



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 19

**Agenda Date:** August 17, 2023

**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 motor vehicle accident lawsuit styled Eloisa Garcia Ipina v. City of San Antonio, in the 408th Judicial District Court, Bexar County, Texas, Cause No. 2021CI01908 for the amount of \$75,000.00.

**BACKGROUND INFORMATION:**

On November 8, 2019, an SAPD patrol vehicle operated by Officer Joseph Guevara was involved in a collision with a vehicle driven by Eloisa Garcia Ipina. Ms. Ipina alleges she suffered injuries as a result of the accident, requiring medical attention.

Jury Trial has been postponed pending approval of settlement.

**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, \$75,000.00 will be paid to Eloisa Garcia Ipina and Villarreal & Begum, PLLC., from the Self Insurance Fund.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.