

AN ORDINANCE 2015-12-17-1072

**AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED
VALEMAS, INC. AND L. PAYNE CONSTRUCTORS v. CITY OF SAN
ANTONIO, CAUSE NO. 2011-CI-00316, IN THE 288th JUDICIAL
DISTRICT COURT, BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE
AMOUNT OF \$293,000.00.**

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WHEREAS, in August 2007, Valemas, Inc. was selected by the City to construct the W. W. White Outfall Project; and

WHEREAS, in 2011, Valemas, Inc., and its subcontractor, L. Payne Constructors, 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 \$293,000.00, contingent upon Council approval, to resolve all contested claims; **NOW THEREFORE:**

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

SECTION 1. Payment in the amount of \$293,000.00 is authorized to be made payable to Valemas, Inc. and L. Payne Constructors, and their attorneys as settlement of cause number 2011-CI-00316, styled *Valemas, Inc. and L. Payne Constructors v. City of San Antonio*.

SECTION 2. The amount of \$293,000.00 is authorized to be paid from Fund 75001000, Insurance Reserve Fund, General Ledger 5402530 General Liability Claims, Cost Center 1009020001 Risk Management-Liability, and is authorized to be made payable as follows: \$293,000.00 will be paid to plaintiffs, Valemas, Inc. and L. Payne Constructors, and their attorneys, as settlement of Cause No. 2011-CI-00316 styled *Valemas, Inc. and L. Payne Constructors v. City of San Antonio*.

SECTION 3. 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 4. 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:	24 (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 Valemás, Inc. and L. Payne Constructors v. City of San Antonio, Cause No. 2011-CI-00316, pending in State District Court for the for an amount up to \$293,000.00. [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