



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 22

**Agenda Date:** September 12, 2024

**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:**

Settlement Agreement

**SUMMARY:**

This Ordinance authorizes a settlement of a state lawsuit styled Hector Fraire v. City of San Antonio, in the 166th Judicial District Court, Bexar County, Texas, Cause No. 2022CI23542 for the amount of \$215,000.00 to Hector Fraire. This settlement will be funded from the Self-Insured Liability Fund.

**BACKGROUND INFORMATION:**

On February 14, 2021, in the 1100 block of IH-35, near Camden Road, an SAPD vehicle collided Plaintiff's vehicle after sliding on ice. Plaintiff sustained injuries in the accident that required substantial medical care and attention culminating in surgery.

The parties have agreed to settle Hector Fraire's claims for \$215,000.00, subject to City Council approval. The funds are available from the FY 2024 Liability Fund Adopted Budget.

Trial of this case is set for October 14, 2024, if settlement does not receive approval.

**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, \$215,000.00 will be paid by way of check, payable to Harry Bethancourt and The Law Offices of Tyler & Peery.

The amount of \$215,000.00 is authorized to be paid from Fund 75001000, Insurance Reserve Fund, General Ledger 5402530, Cost Center: 7509020004 Risk Management- Auto Liability Fund.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.