

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

AUTHORIZING A SETTLEMENT AGREEMENT WITH SPAWGLASS CIVIL CONSTRUCTION, INC. (SPAWGLASS) AS PART OF THE TERMINAL AREA TAXIWAY IMPROVEMENT PACKAGE 3 AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED \$178,263.56. SUBJECT TO APPROVAL BY CITY COUNCIL, THE DEPARTMENT WILL AUTHORIZE A CHANGE ORDER TO INCORPORATE THE SETTLEMENT AGREEMENT AND REDUCE QUANTITIES FOR A NET ZERO CHANGE TO THE CONSTRUCTION CONTRACT.

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WHEREAS in December, 2015 the City authorized a construction contract with Spawglass Civil Construction, Inc. for Package 3 of the Terminal Area Taxiway Improvements project; and

WHEREAS, upon completion of the work, Spawglass Civil Construction, Inc. submitted a delay claim in the amount of \$301,844.92 in July 2017; and

WHEREAS, the parties have negotiated a Settlement Agreement and Release to settle the aforementioned issue for the amount of \$178,263.56; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is authorized to execute the Settlement Agreement and Release with Spawglass Civil Construction, Inc. in the amount of \$178,263.56, a copy of which is set out in **Exhibit 1**.

SECTION 2. [fiscal information not yet available]

SECTION 3.

SECTION 4. 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

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Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this ____ day of May, 2018.

MAYOR
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

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EXHIBIT 1—SETTLEMENT AGREEMENT

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