JK
02/20/14
Item #20

AN ORDINANCE 2014-02-20-0106

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.

* * * * *

WHEREAS, in September 2012 Michael Cuellar was prohibited from entering certain city buildings; and

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

WHEREAS, although the City of San Antonio 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 20th day of February, 2014.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**20 (in consent vote: 4, 5, 7, 8, 9, 11, 12, 12A, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)**
Date:	02/20/2014
Time:	09 23 29 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the settlement of a lawsuit styled Michael Cuellar v City of San Antonio, et al, Civil Action No SA-13-CV-91-XR, pending in the United States District Court for the Western District of Texas San Antonio Division for payment from the Self-Insurance Liability Fund in the amount of $90,000 00 [Robert F Greenblum, City Attorney]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				