



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		May 28, 2013		
Department:		Office of Policy and Government Relations		
Department Head		Mark Israelson		
Agenda Coordinator (include phone #): Nancy Rodriguez X7510				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, amending a License Agreement approved by Plano City Council on June 8, 1987, and a First Amendment to Communications Facilities License approved by Plano City Council on December 14, 1992, by and between the City of Plano, Texas, and AT&T Communications, Inc. of the Southwest, a New York corporation, to establish a precise termination date; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: License agreement amendments relate to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
This Resolution establishes a precise termination date of December 14, 2022.				
List of Supporting Documents: Resolution, Exhibit A			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, amending a License Agreement approved by Plano City Council on June 8, 1987, and a First Amendment to Communications Facilities License approved by Plano City Council on December 14, 1992, by and between the City of Plano, Texas, and AT&T Communications, Inc. of the Southwest, a New York corporation, to establish a precise termination date; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council wishes to amend a License Agreement originally approved on June 8, 1987, a First Amendment to License Agreement approved on December 14, 1992, and to approve the amendment attached hereto as Exhibit A (“Amendment”); and

WHEREAS, upon full review and consideration of the Amendment and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee should be authorized to execute the Amendment on behalf of the City of Plano.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section 1. The terms and conditions of the Amendment, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section 2. The City Manager or his authorized designee is hereby authorized to execute the Amendment and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Amendment.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the 28th day of May, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Exhibit "A"

SECOND AMENDMENT TO LICENSE AGREEMENT

BETWEEN

AT&T COMMUNICATIONS, INC. OF THE SOUTHWEST

AND

CITY OF PLANO, TEXAS

This Second Amendment to License Agreement between AT&T Communications, Inc. of the Southwest and City of Plano, Texas is made this ____ day of May, 2013 between AT&T Corp. by and through AT&T Communications, Inc. of the Southwest ("AT&T"), a New York corporation, and the City of Plano, Texas ("City"), a Texas home rule municipal corporation.

Whereas, AT&T and City entered into a License Agreement dated December 14, 1992, (hereafter "License Agreement"), which is currently in its Second Extended Term, which is scheduled to expire on December 14, 2022; and

Whereas, the parties wish to amend the agreement to establish a precise termination date.

Now, therefore, in consideration of the foregoing and of the mutual covenants and agreement hereinafter set forth, the parties hereto, intending to be legally bound, agree to the following:

1. Section 2 of the License Agreement is hereby deleted in its entirety and replaced with the following:

Term. This License shall terminate on December 14, 2022.

2. All other terms and conditions of said License Agreement, as amended, remain unchanged and in full force and effect.

LICENSOR:

CITY OF PLANO, TEXAS

By: _____

LICENSEE:

AT&T CORP., by and through AT&T
Communications, Inc. of the Southwest

By: _____