



# City of San Antonio

## Agenda Memorandum

**File Number:** 19-2065

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**Agenda Item Number:** 19.

**Agenda Date:** 2/21/2019

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Andrew Segovia

**COUNCIL DISTRICTS IMPACTED:** City Wide

### **SUBJECT:**

Settlement of a lawsuit styled *John McJilton v. City of San Antonio, et al.*

### **SUMMARY:**

This item authorizes the settlement of a lawsuit styled *John McJilton v. City of San Antonio, et al.*; Cause Number 2017-CI-14721, pending in 45<sup>th</sup> Judicial District Court, Bexar County, Texas in the amount of \$95,000.00. This amount will be paid from the Self-Insurance Liability Fund.

### **BACKGROUND INFORMATION:**

John McJilton is seeking damages from an accident that occurred on August 22, 2015 in the 21100 Bulverde Road in San Antonio involving a bicycle being operated by Mr. McJilton and a City owned vehicle.

The parties have reached a mutual agreement to settle these claims with payment to Mr. McJilton in the amount of \$95,000.00, subject to City Council Approval. This amount would be paid from the Self-Insurance Liability Fund.

### **ISSUE:**

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

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

If approved, \$95,000.00 will be paid to John McJilton and his attorney Taylor Harper, Ketterman, Westlund and Rowland. This will be funded in accordance with the FY 2019 Liability Fund Adopted Budget.

**RECOMMENDATION:**

Staff recommends approval of this item.