



# City of San Antonio

## Agenda Memorandum

### File Number:

---

**Agenda Item Number:** 34

**Agenda Date:** March 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 two claims in the matter styled Jan Carl Evans, Jr. and Kimberly Evans, Individually and as Next Friends of Darby Holliday and Emma Holliday, Minors v. City of San Antonio

**SUMMARY:**

This Ordinance authorizes a settlement of a state lawsuit styled Jan Carl Evans, Jr. and Kimberly Evans, Individually and as Next Friends of Darby Holliday and Emma Holliday, Minors v. City of San Antonio, in the 407th Judicial District Court, Bexar County, Texas, Cause No. 2022CI07467 for the amount of \$145,000 Jan Carl Evans Jr. and \$200,000 Kimberly Evans. This settlement will be funded from the General Liability Fund.

**BACKGROUND INFORMATION:**

On May 17, 2020, at the intersection Babcock and W. Hausman Road, and SAPD vehicle collided with Plaintiff's vehicle. Plaintiffs allege they suffered injuries as a result of the accident, requiring medical attention.

The parties have agreed to settle Jan Carl Evans, Jr.'s claims for \$145,000 and Kimberly Evans' claims for \$200,000, subject to City Council approval. The funds are available from the FY 2023

General Liability Fund Adopted Budget.

This case is set for Jury Trial on March 4, 2024.

**ISSUE:**

Settlements over \$100,000 require City Council approval.

**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, \$145,000 will be paid by way of check, payable to Jan Carl Evans Jr. and Law Offices of Daniel P. O'Connor in the amount of \$145,000.00, from the General Liability Fund; \$200,000 will be paid by way of check, payable to Kimberly Evans and Law Offices of Daniel P. O'Connor, from the General Liability Fund.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.