



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 16

Agenda Date: November 10, 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 Pedro J. Arciniega v City of San Antonio

SUMMARY:

This item will approve the settlement of a lawsuit styled Pedro J. Arciniega v. City of San Antonio, Cause Number 2015-CI-10713, pending in Bexar County District Court, in an amount of \$145,000.00. Under the settlement, the City of San Antonio will pay Mr. Arciniega and his attorney (Paul Vick) \$145,000.00 in exchange for a release of all claims by Mr. Arciniega. This settlement will be funded from the Self-Insured Liability Fund.

BACKGROUND INFORMATION:

Mr. Arciniega was a Senior Human Resources Specialist with the City of San Antonio. After several attempts to correct performance issues, Mr. Arciniega's employment with the City was terminated on August 2, 2013. Mr. Arciniega alleges that his termination was due to his age, in violation of the Age Discrimination in Employment Act. The City disputes these allegations. However, after negotiations, the parties have agreed to resolve this claim for \$145,000.00, a sum that secures a release of all of Arciniega's claims as well as his entitlement to statutory attorney fees to which he would have been entitled if successful. Funds for this settlement are available from the FY 2023 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 litigation. 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, \$145,000.00 will be made payable to Pedro Arciniega and his attorney Paul Vick. This will be funded in accordance with the FY 2023 Liability Fund Adopted Budget.

RECOMMENDATION:

The City Attorney's Office recommends approval of this item.