RFG
08/07/2014
Item 25

AN ORDINANCE 2014-08-07-0542

AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *PLETZ CONSTRUCTION, INC v. CITY OF SAN ANTONIO, ET AL,* CAUSE NUMBER 2013-CI-17720, PENDING IN THE 408TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE AMOUNT OF $255,000.00.

* * * * *

WHEREAS, Pletz Construction sought damages against the City for delays that occurred when working on the Nelson Road Brush Recycling Center and Water System; 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 an agreed settlement of $325,000 with $255,000 from the City of San Antonio, contingent upon Council approval, and $70,000 from engineer Paul Hartnett and his company Hartnett Engineered Solution, Inc. to resolve all contested claims; **NOW THEREFORE:**

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

SECTION 1. Funding for this ordinance is available as part of the Fiscal Year 2014 budget per the table below.

Amount	General Ledger	Cost Center	Fund
$56,332.50	5201040	5501010001	55001000
$198,667.50	5402530	0709020010	75001000
Total Amt $255,000.00			

SECTION 2. Payment is authorized to be made payable as follows: $255,000.00 will be paid to plaintiff Pletz Construction, Inc. and their attorney as settlement of Cause No. 2013-CI-17720 styled *Pletz Construction, Inc. v. City of San Antonio, et al.*

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.

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 7th day of August, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**25 (in consent vote: 6, 7, 8, 9, 12, 13, 15, 16, 17A, 17B, 17C, 17D, 18, 19, 21, 22, 23, 24, 25, 26, 27)**
Date:	08/07/2014
Time:	11:34:24 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing a settlement of a lawsuit styled Pletz Construction, Inc. v. City of San Antonio, et al, Cause Number 2013-CI-17720, in the 408th Judicial District Court, for the amount of $255,000.00. [Robert F. Greenblum, City Attorney]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy Taylor	Mayor		x				
Diego Bernal	District 1		x				
	District 2	x					
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				