



**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:	August 8, 2011
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 Belinda Saldana, Individually and as Representative of the Estate of Michael Anthony Alcala, Deceased, and as Next Friend of Michael Anthony Alcala, Jr., a Minor, and Nancy Nava, Individually and as Next Friend of Michael Anthony Alcala, Jr., a Minor v. City of Plano, Cause No. 296-05020-2010 in the 296th District Court of Collin County, Texas in the amount of Two Hundred Forty Five Thousand and No/100 Dollars (\$245,000.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	900,000	0	900,000
Encumbered/Expended Amount	0	-486,251	0	-486,251
This Item	0	-245,000	0	-245,000
BALANCE	0	168,749	0	168,749

FUND(S): PROPERTY & LIABILITY LOSS FUND

COMMENTS: Funds are included in the 2010-2011 Property Loss Fund Budget. This item, in the amount of \$245,000, will leave a balance of \$168,749 in the Judgments and Damages account within the Property & Liability Loss Fund.

STRATEGIC PLAN GOAL: This lawsuit settlement 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 Belinda Saldana, Individually and as Representative of the Estate of Michael Anthony Alcala, Deceased, and as Next Friend of Michael Anthony Alcala, Jr., a Minor, and Nancy Nava, Individually and as Next Friend of Michael Anthony Alcala, Jr., a Minor v. City of Plano, Cause No. 296-05020-2010.

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 Belinda Saldana, Individually and as Representative of the Estate of Michael Anthony Alcala, Deceased, and as Next Friend of Michael Anthony Alcala, Jr., a Minor, and Nancy Nava, Individually and as Next Friend of Michael Anthony Alcala, Jr., a Minor v. City of Plano, Cause No. 296-05020-2010 in the 296th District Court of Collin County, Texas in the amount of Two Hundred Forty Five Thousand and No/100 Dollars (\$245,000.00); 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 296th District Court of Collin County, Texas, a lawsuit styled, Belinda Saldana, Individually and as Representative of the Estate of Michael Anthony Alcala, Deceased, and as Next Friend of Michael Anthony Alcala, Jr., a Minor, and Nancy Nava, Individually and as Next Friend of Michael Anthony Alcala, Jr., a Minor v. City of Plano, Cause No. 296-05020-2010 (“Lawsuit”); and

WHEREAS, the parties agreed to settle this Lawsuit for the amount of **TWO HUNDRED FORTY FIVE THOUSAND AND NO/100 DOLLARS (\$245,000.00)** 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 **TWO HUNDRED FORTY FIVE THOUSAND NO/100 DOLLARS (\$245,000.00)** 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 8th day of August, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY