENDATION

1. Introduce Ordinance No. _____ for first reading, waive full reading, and schedule second reading and adoption for November 1, 2006; and
2. Direct staff to schedule a resolution establishing the compensation of the Moorpark Arts Commission for November 1, 2006.

Attachment 1: Draft Ordinance

ATTACHMENT 1

ORDINANCE NO. 2006- _____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING SECTIONS 17.50.040 AND 17.50.120.B OF CHAPTER 17.50, ART IN PUBLIC PLACES, OF TITLE 17, ZONING, AND ADDING CHAPTER 2.38, MOORPARK ARTS COMMISSION, TO TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, the Redevelopment Agency of the City of Moorpark ("Agency") has purchased the High Street Arts Center ("Arts Center") in an effort to assist with the revitalization of the downtown area; and

WHEREAS, the Agency and City Council desire to establish a Moorpark Arts Commission ("Commission") to receive community input on the Arts Center's general operation and performance schedules; and

WHEREAS, the Public Art Advisory Committee ("Committee") has been established to review proposed artwork to be located in public places; and

WHEREAS, the duties assigned to the Committee will be reassigned to the Commission, which would reduce the needed staffing and administration support for two entities; and

WHEREAS, on August 2, 2006, the Agency considered the formation of the Commission and directed staff to schedule an agenda item for the City Council to consider establishing the Commission and dissolving the Committee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Section 17.50.040 is hereby amended by replacing the entire section with the following language:

"17.50.040 Moorpark Arts Commission.

The Moorpark arts commission, established pursuant to Chapter 2.38 of the municipal code, shall be responsible for the review of proposed artwork design and location pursuant to Section 17.50.120 of this chapter."

SECTION 2: Municipal Code Section 17.50.120.B is hereby amended by replacing the entire section with the following language:

"B. Approval.

1. The parks, recreation, and community services director shall review the application for completeness, and if it is found complete, prepare a recommendation to the arts commission.
2. The commission shall be responsible for reviewing the proposed artwork for its aesthetic quality and harmony with the existing and proposed on-site improvements, and the proposed location of and public accessibility to the artwork.
3. The commission shall provide a recommendation to the city council regarding the site location and conceptual design of the proposed artwork.
4. At the next regularly scheduled city council meeting, following the action by the commission, the parks, recreation, and community services director shall present the commission's recommendation for council consideration. Action by the city council is final."

SECTION 3. Chapter 2.38, Moorpark Arts Commission, is hereby added to the Municipal Code as follows:

"Chapter 2.38

Moorpark Arts Commission

Sections:

- | | |
|-----------------|-------------------------------------|
| 2.38.010 | Created. |
| 2.38.020 | Membership – Term of Office. |
| 2.38.030 | Qualifications. |
| 2.38.040 | Removal of members. |
| 2.38.050 | Absence from meetings. |
| 2.38.060 | Resignation. |
| 2.38.070 | Organization. |
| 2.38.080 | Duties and Responsibilities. |
| 2.38.090 | Compensation. |

2.38.010 Created.

A Moorpark arts commission for the city is established with membership and duties as provided in this chapter.

2.38.020 Membership - Term of Office.

The arts commission shall consist of five (5) members to be appointed by the city council through an advertisement and recruitment process as established by council policy and/or resolution. Pursuant to that policy, the mayor shall solicit suggested nominees from members of the council; prior to making a motion for appointment, the mayor shall announce the names of all persons he/she intends to

nominate, and in the order to be nominated; the mayor shall then make a motion putting forth each individual name to be approved for appointment; a second shall be required; and the council shall vote on each appointment individually. The term of the commissioners shall be for a period of two (2) years beginning January 1 of year one and ending December 31 of year two. No member of the city council shall be eligible for membership. If a vacancy occurs otherwise than by expiration of a term, it shall be filled for the unexpired portion of the term of office by the same nomination process described herein for a new term of office. Nothing in this chapter is intended to preclude the reappointment of an arts commissioner upon the expiration of his or her term.

2.38.030 Qualifications.

The members of the arts commission shall be registered voters and shall reside in the city of Moorpark or its area of interest, or own a business within the city of Moorpark. When a person serving on the commission ceases to reside in the city of Moorpark or its area of interest, or ceases to own a business within the city of Moorpark, the mayor shall declare vacant such person's position on the commission, and the city council shall appoint another eligible person to the unexpired term of such former member pursuant to Section 2.38.020.A of this chapter. No member of the commission shall hold any other remunerative office or position with the city.

2.38.040 Removal of members.

Any member of the arts commission may be removed by either of the following:

- A. A majority vote of the city council; or
- B. Absence from three (3) consecutive regular meetings without formal consent of the commission shall be deemed to constitute the resignation of the commissioner and the position declared vacant.

2.32.050 Absence from meetings.

A. If a member of the arts commission is absent from three (3) successive regular meetings of the commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the secretary of the commission shall immediately inform the city clerk and city council of such termination.

B. An absence due to illness or an unavoidable absence from the city and written notice thereof to the secretary of the commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

2.38.060 Resignation.

Any member of the arts commission may resign at any time. The resignation of the commissioner shall be in writing and shall be deemed effective immediately upon receipt by the city clerk regardless of the date specified in the resignation. The

city clerk shall immediately inform the city council of any such vacancy by causing a copy of the resignation to be sent to each councilmember.

2.38.070 Organization.

A. At the first regular meeting in January of each year, the arts commission shall elect its chair from among the appointed members for the term of one year; and, subject to other provisions of law, may create and fill such other offices as it may determine.

B. The commission shall hold regular quarterly meetings as determined by the commission at its first meeting in January of each year, such determination to include the dates, time and place of such meetings.

C. The commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Government Code.

D. If any regular meeting falls on a holiday, it shall be held on the next scheduled business day and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling on a holiday shall be held at the meeting of the next business day without the necessity of any other or further notice.

2.38.080 Duties and Responsibilities.

The duties and responsibilities of the arts commission are as follows:

A. Act in an advisory capacity to the city council in all matters pertaining to the High Street Arts Center's annual operational budget and programming activities, administration and development of the annual theatrical season, promotion of the arts center's programs and services to stimulate interest therein, and preparation of a long-range capital improvement plan.

B. In accordance with Municipal Code Chapter 17.50, act in an advisory capacity and review the conceptual design and placement of artwork, solicit public comment, and provide a recommendation to the city council on the design and location.

C. Perform such other duties as may be requested from time to time by the city council.

2.38.090 Compensation.

Members of the arts commission shall receive compensation for their attendance at each meeting of the commission as approved by resolution of the city council."

SECTION 4. If any section, subsection, sentence, clause, phrase, part of portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part of portion thereof,

irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, part of portion be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star, a weekly newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this ____ day of November, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk