



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 16

Agenda Date: November 7, 2024

In Control: City Council A Session

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Settlement of a lawsuit styled Norman A. Dean, Jr. v. City of San Antonio, et. al.

SUMMARY:

This Ordinance authorizes a settlement of a state lawsuit styled Norman A. Dean, Jr. v. City of San Antonio, et. al., in the 37th Judicial District Court, Bexar County, Texas, Cause No. 2023-CI-23490 for the total amount of \$175,000.00. Funding is available in the FY 2025 Self Insurance Liability Fund.

BACKGROUND INFORMATION:

On January 31, 2023, Plaintiff was travelling westbound, exiting Loop 410 onto the access road near Ingram Road in San Antonio. While travelling in the far-left hand lane, he was struck by a Department of Human Services vehicle that made a right hand turn onto the access road, travelling across three lanes of traffic prior to impacting plaintiff's vehicle. Mr. Dean has filed suit to recover his medical costs as well as pain and suffering.

This case is set for Jury Trial on February 3, 2025.

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:

Ordinance authorizing a payment, if settlement is approved, in the amount of \$175,000.00 to be paid by a check made payable to Norman A. Dean, Jr. and his attorney of record and any lienholders as directed by the City Attorney's Office. Funding is available in the FY 2025 Self Insurance Liability Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.