



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 26

Agenda Date: August 4, 2022

In Control: City Council A Session

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Settlement of litigation styled Alberto Rivera v. City of San Antonio.

SUMMARY:

This item will approve the settlement of a lawsuit styled *Alberto Rivera v. City of San Antonio*, Cause Number 2018-CI-19389 pending in Bexar County District Court, in an amount of \$75,000.00. This settlement will be funded from the Self-Insured Liability Fund.

BACKGROUND INFORMATION:

On April 3, 2017, a Solid Waste Management Employee was traveling Southbound on O'Connor Road in a garbage truck. The Plaintiff, Alberto Rivera was also traveling Southbound on O'Connor Road when he observed a San Antonio Fire Department pickup truck activate his emergency lights. The plaintiff switched lanes to the right and stopped his vehicle when he was struck from behind by a garbage truck. Mr. Rivera suffered injuries, incurred medical expenses and is seeking to recover damages from the City.

The parties have agreed to settle Mr. Rivera's claims for \$75,000, subject to City Council approval.

The funds are available from the FY 2022 Liability Fund Adopted Budget.

ISSUE:

Settlements over \$50,000 require City Council approval.

ALTERNATIVES:

If this settlement is not approved by the City Council, this case will proceed to a jury trial. It is in the best interest of the City to settle this matter to avoid the uncertainties and risks associated with litigation.

FISCAL IMPACT:

If approved, \$75,000 will be paid to Alberto Rivera, through his attorney of record, Ricardo Reyna of The Davis Law Firm. This will be funded in accordance with the FY 2022 Liability Fund Adopted Budget.

RECOMMENDATION:

Staff recommends approval of this item.