



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date: 2/9/2022

Item Creation Date: 1/17/2022

LGL Salinas RCA

Agenda Item#:

**Summary:**

ORDINANCE approving and authorizing the execution of a compromise, settlement, release and indemnification agreement between **Rose Marie Salinas** and the City of Houston to settle a lawsuit - 75,000.00 - Property and Casualty Fund.

**Background:**

**Recommendation:**

Approve an ordinance authorizing settlement and release agreement between the City of Houston and Rose Marie Salinas in Cause No. 2019-83736; *Rose Marie Salinas v. City of Houston*; in the 127th Judicial District Court of Harris County, Texas.

**Specific Explanation:**

This case involves a motor vehicle accident between a Houston Public Works jeep patriot (SUV) and Plaintiff Rose Marie Salinas' Honda Pilot (SUV). The accident occurred on August 20, 2018 at approximately 7:00AM on the EASTEX Freeway. Plaintiff, a 32-year-old female, was travelling in front of a City of Houston Public Works employee, Jason Larry. Traffic on the freeway in front of Plaintiff slowed, and Plaintiff likewise slowed. Jason Larry did not slow down, and rear-ended Plaintiff. The force of that collision knocked Plaintiff into the vehicle in front of her. HPD came to the scene, did an investigation, and wrote a report. The HPD officer concluded that the sole contributing factor to the collision was the City of Houston employee's failure to control his speed.

Plaintiff went to the Emergency Room the day of the accident, and subsequently treated with a chiropractor, an internist, and two orthopedic surgeons.

Plaintiff has \$76,669 in past paid and incurred medical expenses. This amount will continue to increase as Plaintiff is continuing to treat.

Plaintiff's treating orthopedic surgeon has recommended that plaintiff undergo a back surgery, specifically a Lumbar Laminectomy and Discectomy at L5-S1. Plaintiff obtained a second opinion concerning the surgery from another , and that appears to agree with Dr. Baxter's assessment of the need for future surgery, albeit after additional conservative treatment. Dr. Donald Baxter will testify that this surgery will cost \$121,000. Therefore, Plaintiff will present past and future medical expenses of approximately \$200,000 at trial.

**Fiscal Note:**

Funding for this item is included in the FY2022 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

DocuSigned by:

Arturo G. Michel, City Attorney

**Amount and Source of Funding:**

75,000.00  
Property and Casualty Fund  
Fund 1004

**Contact Information:**

Kelly Dempsey, Section Chief, T/CR 832.393.6405

**ATTACHMENTS:**

Description	Type
Salinas Ordinance	Ordinance/Resolution/Motion
Salinas Settlement Agreement	Backup Material
Salinas Budget Funding Info Req	Backup Material
Salinas Funds Reservation Request Form	Backup Material