



## Legislation Details (With Text)

**File #:** 24-183      **Version:** 1      **Name:**

**Type:** Informational Report      **Status:** Filed

**File created:** 4/1/2024      **In control:** Council Work Session

**On agenda:**      **Final action:** 4/9/2024

**Title:** Request to approve settlement of Myers & Sons Construction, L.P. v. City of Colorado Springs, District Court, El Paso County, Colorado, Case No. 2020CV31791.

**Presenter:**  
Wynetta Massey, City Attorney

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Myers Case Summary (Mesa WTP)

Date	Ver.	Action By	Action	Result
4/9/2024	1	City Council	received	Pass

Request to approve settlement of Myers & Sons Construction, L.P. v. City of Colorado Springs, District Court, El Paso County, Colorado, Case No. 2020CV31791.

**Presenter:**  
Wynetta Massey, City Attorney

**Summary:**  
The City Attorney has negotiated a litigation settlement in excess of \$100,000.00. Myers & Sons Construction, LP alleges that Colorado Springs Utilities breached a construction contract during the COVID pandemic. Colorado Springs Utilities countersued and filed a counterclaim for breach of contract against Myers & Sons. The parties have reached a tentative settlement of the claim and counterclaim, subject to City Council approval pursuant to City Code section 1.5.506 (B).

**Background:**  
The latest City Attorney quarterly report update on this case is attached.

**Previous Council Action:**  
N/A

**Financial Implications:**  
There are sufficient appropriated funds to pay this settlement.

**City Council Appointed Board/Commission/Committee Recommendation:**  
N/A

**Stakeholder Process:**

N/A

**Alternatives:**

N/A

**Proposed Motion:**

Move approval of the \$10,000,000.00 settlement amount in Myers & Sons Construction, L.P. v. City of Colorado Springs, El Paso County, Colorado District Court Case No. 2020CV31791.

N/A