

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: May 5, 2020

DEPARTMENT: Legal

TITLE:

Consideration of settlement with Brenda Marie Velez-Martinez in the amount of \$65,000 (inclusive of attorney's fees)

SUMMARY:

This is a request to settle a lawsuit with Ms. Velez-Martinez for injuries she sustained in a motor vehicle accident in November 2018. If approved, the claimant will execute a general release in favor of the City.

BACKGROUND AND JUSTIFICATION:

This case arises out of a motor vehicle accident between former City employee Yvalon Perou and Brenda Marie Velez-Martinez ("Plaintiff") on November 13, 2018. Mr. Perou was a public services employee. Plaintiff's vehicle sustained significant damage during the accident, requiring her to be extracted because most of the damage was to her driver's side door. Plaintiff filed suit against the City and over the next year, she underwent chiropractic and orthopedic care and according to medical records, continues to seek pain management for her back and neck. Plaintiff's medical expenses total \$44,041.58 to date, which will increase with time.

On April 6, 2020, the parties participated in court ordered mediation, and a settlement agreement was entered into for \$65,000, which is inclusive of attorney's fees and costs. The settlement agreement is contingent upon City Commission approval. Settlement is recommended.

MOTION:

Move to approve the settlement with Ms. Velez-Martinez for \$65,000, in exchange for a complete release.

ATTACHMENT(S):

Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$65,000	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 0	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance
520-1332-513-.45-60	Self Insurance					

C. Department Fiscal Review: _____