



**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:		12/18/12		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): <b>Jason Stacy # 7109</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the hiring of Mario R. Gutierrez as Assistant City Attorney II by the City Attorney; 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				
<b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
FISCAL YEAR:				
Budget	0	71,887	0	<b>71,887</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-71,887	0	<b>-71,887</b>
BALANCE	0	0	0	<b>0</b>
<b>FUND(S):    GENERAL FUND</b>				
<p><b>COMMENTS:</b> Funding for this item, in the amount of \$71,887 (including benefits), for the remainder of 2012-13 is included in the approved 2012-13 Budget. This position does not increase the number of authorized positions in Legal. City Charter authorizes the hiring of attorneys with the approval of the City Council.</p> <p><b>STRATEGIC PLAN GOAL:</b> The hiring of an Assistant City Attorney II meets the City's goal of Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>The City Charter authorizes the City Attorney to select attorneys for hire with the approval of the City Council. It is the City Attorney's recommendation that Mario R. Gutierrez be hired as an Assistant City Attorney II for the City Attorney's office. See attached Memorandum regarding qualifications for the proposed new hire.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

## **M E M O R A N D U M**

**DATE:** December 11, 2012

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Diane Wetherbee  
City Attorney

**SUBJECT:** **Hiring of Mario Gutierrez as Assistant City Attorney II**

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This memo is to provide information regarding the qualifications of Mario Gutierrez as a new hire for the position of Assistant City Attorney II. In accordance with Section 4.05 of the Plano City Charter, I am requesting City Council approval of my selection for this position.

The legal department has one vacancy created by the departure of Susan Johnson on August 7, 2012. The filling of this position is within the current budget allocation and authorized number of positions for my department.

It is my recommendation that Mario Gutierrez be hired to fill the Assistant City Attorney II position for my office. Mr. Gutierrez recently served as the General Counsel for the Alamo Area Council of Governments for five (5) years and assistant city attorney for the City of San Marcos and City of New Braunfels for the cumulative time of seven (7) years. He obtained a Bachelor of Arts Degree in Industrial Engineering from Auburn University and received a Juris Doctor Degree from University of Houston.

Thank you for your consideration. If you have any questions, please let me know.

**A Resolution of the City Council of the City of Plano, Texas, approving the hiring of Mario R. Gutierrez as Assistant City Attorney II by the City Attorney; and providing an effective date.**

**WHEREAS**, Section 4.05 of the City Charter of the City of Plano gives the City Attorney the authority to select attorneys, with the approval of the City Council, to represent the City in all litigation and to advise city departments and boards; and

**WHEREAS**, the City Attorney has selected Mario R. Gutierrez to be hired as an Assistant City Attorney II and is requesting the City Council's approval of same.

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

**Section I.** The City Council approves of the hiring by the City Attorney of Mario R. Gutierrez as Assistant City Attorney II, such approval to be effective with the date of his employment and compliance with all prescreening requirements.

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

**DULY PASSED AND APPROVED** this the 18<sup>th</sup> day of December, 2012.

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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