

PLANO CITY COUNCIL
October 11, 2010

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
LaShon Ross, Deputy City Manager
Mark Israelson, Assistant City Manager
Diane C. Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, October 11, 2010, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Mayor Pro Tem Dunlap and the Pledge of Allegiance was led by Boy Scout Troop 285 of St. Mark Catholic Church.

Mayor Dyer administered oaths of office to incoming members of the City's Boards and Commissions.

Comments of Public Interest

No one appeared to speak.

Consent Agenda

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
September 27, 2010 Approved

Approval of Expenditures

Purchase from an Existing Contract

To approve the purchase of Energy Management System Maintenance with an estimated annual amount of \$62,595 the first year with an increase of approximately \$1,300 each year thereafter from Johnson Controls, Inc. through an existing contract/agreement with Texas Multiple Award Schedule (TXMAS) and authorizing the City Manager to execute all necessary documents. (TXMAS-5-03FAC020) (Consent Agenda Item "B")

To approve the purchase of one (1) Cues CCTV Sewer Inspection Trailer to be utilized by Utility Operations in the amount of \$75,000 from CUES through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard contract #270-07) (Consent Agenda Item "C")

To approve a contract for the purchase of a maintenance agreement between Motorola and the City of Plano in the amount of \$300,000 through an existing contract with the Houston-Galveston Area Council, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA-01-08). (Consent Agenda Item "D")

To approve a contract for the purchase of an annual maintenance agreement between Scientel Wireless, LLC and the City of Plano in the amount of \$500,000 through an existing contract with the Houston- Galveston Area Council, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09) (Consent Agenda Item "E")

To approve of the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$125,000 from Brodart through an existing contract/agreement with Texas State Contract 715-N1 print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$250,000 from Ingram Library Services through an existing contract/agreement with Texas State Contract 715-N1 print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$275,000 from Midwest Tapes through an existing contract/agreement with Texas State Contract 715-N1 print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$350,000 from Baker & Taylor through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "I")

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a contract by and between the City of Plano and Plano Economic Development Board, Inc. in the amount of \$855,758 to initiate, promote, monitor and perform activities related to economic development; and authorizing the City Manager to execute any and all documents in connection herewith. (Consent Agenda Item “J”)

Approval of Change Order

To Loblolly Consulting, LLC, increasing the contract by \$38,000 for the purchase of additional services related to the Customer and Utility Services Department’s Business Process Mapping and Documentation Project, Change Order No. 1. (Contract No. DIR-SDD-893) (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2010-10-1(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas and various arts organizations; authorizing their execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-10-2(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas, and various special event organizers; authorizing their execution by the City Manager or his designee; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2010-10-3(R): To approve the terms and conditions of an agreement by and between the City of Plano and Maurice Barnett Geriatric Wellness Center, Inc., for administration of the senior transportation program; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2010-10-4(R): To approve the terms and conditions of a grant awarded by the Edward Byrne Memorial Justice Assistance (JAG) State Formula Program through the Criminal Justice Division of the Office of the Governor of Texas to the City of Plano, Texas for Firearms and Ballistic Forensic Analysis; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2010-10-5(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Lucas, Texas for the City of Lucas’ use of the Radio Communications System owned by the Cities of Allen and Plano; authorizing execution of the agreement by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2010-10-6(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Lucas, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Lucas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2010-10-7(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Parker, Texas for the City of Parker's use of the Radio Communications System owned by the Cities of Allen and Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "R")

Resolution No. 2010-10-8(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Parker, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Parker; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "S")

Resolution No. 2010-10-9(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the Plano Independent School District's use of the Radio Communications System owned by the Cities of Allen and Plano; authorizing its execution by the City Manager; and providing an effective date. Consent Agenda Item "T")

Resolution No. 2010-10-10(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and the Texas Health Center for Diagnostics and Surgery for the use of the Radio Communications System owned by the Cities of Allen and Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "U")

Resolution No. 2010-10-11(R): To approve the hiring of an Assistant City Attorney by the City Attorney; and providing an effective date. (Consent Agenda Item "V")

Resolution No. 2010-10-12(R): To approve the terms and conditions of an Interlocal Cooperation Agreement for Library Services by and between the City of Plano and Collin County, Texas providing the terms and conditions for receipt of funding in the amount of \$75,857 from Collin County; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "W")

Adoption of Ordinances

Ordinance No. 2010-10-13: To repeal Ordinance No. 80-8-17 codified as Section 2-1 Official Logo of Article I in General, of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas and adopting a new Section 2-1 to set forth guidelines for the use of the City of Plano logo; providing a severability clause, a repealer clause, a savings clause, a Publication clause and an effective date. (Consent Agenda Item "X")

Ordinance No. 2010-10-14: To amend Section 11-349, Police Protection, of Article VIII, Special Events, of Chapter 11, Licenses and Business Regulations of the Code of Ordinances of the City of Plano, Texas to provide for the recovery of all police protection costs incurred while providing security at special events; and providing a severability clause, a savings clause, and an effective date. (Consent Agenda Item "Y")

END OF CONSENT

Arts of Collin County Quarterly Report (Regular Agenda Item “1”)

Arts of Collin County Executive Director Mike Simpson spoke to \$10.9 million in private donations/pledges since the start of the project and \$2.66 million in current cash available towards construction. He spoke to recent donations including the *Donor Bridge Program* which incorporates multiple cities and an in-kind sculpture donation. Mr. Simpson reviewed fundraising programs including naming opportunities, on-line donations, brick/paver/seat purchases, in-kind opportunities, and the *Bravo Wall* where those donating \$50,000 or more on or before groundbreaking are recognized. He spoke to establishment of a Business Executive Advisory Board to draw donations from area companies and ongoing activities including participation in Plano and Frisco Events, sponsorship of the Plano Symphony Orchestra’s Home for the Holiday’s Concert, preparation of a case study of the Fox River Performing Arts Center and new in-kind promotions. Mr. Simpson spoke to the appointment of an art selection committee and actions moving forward to continue working with the three cities on the timing of bond sales, concentration on major donors and partners, developing key sponsorship opportunities, working with Hunt Construction to maintain low cost bids, expansion of fundraising efforts and building awareness and momentum.

City Manager Search Process (Regular Agenda Item “2”)

Scott Reilly, CEO of Affion Public, reviewed the process including interviews for profile development, posting and recruitment, candidate screening and presentation, interviews and selection.

To approve an Engineering Services Contract by and between the City of Plano and Graham Associates, Inc. in the amount of \$239,970 for Independence Parkway Corridor and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “3”)

Deputy Director of Public Works and Engineering Cosgrove reviewed improvements to be made at the intersections of Independence Parkway and 15th Street, Park Boulevard, and Parker Road. He advised that funding will come from regional toll revenue monies (80%) and City funds (20%) and spoke to right-of-way acquisition, relocation of utilities, construction anticipated to begin in one year and working on one intersection at a time to minimize impact.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to approve the Engineering Services Contract between the City and Graham Associates, Inc. in the amount of \$239,970.

Public hearing and adoption of Ordinance No. 2010-10-15 as requested in Zoning Case 2010-05 to amend an Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to related sections of the Zoning Ordinance regarding data centers; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “4”)

Ordinance No. 2010-10-15 (cont'd)

Planning Manager Firgens spoke to establishing data centers as a formal use in the Zoning Ordinance, establishing definitions, appropriate districts (exceptions of neighborhood office, retail and downtown business government) and parking. She advised that the Planning and Zoning Commission recommended approval subject to the following: (Additions are indicated in underlined text)

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following definition for data center use:

Data Center

A facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations, large enterprises or any other internet service organizations. A server farm, telecom hotel, carrier hotel, telco hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center. (This definition shall only apply to data center as a primary use.)

Amend Subsection 2.502 (Schedule of Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow data centers by right or with specific use permit as follows:

Nonresidential Zoning Districts

Permitted Uses	Category													
		O-1 - Neighborhood Office			BG - Downtown Business/Government									
		O-2 - General Office	P											
		R - Retail												
					LC - Light Commercial									
					CE - Commercial Employment									
								CB-1 - Central Business-1						
									LI-1 - Light Industrial-1					
										LI-2 - Light Industrial-2				
											RE - Regional Employment			
												RC - Regional Commercial		
													RT - Research/Technology Center	
														CC - Corridor Commercial
<u>Data Center</u>	Service					P	P	S	P	P	P	S	P	S

Ordinance No. 2010-10-15 (cont'd)

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish the following parking ratio requirement for data center use:

One space for each 1,000 square feet

Ms. Firgens spoke to review by Staff and an additional modification to the definition to remove "large enterprises or any other." She spoke to the use being similar to office showroom and Director of Planning Jarrell advised that this recommendation is structured specifically for data centers and would not include call centers.

Mayor Dyer opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Mayor Pro Tem Dunlap stated concern that opportunities for reuse would be limited based on the low parking ratio recommended. Director of Planning Jarrell spoke to developers' concerns regarding current parking requirements and lot coverage stipulations providing land that might be available for parking in the event of reuse. She spoke to the structures as primarily single-purpose buildings that other data center operators may utilize in the future. Council Member LaRosiliere spoke to the purpose of land use creating an opportunity conducive for a data center and not putting an additional requirement of land for future uses.

Mayor Dyer spoke to excess land available based on 50% lot coverage and made a motion, seconded by Council Member LaRosiliere to amend an Section 1.600 of Article 1, Subsection 2.502 of Section 2.500 of Article 2, and Subsection 3.1107 of Section 3.1100 of Article 3 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24 regarding data centers as recommended by the Planning and Zoning Commission with Staff amendment and as requested in Zoning Case 2010-05; and further to adopt Ordinance No. 2010-10-15. The Council voted 7-1 with Mayor Pro Tem Dunlap voting in opposition. The motion carried.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:46 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary