



# City of San Antonio

## Agenda Memorandum

**File Number:** 14-1431

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**Agenda Item Number:** 25.

**Agenda Date:** 8/7/2014

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Robert F. Greenblum

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Settlement of Pletz Construction v. City of San Antonio

### **SUMMARY:**

This Ordinance authorizes a settlement of a state lawsuit styled *Pletz Construction, Inc. v. City of San Antonio and HES*, in the 408<sup>h</sup> Judicial District Court, Cause No. 2013-CI-17720, for the amount of \$255,000.00.

### **BACKGROUND INFORMATION:**

Plaintiff sought damages for delays that occurred when working on the Nelson Road Brush Recycling Center and Water System. The parties reached an agreed settlement of \$325,000, with \$255,000.00 from the City of San Antonio, subject to Council approval, plus \$70,000 from engineer Paul Hartnett and his company, Hartnett Engineered Solutions, Inc.

### **ISSUE:**

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

### **ALTERNATIVES:**

If this settlement is not approved by the City Council, this case will proceed to jury trial in November 2014. It

is in the best interest of the City to settle this matter to avoid the uncertainty and risks associated with litigation in a case of disputed liability as well as attorneys' fees.

**FISCAL IMPACT:**

If approved, \$255,000.00 will be paid to Pletz Construction, LLC, and the Gardener Law Firm. Funds in the amount of \$198,667.50 are available from the FY 2014 Liability Insurance Fund and \$56,332.50 is available from remaining project funds.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.