



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-1022

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**Agenda Item Number:** 23.

**Agenda Date:** 12/17/2015

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Martha G. Sepeda, Acting City Attorney

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Settlement of Cause No. 2007-CI-15772, *Valemas, Inc. v. City of San Antonio*.

### **SUMMARY:**

An Ordinance authorizing the settlement of a lawsuit styled *Valemas, Inc. v. City of San Antonio*, Cause No. 2007-CI-15772, pending in the 166<sup>th</sup> Judicial District Court for the for an amount up to \$244,569.00. This amount will be paid from remaining project funds and the Self-Insured Liability Fund.

### **BACKGROUND INFORMATION:**

Valemas claims damages as a result of delay and breach of a construction contract related to a Parks & Recreation project at Brackenridge Park.

The parties have reached an agreement to settle all claims by Valemas and its subcontractor, L. Payne Constructors, subject to City Council approval.

### **ISSUE:**

Settlements over \$50,000 require City Council approval.

### **ALTERNATIVES:**

If this settlement agreement is not approved by City Council, this matter will proceed to trial. It is in the best interest of the City to settle this lawsuit to avoid the uncertainty and risks attendant to litigation.

**FISCAL IMPACT:**

If approved, \$244,569.00 will be paid to Valemas and its attorney of record. This will be funded in accordance with the Adopted BY 2016 Liability Fund Budget

**RECOMMENDATION:**

Staff recommends approval of this ordinance.