



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 26

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 Andrew Srna v. City of San Antonio, in the 131st Judicial District Court, Bexar County, Texas, Cause No. 2021CI25673 for the amount of \$160,000.00.

BACKGROUND INFORMATION:

On January 15, 2021, Plaintiff Andrew Srna was stopped at a traffic signal on Huebner Road at the intersection with Fredericksburg Road, when he was struck from behind by a Solid Waste truck. Plaintiff alleges he suffered injuries as a result of the accident, requiring medical attention. Plaintiff also claims he has lost wages due to his injuries.

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, \$160,000.00 will be paid by way of two checks, 1) to Andrew Srna and the Thomas J. Henry Law Firm in the amount of \$152,222.29, and 2) \$7,777.71 to the Rawlings Company LLC, 22ASI0404053, from the Self Insurance Fund.

RECOMMENDATION:

Staff recommends approval of this Ordinance.