



# City of San Antonio

## Agenda Memorandum

### File Number:

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**Agenda Item Number:** 16

**Agenda Date:** February 20, 2025

**In Control:** City Council A Session

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**DEPARTMENT:** Office of the City Attorney

**DEPARTMENT HEAD:** Andy Segovia

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Diana Pineda Hernandez v. City of San Antonio Settlement

**SUMMARY:**

This Ordinance authorizes a settlement of a state lawsuit styled Diana Pineda Hernandez v. City of San Antonio, in the 408th Judicial District Court, Bexar County, Texas, Cause No. 2024-CI-15299 for the amount of \$150,000.00.

**BACKGROUND INFORMATION:**

On March 6, 2024, Plaintiff Diana Pineda Hernandez was stopped at the light-controlled intersection of Division and the 4000 Block of IH-35 South. A Solid Waste Management Department Freightliner came to a stop behind Plaintiff but was too close to see Plaintiff's vehicle. When the light turned green, the SWMD vehicle began moving and struck the back of Plaintiff's vehicle. Ms. Hernandez has filed suit to recover her medical costs as well as pain and suffering.

This case is not currently set for trial.

**ISSUE:**

Under the Texas Tort Claims Act, a municipality may be held liable for personal injury caused by a condition or use of tangible personal property, but recovery is limited to \$250,000.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

If the settlement is approved, \$150,000.00 will be paid by a check made payable to made payable as to Ms. Hernandez, her attorneys of record and any lienholders as directed by the City Attorney's Office from the Self Insurance Fund.

The amount of \$150,000.00 is authorized to be paid from Fund 75001000, Insurance Reserve Fund, General Ledger 5402530 General Liability Claims, Cost Center 7509020001 Risk Management-Liability.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.