



**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:	January 23, 2012
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 the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in the amount of FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	-554,333	0	-554,333
BALANCE	0	-554,333	0	-554,333

FUND(S): **GENERAL FUND**

COMMENTS: This item is for the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano. There is a companion supplemental appropriation agenda item in the same amount, \$554,333.

STRATEGIC PLAN GOAL: This settlement of a lawsuit relates to the City's goal of Financially Strong City with Service Excellence.

SUMMARY OF ITEM

This Resolution authorizes the settlement of the lawsuit entitled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372.

List of Supporting Documents:
n/a

Other Departments, Boards, Commissions or Agencies
n/a

A Resolution of the City Council of the City of Plano, Texas approving the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in the amount of FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.

WHEREAS, there is pending in the United States District Court, Eastern District of Texas, Sherman Division, a lawsuit styled, Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372 (“Lawsuit”); and

WHEREAS, the parties agreed to settle this Lawsuit for the amount of **FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00)** and other good and valuable consideration subject to approval of the City Council; and

WHEREAS, a settlement of this Lawsuit is not an admission of fault or liability, but a decision to avoid future expenses and litigation; and

WHEREAS, the City Council of the City of Plano hereby finds that it is in the public interest to accept this settlement offer 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 Lawsuit in the amount of **FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00)** 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 23rd day of January, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY