

AN ORDINANCE 2010-04-29-0360

AUTHORIZING A SETTLEMENT AGREEMENT FOR THE AMOUNT OF \$250,000.00 IN A LAWSUIT STYLED *DIANA BORJAS, INDIVIDUALLY AND AS NEXT FRIEND OF FABIAN MENDOZA VS. CITY OF SAN ANTONIO*, CAUSE NO. 2006-CI-17435.

* * * * *

WHEREAS, in 2006, Fabian Mendoza was seriously injured when his vehicle lost control on Ansley Road; and,

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

WHEREAS, the parties reached a settlement agreement for the amount of \$250,000.00, contingent upon City Council approval; **NOW THEREFORE**,

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

SECTION 1: The amount of \$250,000.00 is authorized to be paid from Fund 75001000, Insurance Reserve Fund, General Ledger 5402530 General Liability Claims, Cost Center 1009020001 Risk Management-Liability, and is authorized to be made payable as follows: \$250,000.00 will be paid to plaintiff Diana Borjas and her attorney as settlement of Cause No. 2006-CI-17435 styled *Diana Borjas, Individually and as Next Friend of Fabian Mendoza v. City of San Antonio*.

SECTION 2: The financial allocations in this ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO, may subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts, cost centers, or fund numbers as necessary to carry out the purpose of this ordinance.

SECTION 3: This ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

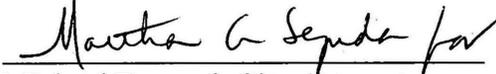
PASSED and APPROVED this 29th day of April, 2010.


M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael Bernard, City Attorney

Agenda Item:	22 (in consent vote: 5, 6, 7, 8, 10, 11, 12A, 12B, 13A, 13B, 14, 15, 16, 17, 18A, 18B, 18C, 19, 22, 23, 24, 25, 26, 28, 30, 31, 32)						
Date:	04/29/2010						
Time:	09:23:08 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a settlement agreement in the lawsuit styled Diana Borjas, Individually and as Next Friend of Fabian Mendoza v. City of San Antonio for the amount of \$250,000.00, available from the Self-Insured Liability Fund. [Sheryl Sculley, City Manager; Michael Bernard, City Attorney]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				x
Leticia Cantu	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x			x	
John G. Clamp	District 10		x				