



**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:		3/22/10		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): <b>Lynne Jones - 7109</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, authorizing the City to enter into a lawsuit against the Texas Commission on Environmental Quality with regard to the Voda Petroleum Site; authorizing the City Attorney or her designee to enter into any and all agreements in connection therewith; 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: <b>2009-10</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	191,978	0	<b>191,978</b>
Encumbered/Expended Amount	0	-58,785	0	<b>-58,785</b>
This Item	0	-1,500	0	<b>-1,500</b>
BALANCE	0	131,693	0	<b>131,693</b>
<b>FUND(S):     GENERAL FUND</b>				
<b>COMMENTS:</b> Funds are included in the 2009-10 adopted budget. This item, in the amount of \$1,500, will leave a balance of \$131,693 for contracts.				
STRATEGIC PLAN GOAL: Entering a lawsuit for the City relates to the City's Goal of Safe Large City.				
<b>SUMMARY OF ITEM</b>				
This Resolution authorizes participation in a lawsuit against the Texas Commission on Environmental Quality for the cleanup of the Voda Petroleum Site.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

**A Resolution of the City Council of the City of Plano, Texas, authorizing the City to enter into a lawsuit against the Texas Commission on Environmental Quality with regard to the Voda Petroleum Site; authorizing the City Attorney or her designee to enter into any and all agreements in connection therewith; and providing an effective date.**

**WHEREAS**, the Voda Petroleum Site was used by the City of Plano along with various other entities, as a waste oil recycling facility; and

**WHEREAS**, the Texas Commission on Environmental Quality (“TCEQ”) has advised the entities who used the Voda Petroleum Site that they are responsible for contributing to the cleanup of the Site; and

**WHEREAS**, the City of Plano along with other entities has proposed a settlement to TCEQ for the cleanup of the Site, which proposal has been rejected by the TCEQ; and

**WHEREAS**, the entities have agreed to file a lawsuit against the TCEQ to settle the matter of the cleanup of the Site.

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

**Section I.** The City Council hereby agrees that the City of Plano should be included in the lawsuit to be filed against the Texas Commission on Environmental Quality regarding the cleanup of the Voda Petroleum Site.

**Section II.** The City Attorney or her designee is hereby authorized to enter into any and all agreements in connection with the lawsuit.

**Section II.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 22<sup>nd</sup> day of March, 2010.

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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