

ORDINANCE 2021-06-03-0401

**APPROVING THE SETTLEMENT OF A CLAIM ARISING OUT OF THE
MATTER STYLED: TEXAS STERLING CONSTRUCTION CO. V. CITY
OF SAN ANTONIO, CAUSE NO. 2018-CI-05823 IN THE 225TH JUDICIAL
DISTRICT COURT, BEXAR COUNTY, TEXAS FOR \$1,999,500.00**

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WHEREAS, the City contracted with Texas Sterling to perform work on the Bulverde Road Expansion Project, including to widen the existing pavement to six new lanes from Loop 1604 to Canyon Parkway and from Evans Road to Beckwood Drive. Upon completion of the work, certain claims remained unresolved regarding monies due for delays and additional work performed under the contract; and

WHEREAS, the City and Texas Sterling have agreed to resolve those damages related exclusively to the contract for an amount of \$1,999,500.00 subject to City Council approval; and

WHEREAS, it is in the City's best interest to settle this matter to avoid the uncertainties and risks associated with further litigation; **NOW THEREFORE:**

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

SECTION 1. Funds in the amount of \$1,303,404.23 is available from Fund 75001000, Cost Center 1009020001 and General Ledger 5402530.

SECTION 2: Funds in the amount of \$538,595.51 is available from Fund 45099000, WBS Element 40-00005-05-02-01 and General Ledger 5201140.

SECTION 3: Funds in the amount of \$157,500.26 is available from Fund 45099000 as retainage to Project 40-00005.

SECTION 4: Payment is authorized to be encumbered and made payable to Texas Sterling Construction Co. in an amount not to exceed \$1,999,500.00.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

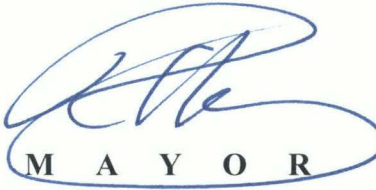
SECTION 5: The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project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

SECTION 6. 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 7. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 3rd day of June, 2021.



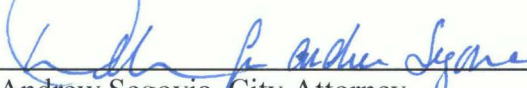
M A Y O R
Ron Nirenberg

ATTEST:



Tina J. Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

June 03, 2021

Item: 15

Enactment Number:

File Number: 21-3986

2021-06-03-0401

Ordinance approving the settlement of litigation styled Texas Sterling Construction Co. v. City of San Antonio; Cause No. 2018-CI-05823; in the 225th Judicial District Court, Bexar County, Texas in the amount of \$1,999,500.00. [Andy Segovia, City Attorney]

Councilmember Jada Andrews-Sullivan made a motion to approve. Councilmember John Courage seconded the motion. The motion passed by the following vote:

Aye: 9 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Sandoval, Pelaez, Courage and Perry

Absent: 2 Gonzales and Cabello Havrda