



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 15

Agenda Date: June 15, 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 state lawsuit styled Gilbert Navarro, Jr. v. City of San Antonio, in the 73rd Judicial District Court, Bexar County, Texas, Cause No. 2019CI01257 for the amount of \$110,000.00.

BACKGROUND INFORMATION:

On September 20, 2018, Plaintiff was driving in the 3500 block of Hwy 90 West near the General McMullen exit he was rear-ended by COSA driver Anthony Ramos. Plaintiff claims damages for past and future medical care; lost wages; loss of wage-earning capacity; physical disfigurement, pain and impairment; emotional distress; mental anguish; as well as pre- and post-judgment interest as a result of the City's negligence. Plaintiff seeks unspecified monetary relief.

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, \$110,000.00 will be paid to Gilbert Navarro and Carabin Shaw, P.C., from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.