



# City of San Antonio

## Agenda Memorandum

**File Number:** 14-3075

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**Agenda Item Number:** 27.

**Agenda Date:** 12/11/2014

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Martha G. Sepeda, Acting City Attorney

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Settlement in *Abimelch Garcia v. City of San Antonio*

### **SUMMARY:**

This ordinance authorizes the settlement of a personal injury lawsuit styled *Abimelch Garcia v. City of San Antonio*, Cause No. 2011-CI-07091 pending in the 45<sup>th</sup> Judicial Court, Bexar County, Texas in the amount of \$200,000 payable from the Self-Insurance Liability Fund.

### **BACKGROUND INFORMATION:**

On February 15, 2010, Mr. Abimelch Garcia was attempting to cross Soledad Street when he was struck by a City garbage truck that was turning onto Soledad from East Commerce Street. Mr. Garcia has incurred medical expenses in the past and is expected to incur future expenses for continued care.

The parties have reached an agreement to settle all claims, including Medicare and Medicaid liens, for an amount of \$200,000 subject to City Council approval.

### **ISSUE:**

Settlements over \$50,000 require City Council approval.

**ALTERNATIVES:**

If this settlement agreement is not approved by City Council, the case will proceed to trial. It is in the best interest of the City to settle this matter to avoid the uncertainties and risks associated with continued litigation.

**FISCAL IMPACT:**

If approved by City Council, the \$200,000 settlement will resolve Mr. Garcia's claims including Medicare and Medicaid liens. This settlement will be funded in accordance with the FY2015 Liability Fund Budget.

**RECOMMENDATION:**

Staff recommends approval of this ordinance.