



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 19

Agenda Date: November 2, 2023

In Control: City Council A Session

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 motor vehicle accident lawsuit styled Martinez, Marie F. v. Brandon Lee Chavez and City of San Antonio, in the 224th Judicial District Court, Bexar County, Texas, Cause No. 2022-CI-12491 for the amount of \$190,000.00.

BACKGROUND INFORMATION:

On July 9, 2021, a marked police vehicle was involved in a collision with a vehicle driven by Marie F. Martinez. Ms. Martinez alleges she suffered injuries as a result of the accident, requiring medical attention.

This case is set for Jury Trial on December 4, 2023.

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, \$190,000.00 will be paid by a check made payable to Marie F. Martinez and Gene Toscano, Inc., in the amount of \$190,000, from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.