



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 21

**Agenda Date:** March 2, 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 state lawsuit styled Jesse Quinones v. City of San Antonio, in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2018CI18658 for the amount of \$150,000.00.

**BACKGROUND INFORMATION:**

On May 2, 2017, at S. New Braunfels Ave. at Montana, SAPD Officer James Van Kirk was operating his patrol vehicle on non-emergency patrol when he rear-ended a 2003 Tahoe driven by Plaintiff Jesse Quinones. Mr. Quinones alleges he suffered personal injuries as a result of the accident.

This case is not currently set for Jury Trial.

**ISSUE:**

Under the Texas Tort Claims Act, a municipality may be held liable for personal injury caused by negligent use of motor-driven equipment, 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, \$150,000.00 will be paid by two separate checks to Jesse Quinones and the Davis Law Firm, and the Texas Attorney General, to satisfy and unpaid Child Support Lien, from the Self Insurance Fund.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.