

AN ORDINANCE 2014-09-04-0655

AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED *KGME, INC. v. CITY OF SAN ANTONIO, ET AL*, CAUSE NUMBER 2008-CI-06449, PENDING IN THE 57TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE AMOUNT OF \$230,000.00.

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WHEREAS, KGME, Inc., a construction company, sought damages against the City for delays that occurred when working on the Goliad Drainage Project; 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, after mediation, KGME Inc. and the City have reached an agreed settlement of payment to KGME, Inc. in the amount of \$230,000.00, 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: Funding for this ordinance is available as part of the Fiscal Year 2014 budget per the table below.

Amount	General Ledger	Cost Center	Fund
\$65,895.92	2120130		48099000
\$164,104.08	5402530	0709020010	75001000
Total Amt \$230,000.00			

SECTION 2: Payment is authorized to be made payable as follows: \$230,000.00 will be paid to KGME Inc. and the Law Office of Dulske and Gluys, P. C., as settlement of Cause No. 2008-CI-06449 styled KGME, Inc. 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.

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 4th day of September, 2014.



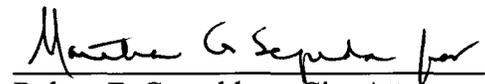
M A Y O R
Ivy R. Taylor

ATTEST:



Letricia M. Vacek, City Clerk

APPROVED AS TO FORM:



Robert F. Greenblum, City Attorney

Agenda Item:	21 (in consent vote: 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16A, 16B, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28A, 28B, 28C)
Date:	09/04/2014
Time:	09:32:40 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing a settlement of a lawsuit styled KGME Inc. v. the City of San Antonio, Cause No. 2008-CI-06449 in the 57th Judicial District Court, for the amount of \$230,000.00. [Robert F. Greenblum, City Attorney]
Result:	Passed

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