



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 22

Agenda Date: September 15, 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 Jesse Fernandez v. City of San Antonio

SUMMARY:

This Ordinance authorizes a settlement of a state lawsuit styled Jesse Fernandez v. City of San Antonio, in the 224th Judicial District Court, Bexar County, Texas, Cause No. 2018CI22663 for the amount of \$210,000.00. This settlement will be funded from the Self-Insured Liability Fund.

BACKGROUND INFORMATION:

On January 15, 2018, an SAPD patrol vehicle was involved in a collision with a vehicle driven by Jesse Fernandez. Mr. Fernandez alleges he suffered injuries as a result of the accident, requiring medical attention. He also alleges that he was unable to return to work due to the injuries. This case is set for Jury Trial on October 3, 2022.

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

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, \$210,000.00 will be paid to Jesse Fernandez through his attorney Barry H. Beer of The Law Offices of Beer & King, P.C. This will be funded from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this item.