



# City of San Antonio

## Agenda Memorandum

**File Number:**20-5814

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**Agenda Item Number:** 13.

**Agenda Date:** 10/8/2020

**In Control:** City Council A Session

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Andy Segovia, City Attorney

**COUNCIL DISTRICTS IMPACTED:** Citywide

### **SUBJECT:**

Settlement of litigation styled *John Brubeck v. City of San Antonio*

### **SUMMARY:**

This item will approve the settlement of a lawsuit styled *John Brubeck v. City of San Antonio*, Cause Number 2019-CI-111545 pending in the 73<sup>rd</sup> District County, Bexar County, Texas, in an amount of \$206,000.00 from the Self Insured Liability Fund.

### **BACKGROUND INFORMATION:**

On September 7, 2018, an auto accident occurred near the Highway 90 Exit Ramp for South Zarzamora when a City owned vehicle being driven by an employee of the Solid Waste Management Department collided with a vehicle being driven by John Brubeck. Mr. Brubeck suffered injuries, incurred medical expenses and is seeking to recover damages from the City.

The parties have agreed to settle the claims of Mr. Brubeck for \$206,000.00, subject to City Council approval. The funds are available from the FY 2021 Liability Fund Adopted Budget.

### **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.

**FISCAL IMPACT:**

If approved, \$206,000.00 will be paid to John Brubeck and his attorney of record Andrew Toscano. This will be funded in accordance with the FY 2021 Liability Fund Adopted Budget.

**RECOMMENDATION:**

Staff recommends approval of this item.