



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		February 25, 2013		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): <b>Betsy Allen # 7545</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas approving the settlement of the lawsuit styled <u>Richard T. Naibert v. City of Plano</u> , Case Number 416-04912-2012, in the 416 <sup>th</sup> District Court of Collin County, Texas, in the amount of SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
				<b>TOTALS</b>
Budget		0	900,000	0
Encumbered/Expended Amount		0	-186,222	0
This Item		0	-60,000	0
BALANCE		0	653,778	0
<b>FUND(S):     PROPERTY &amp; LIABILITY LOSS FUND</b>				
<b>COMMENTS:</b> This item, in the amount of \$60,000, to fully resolve the settlement of the lawsuit styled Richard T. Naibert v. City of Plano, will be paid out of the 2012-13 Property & Liability Loss Fund's Judgements & Damages.				
<b>STRATEGIC GOAL PLAN:</b> The settlement of the lawsuit relates to the City's goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
This Resolution authorizes the settlement of the lawsuit entitled <u>Richard T. Naibert v. City of Plano</u> , Case Number 416-04912-2012 in the 416 <sup>th</sup> District Court of Collin County, Texas.				
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 the lawsuit styled Richard T. Naibert v. City of Plano, Case Number 416-04912-2012, in the 416<sup>th</sup> District Court of Collin County, Texas, in the amount of SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00); 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 416<sup>TH</sup> District Court of Collin County, a lawsuit styled, Richard T. Naibert v. City of Plano, Case Number 416-04912-2012 (“Lawsuit”); and

**WHEREAS**, the parties agreed to settle this Lawsuit for the amount of **SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00)** 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 **SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00)**.

**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 25<sup>th</sup> day of February, 2013.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY