



# City of San Antonio

## Agenda Memorandum

**File Number:**21-3986

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**Agenda Item Number:** 15.

**Agenda Date:** 6/3/2021

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Andy Segovia, City Attorney

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Settlement of *Texas Sterling* litigation

### **SUMMARY:**

This item approves 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.

### **BACKGROUND INFORMATION:**

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.

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.

### **ISSUE:**

Mediation resulted in a proposed settlement agreement.

### **ALTERNATIVES:**

It is in the best interest of the City to settle this matter to avoid the uncertainty and risks associated with continued litigation.

**FISCAL IMPACT:**

If approved, the settlement will be paid as follows: \$538,595.51 in remaining project funds, \$157,500.26 in retainage funds, and \$1,303,404.23 paid from the City's Self-Insured Liability Fund.

**RECOMMENDATION:**

Staff recommends approval of this settlement.