

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL SIGNED ORDINANCE
OR RESOLUTION ADOPTED BY CITY COUNCIL**

AN ORDINANCE

**AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED
MICHAEL CUELLAR V. THE CITY OF SAN ANTONIO, ET AL, CIVIL
ACTION NUMBER SA-13-CV-91-XR, PENDING IN THE U.S. DISTRICT
COURT, WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION
FOR A PAYMENT IN THE AMOUNT OF \$90,000.00.**

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WHEREAS, in September 2012, Michael Cuellar was issued a criminal trespass warning, which prohibited him from entering certain City of San Antonio buildings; and

WHEREAS, Mr. Cuellar sued the City and certain officials alleging that the criminal trespass notice was improper; and

WHEREAS, although the City 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 an agreed settlement of \$90,000.00 to resolve all outstanding claims, contingent upon Council approval; **NOW THEREFORE:**

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

SECTION 1. The amount of \$90,000.00 is authorized to be paid from Fund 75001000, Insurance Reserve Fund and General Ledger 5402530, General Liability Claims and Cost Center 1009020010, Risk Management-Liability, and is authorized to be made payable to the Plaintiff Michael Cuellar and his attorneys of record as settlement of Civil Action Number SA-13-CV-91-XR styled *Michael Cuellar v. the City of San Antonio, et al.*

SECTION 2. 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.

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SECTION 3. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____ day of _____, 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney