



# City of San Antonio

## Agenda Memorandum

**File Number:**

---

**Agenda Item Number:** 27

**Agenda Date:** April 6, 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 Jorge Gomez v. City of San Antonio, in the 285th Judicial District Court, Bexar County, Texas, Cause No. 2022CI04694 for the amount of \$80,000.00.

**BACKGROUND INFORMATION:**

On December 16, 2020, at the 2100 block of Basse Road. Plaintiff was traveling Eastbound near the 2100 block of Basse Road, when an SAPD patrol vehicle, traveling southbound on Neer, failed to yield to Plaintiff's vehicle after stopping at a stop sign. Plaintiff alleges he suffered injuries as a result of the accident, requiring medical attention.

**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, \$80,000.00 will be paid by way of three checks, 1) to Jorge Gomez and Davis Law Firm in the amount of \$74,429.78, 2) to TMHP-Medicaid, in the amount of \$233.73, and 3) \$5,336.49 to Medicare, from the Self Insurance Fund.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.