



**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: | | 1/14/13 | | |
| Department: | | Legal | | |
| Department Head | | Diane Wetherbee | | |
| Agenda Coordinator (include phone #): Betsy Allen # 7545 | | | | |
| CAPTION | | | | |
| A Resolution of the City Council of the City of Plano, Texas, approving the settlement of a claim by Bester Munyaradzi and authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such claim; and providing an effective date. | | | | |
| FINANCIAL SUMMARY | | | | |
| <input type="checkbox"/> NOT APPLICABLE <input checked="" 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 | 900,000 | 0 | 900,000 |
| Encumbered/Expended Amount | 0 | -88,628 | 0 | -88,628 |
| This Item | 0 | -55,000 | 0 | -55,000 |
| BALANCE | 0 | 756,372 | 0 | 756,372 |
| FUND(S): PROPERTY & LIABILITY LOSS FUND | | | | |
| COMMENTS: This item, in the estimated amount of \$55,000, to fully resolve the claim pursuant to the terms and conditions of the Settlement Agreement, will be paid out of the 2012-13 Property & Liability Loss Fund's Judgments & Damages. STRATEGIC PLAN GOAL: The settlement of the lawsuit relates to the City's Goal of Financially Strong City with Service Excellence. | | | | |
| SUMMARY OF ITEM | | | | |
| This is to fully resolve the claim pursuant to the terms and conditions of the Settlement Agreement. | | | | |
| List of Supporting Documents: | | | Other Departments, Boards, Commissions or Agencies | |
| | | | | |

A Resolution of the City Council of the City of Plano, Texas, approving the settlement of a claim by Bester Munyaradzi and authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such claim; and providing an effective date.

WHEREAS, there is pending a claim against the City of Plano by Bester Munyaradzi; and

WHEREAS, the parties agreed to settle this claim in the amount of Fifty Five Thousand and no/100 Dollars (\$55,000.00) and other good and valuable consideration subject to approval of the City Council; and

WHEREAS, the City Council of the City of Plano hereby finds that it is in the public interest to accept this settlement and that the City Manager or his authorized designee shall be authorized to execute any and all documents necessary to consummate the settlement.

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

Section I. City Council approves the settlement of this claim in the amount of Fifty Five Thousand and no/100 Dollars (\$55,000.00) pursuant to the terms and conditions of the settlement agreement.

Section II. The City Manager or his authorized designee is hereby authorized to execute any and all documents necessary to consummate the settlement.

Section III. This Resolution shall become effective immediately after its passage.

DULY PASSED AND APPROVED this the 14th day of January, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY