

**THE FLOWER MOUND TOWN COUNCIL WORK SESSION HELD ON THE 17<sup>th</sup> DAY OF SEPTEMBER 2009 IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

The Town Council met in a work session with the following members present:

Jean Levenick	Mayor Pro Tem
Steve Dixon	Deputy Mayor Pro Tem
Mike Wallace	Councilmember Place 3
Tom Hayden	Councilmember Place 5 (arrived 6:14 pm)

with the following members of Council absent:

Jody Smith	Mayor
Al Filidoro	Councilmember Place 2

constituting a quorum with the following members of the Town Staff participating:

Harlan Jefferson	Town Manager
Paula Paschal	Town Secretary
Kent Collins	Assistant Town Manager

**A. CALL WORK SESSION TO ORDER**

Mayor Pro Tem Jean Levenick called the work session to order at 6:02 p.m.

**B. INVOCATION**

Councilmember Mike Wallace gave the Invocation.

**C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Councilmember Wallace led the Pledges.

**D. WORK SESSION ITEMS**

- 1. Discuss amendments to the Town's Underground Utility regulations, specifically the requirement of placing existing overhead utilities underground in conjunction with development or redevelopment of property.**

Assistant Town Manager Kent Collins, stated the Council held a work session to discuss this ordinance about a year ago. There was discussion about using escrow as an option and grouping properties together at one time. He stated the Town did have regulations in place that required undergrounding of overhead utilities for development and re-development. He gave the following presentation.





Deputy Mayor Pro Tem Dixon stated it had become standard procedure for the utility companies to ask for more capacity. Staff would ask how much it would cost to go underground. If it was touching a major intersection, he would ask that question at that point. He stated he would not be in favor of the Town spending millions of dollars to put the utilities underground on a non-major thoroughfare.

Mayor Pro Tem Levenick agreed.

Councilmember Wallace stated there were so few overhead utilities that the Council had the ability to request that they be underground. He did not know if the Town had ever denied a request. Councilmember Wallace stated the ordinance seemed to be ineffective. He agreed with Deputy Mayor Pro Tem Dixon about asking the question about the cost of putting them underground on major thoroughfares. This was a very expensive endeavor.

Councilmember Hayden agreed with Deputy Mayor Pro Tem Dixon and Councilmember Wallace. The first objective would be to bury the lines, however the Town needed flexibility. He did not want to be unfriendly to businesses.

Councilmember Wallace asked if another municipality (Highland park or University Park) passed a bond to put utilities underground.

Town Manager Harlan Jefferson commented that Colleyville did have a bond election to put utilities underground and it failed.

Councilmember Wallace asked if anyone had any idea of the cost to put all utilities underground.

Mr. Jefferson stated staff had looked at the major thoroughfares, and it was a very large number. He noted that staff had experienced success with the ordinance over the years. He noted that same ordinance would also impact other subdivisions, adding that the Town could not regulate the utilities in the rights-of-way because of state law.

Mayor Pro Tem Levenick stated she would like to see if the Town could find funding to put the lines along FM 1171 at Heather Glen and Bruton Orand underground. She agreed that the lines along McKamey Creek and Wichita Trail were not a priority. She did not believe the ordinance needed to be amended at this time.

Mr. Collins stated in the past, five requests for exceptions had been approved and two were in the process.

Mayor Pro Tem Levenick asked about the situation at the FM 407 Car Wash. She asked if the ordinance precluded the type of wires they were using.

Mr. Collins stated that part specifically was not covered in their tariff for undergrounding. They would have to go to a different type of cable to go underground, and then it would not be compatible with the cable on the neighboring property. He stated that there might be a low-cost piece of equipment that can be installed so as to not impact the neighbor.

Councilmember Hayden asked if there was a rule of thumb on the difference in costs to put lines underground versus overhead.

Mr. Collins stated it depended on the utility. For electrical power, it was typically a factor

of 10. Telephone and cable lines did not have such a big impact.

Deputy Mayor Pro Tem Dixon agreed to leave the ordinance as is. He suggested that maybe in the future the Town could look at areas that were entryways into Flower Mound to have a break from the overhead poles and have the lines put underground.

Mr. Jefferson stated staff would work with the utility companies to identify a number of poles and would send that information to the Council. Regarding the FM 1171 concrete poles, staff would work on options to secure one-time funding and would bring back that information to the Town Council.

**2. Discuss a draft Public Arts Policy for the Town of Flower Mound as recommended by the Parks, Arts, and Library Services (PALS) Board.**

Director of Library Services Sue Compton stated the Parks, Arts, and Library Services (PALS) Board was a combination of the Park Board, Library Board, Historical Commission and Cultural Arts Board. When all were combined, they found there were many competing projects and the Board came up with a list of 26 projects. The Board prioritized the projects, and the Arts Policy was Number 10 of 10. The Arts Policy also came about because there had been donations of artwork to the Town. There was no policy in place on how to accept them. Also, artists were interested in doing art displays in different Town facilities. Several members of the Board were interested in public art. A subcommittee was appointed and did much research. A draft policy was discussed by the Board in March 2008, and in April 2008. The policy was approved in May 2008 by the PALS Board. Ms. Compton stated that libraries had many policies and had to be fair to everyone. The Board was requesting feedback from the Town Council regarding the proposed policy below.

**Public Arts Policy**

**Public Arts Committee**

- The Parks, Arts and Library Services (PALS) Board will appoint members of the Public Arts Committee.
- The Public Arts Committee will consist of three (3) members, one member of which will have a connection to the Flower Mound arts community.
- The purpose of the Public Arts Committee will be to guide the vision for public arts in the Town of Flower Mound, to maintain a roster of artists, to solicit and select art for both permanent and temporary displays in the Town of Flower Mound, accept art donations, and to coordinate public arts events.
- The Public Arts Committee may add ad hoc members to the committee to assist in planning special events or for decision making related to large public art installations.

**Roster of Artists**

- The Public Arts Committee will maintain a roster of area artists to be used to recruit art and as a resource for planning public arts displays and public arts events.
- The Public Arts Committee will approve artists' inclusion on the roster through an application process. Committee decisions may be appealed to the PALS Board.
- The roster of artists will be used when soliciting art for public temporary and permanent displays.
- Solicitation of art for public art displays and installations is not limited to the roster of artists maintained by the Public Arts Committee.

**Temporary Art Displays**

- The Public Arts Committee will maintain a list of suitable locations for temporary art displays.
- Solicitations for potential temporary art displays will be sent to those listed on the roster of artists and will include the application form for temporary displays.
- All requests for a temporary art displays must include a completed application form.
- Art work for temporary displays must be original and the creator must be an affiliate of an art or artist association, art professional, art educator, public, private or college art student, member of the roster of artists, or an invited artist.
- The Public Arts Committee will review and approve applications for temporary art displays and will determine the logistics for the display such as location, installation and length of time for the display.

#### **Permanent Art Displays**

- The Public Arts Committee will maintain a list of suitable locations for permanent art displays.
- When a need or request for a permanent art display has been identified the Public Arts Committee will propose a list of ad hoc committee members for Town Council consideration to coordinate the project with the Public Arts Committee.
- The full committee will develop a vision for the project and create a set of criteria for selection of the permanent display.
- The full committee will solicit applications from artists that would meet the vision and criteria for the project.
- The full committee will review applications and make a recommendation for Town Council approval.
- When an artist and/or art work has been selected and approved by Town Council the full committee will work with the artist and the location until the project has been completed.

#### **Art Work Donations**

- The Public Arts Committee will maintain a list of suitable locations for installation of art donations.
- Donations must come from an artist who is an affiliate of an art or artist association, art professional, art educator, public, private or college art student, member of the roster of artists, or an invited artist.
- Donated art work must be original and not manufactured solely for sale.
- The Public Arts Committee will consider accepting donated art works based on the following criteria: suitable location available, dimensions, media, suitability for public viewing, security of the art work, well crafted, relevant to the Flower Mound community and the location and its mission.
- The Public Arts Committee decision to accept or not accept a donation may be appealed to the PALS Board.

Councilmember Wallace asked if the committee that will consider the art will determine a level of appropriateness. He asked if that was going to be part of the **committee's** responsibility.

Ms. Compton stated that was not specifically spelled out in the policy, adding that Flower Mound was a very family community.

Councilmember Wallace stated the subject matter should be appropriate for a community as a whole.

Mayor Pro Tem Levenick stated all of the art forms should be appropriate for all age

groups. She referred to the policy from the City of Keller and stated that they had included a definition page. She wanted to see something like that added to the Town's draft policy. She also requested that the policy include a list of what artwork was ineligible to be displayed. If a piece of art was on temporary loan to the Town, she wanted something in the policy that would spell out who was responsible for the art, the insurance, and the liability. She stated she would like to know who was responsible for the costs associated with hanging or transporting art. She also asked that the Town motto be included in the policy.

Councilmember Hayden asked at what locations art would be displayed.

Ms. Compton stated that was not spelled out in the policy, as the facilities would change as the Town changed. The Public Arts Committee would determine a list of locations where art would be suitable.

Councilmember Hayden stated he would like to be able to encourage elementary kids to show their artwork in Flower Mound and on public property.

Mayor Pro Tem Levenick stated the proposed policy was a good start but needed more depth.

Councilmember Wallace stated he wanted to include all types of art forms, including photography and sculpture, for examples.

Ms. Compton stated the intent was to include all art forms.

Deputy Mayor Pro Tem Dixon referred to the roster of artists and asked why a roster was needed, if the Town was not going to be limited to the artists on it.

Ms. Compton stated there would be a running list of artists, but did not want to limit it to that list if someone wanted to do a permanent sculpture in front of a building.

Deputy Mayor Pro Tem Dixon stated the policy showed that the Public Arts Committee (PAC) would approve applications. He asked if the Town Council would have to approve them also.

Ms. Compton stated the Council would only have to approve permanent pieces of art. The temporary pieces would be approved by the PAC and the PALS Board.

Councilmember Wallace suggested that the PALS Board simply recommend members for the PAC, to be appointed by the Town Council. He stated he would like to see a defined term of service (2 years) like other boards and commissions.

Councilmember Hayden agreed with Councilmember Wallace about being consistent with term limits.

Mayor Pro Tem Levenick asked about the makeup of the PAC and how the members would be determined.

Ms. Compton stated the PALS Board thought the PAC would be a subcommittee of the PALS Board.

Deputy Mayor Pro Tem Dixon stated if the members were also PALS Board members,

that would be fine. He felt the PALS Board should make a recommendation on which of those members should sit on the subcommittee of the PALS Board.

Mayor Pro Tem Levenick stated she would like to see some sort of nomination process, as the members needed to be devoted to the PAC and involved in it. She stated one member should be a member of the Flower Mound arts community.

Councilmember Wallace stated a subcommittee was something more short-term typically, and the PAC looked more long-term. He suggested maybe making it a board or commission that was on-going.

Ms. Compton stated they would re-define policy, take it back to the PALS Board and bring it back to Council for discussion and consideration.

**E. ADJOURN WORK SESSION**

Mayor Pro Tem Levenick adjourned the work session at 6:55 p.m. and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**JODY A. SMITH, MAYOR**

**ATTEST:**

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**PAULA J. PASCHAL, TOWN SECRETARY**