EFG/eg
12/17/2015
Item #23

AN ORDINANCE 2015-12-17-1071

AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *VALEMAS, INC. v. CITY OF SAN ANTONIO, ET AL,* CAUSE NO. 2007-CI-15772, IN THE 166th JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE AMOUNT OF $244,569.00.

* * * * *

WHEREAS, Valemas, Inc. was hired in 2005 to perform construction related to a Parks & Recreation project at Brackenridge Park.

WHEREAS, in 2007, Valemas, Inc. filed suit alleging delay and breach of contract; and

WHEREAS, although the City of San Antonio has vigorously contested liability in this matter, it is in its best interest to settle this matter to avoid the uncertainty and risks associated with further litigation; and

WHEREAS, the parties have reached a mutual agreement to settle all plaintiffs' claims for the amount of $244,569.00, contingent upon Council approval; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Payment in the amount of $244,569.00 is authorized to be made payable to Valemas, Inc. and its attorney as settlement of cause number 2007-CI-15772, styled Valemas, Inc. v. City of San Antonio.

SECTION 2. The amount of $107,482.25 is available in Fund 75001000, Insurance Reserve Fund, General Ledger 5402530, General Liability Claims and Cost Center 1009020001, Risk Management-Liability.

SECTION 3. The amount of $137,086.75 is available in Fund 45448000, 1994 Park Sold 1994 and General Ledger 2120130, GRIR Clearing.

SECTION 4. Payment is authorized to be made payable as follows: $244,569.00 will be paid to plaintiff , Valemas, Inc. and its attorney as settlement of Cause No. 2007-CI-15772 styled Valemas, Inc. v. City of San Antonio.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

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SECTION 6. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 17th day of December, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**23 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 18, 19, 20, 21, 22, 23, 24, 25, 26)**
Date:	12/17/2015
Time:	10:36:15 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the settlement of a lawsuit styled Valemas, Inc. v. City of San Antonio, Cause No. 2007-CI-15772, pending in the 166th Judicial District Court for the for an amount up to $244,569.00. [Martha G. Sepeda, Acting City Attorney]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				x