

Council Agenda Summary

March 2, 2021

Key Staff Contact: Maria Gonzalez Estevez, 970-350-9714

Title:

Consideration of a resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Ms. Eugenia Lopez Flores

Summary:

Ms. Lopez Flores filed a notice of claim against the City for physical injuries sustained on October 17, 2019 in a pedestrian-vehicle accident. The notice claimed damages for medical treatment, prescriptions, therapy, severe pain and suffering, loss of enjoyment of life, loss of earnings, and loss of property. The City has reached a settlement with the Claimant, resolving all of her claims. The settlement agreement is conditioned upon the approval of the City Council.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$250,000
What is the annual impact?	None
What fund of the City will provide Funding?	Liability Fund
What is the source of revenue within the fund?	Allocations charge to each City Department
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

A settlement agreement with Ms. Eugenia Lopes Flores will resolve all associated claims against the City and the City employee involved in the accident. In addition, it will reduce the claims payout as well as avoid further costs associated with litigation. Prior to consideration of the resolution approving the settlement agreement, City Council may choose to go into executive session in order to receive legal advice and to give instructions to City staff.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Decision Options:

Initially, City Council may consider whether to go into Executive Session (at Council's option) using the following form of motion:

I move to go into Executive Session to discuss the following matter as provided under Colorado Revised Statutes §§24-6-402(4)(e)(1) and 24-6-402(4)(b), and Greeley Municipal Code §§ 2.04.020(a)(5) and 2.04.020(a)(2):

For the purpose of giving instructions to City staff and to receive legal advice from the City Attorney regarding the circumstances of potential litigation, Lopez Flores v City of Greeley.

Upon consideration of the matter in open session, the Council may move to:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

Settlement and Mutual Release Agreement (Exhibit A to Resolution)