



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:		April 9, 2012			
Department:		Public Information			
Department Head		Dana Conklin - 7321			
Agenda Coordinator (include phone #): Kimberly Simmons - 7307					
CAPTION					
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager or his designee; and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2011-2012	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(s):					
COMMENTS: This item has no fiscal impact					
STRATEGIC PLAN GOAL: Contract modifications relate to the the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
First Modification of Agreement by and between City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution					

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager or his designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "First Modification"); and

WHEREAS, the City of Plano and CSL Marketing Group, LLC entered into an Agreement on April 8, 2011, for professional services in connection with marketing of sponsorship opportunities; and

WHEREAS, Legends Sales & Marketing, LLC acquired CSL Marketing Group, LLC on or about November 2011; and

WHEREAS, the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, desire to modify said agreement to change the name from CSL Marketing Group, LLC to Legends Sales & Marketing, LLC, a Delaware limited liability company to reflect the change in ownership; and

WHEREAS, upon full review and consideration of the First Modification, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his designee shall be authorized to execute it on behalf of the City of Plano.

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

Section I. The terms and conditions of the First Modification, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or his designee, is hereby authorized to execute the First Modification and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the First Modification.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 9th day of April, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"

THE STATE OF TEXAS	§	<u>First Modification of Agreement</u>
	§	<u>By and Between City of Plano and</u>
	§	<u>Legends Sales &</u>
	§	<u>Marketing, LLC, successor to</u>
COUNTY OF COLLIN	§	<u>CSL Marketing Group, LLC</u>

THIS FIRST MODIFICATION OF Agreement (hereinafter "First Modification") is made and entered into on this the _____ day of _____, 2012, by and between **LEGENDS SALES & MARKETING, LLC**, a Delaware limited liability company, **successor to CSL MARKETING GROUP, LLC**, (hereinafter "Professional") and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

WITNESSETH:

WHEREAS, City and Professional entered into an Agreement on April 8, 2011, (hereinafter "Agreement") for professional services in connection with marketing of sponsorship opportunities (hereinafter "Services"); and

WHEREAS, **CSL MARKETING GROUP, LLC** was acquired by **LEGENDS SALES & MARKETING, LLC** on or about November 2011.

WHEREAS, City and Professional desire to amend such Agreement in certain respects as set forth herein in this First Modification.

NOW THEREFORE, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Modification and the Agreement, priority of interpretation shall be in the following order: First Modification, Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

I.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, the name of Professional is changed from

CSL MARKETING GROUP, LLC to **LEGENDS SALES & MARKETING, LLC**, a Delaware limited liability company. **LEGENDS SALES & MARKETING, LLC** agrees to assume all rights, responsibilities, obligations and duties of **CSL MARKETING GROUP, LLC** pursuant to the original agreement signed on April 8, 2011 and to fully comply with all the terms and conditions therein.

IN WITNESS WHEREOF, the parties enter into this First Modification on the date first written above.

**LEGENDS SALES & MARKETING,
LLC**

By: _____
Name: _____
Title: _____

CITY OF PLANO, TEXAS

By: _____
BRUCE D. GLASSCOCK
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

