

AN ORDINANCE 2014-12-11-1024

**AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED
ABIMELCH GARCIA v. CITY OF SAN ANTONIO, CAUSE NUMBER 2011-
CI-07091, PENDING IN THE 45TH JUDICIAL DISTRICT COURT,
BEXAR COUNTY, TEXAS, FOR PAYMENT IN THE AMOUNT OF
\$200,000.00.**

* * * * *

WHEREAS, on February 15, 2010, Plaintiff Abimelch Garcia was attempting to cross Soledad Street as a pedestrian when he was struck by a City garbage truck that was turning onto Soledad from East Commerce Street; and

WHEREAS, as a result of this accident, Mr. Garcia has incurred medical expenses in the past and is expected to incur future expenses for continued care; and

WHEREAS, although the City of San Antonio has vigorously contested liability in this matter, it is in its best interest to settle this matter to avoid the uncertainty and risks associated with further litigation; and

WHEREAS, the parties have reached a mutual agreement to settle all claims, including Medicare and Medicaid liens, for the amount of \$200,000.00 payable from the Self-Insurance Liability Fund, contingent upon Council approval, to resolve all contested claims; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Funding in the amount of \$200,000.00 for this ordinance is available in Fund 75001000, Cost Center 0709020010 and General Ledger 5402530, as part of the Fiscal Year 2015 Budget.

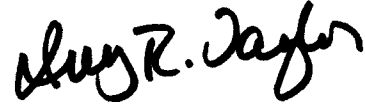
SECTION 2. Payment in the amount of \$200,000.00 is authorized to be made payable in settlement of Cause No. 2011-CI-07091 styled Abimelch Garcia v. City of San Antonio.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

MGS
12/11/14
Item #27

SECTION 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 11th day of December, 2014.



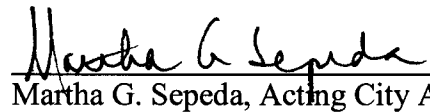
M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vaccik, City Clerk

APPROVED AS TO FORM:



Martha G. Sepeda, Acting City Attorney

Agenda Item:	27 (in consent vote: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20A, 20B, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36A, 36B, 37A, 37B, 38A, 38B, 39A, 39B, 41)						
Date:	12/11/2014						
Time:	02:45:24 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the settlement of a lawsuit styled Abimelch Garcia v. City of San Antonio, Cause No. 2011-CI-07091 in the 45th Judicial District Court, Bexar County, Texas, for the amount of \$200,000.00 payable from the Self-Insurance Liability Fund. [Martha G. Sepeda, Acting City Attorney]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1	x					
Keith Toney	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	