



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 15

Agenda Date: April 20, 2023

In Control: City Council A Session

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

\$140,000 settlement in Isabel Tovar v. City of San Antonio

SUMMARY:

This Ordinance authorizes a settlement of a state lawsuit styled Isabel Tovar v. City of San Antonio, in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2020CI11797 for the amount of \$140,000.00.

BACKGROUND INFORMATION:

On August 14, 2018, Plaintiff Isabel Tovar was stopped on IH-35 when she was struck from behind by a pickup truck from the former Transportation and Capital Improvements Department. Plaintiff alleges she suffered injuries as a result of the accident, requiring medical attention. Plaintiff also claims she has lost wages due to her injuries.

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, \$140,000.00 will be paid by way one check to “Isabel Olivarez and Stolmeier Law” from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.