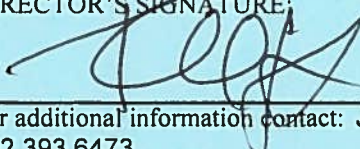


REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|----------------------|------------------|
| SUBJECT: An ordinance approving and authorizing the execution of a Compromise and Settlement Agreement (the Agreement) between Diane Ybarra and the City of Houston to settle a lawsuit, and approving and authorizing the sum of \$150,000.00 out of the Property and Casualty Fund for the purpose of funding this Agreement; Making various findings and provisions relating to the subject; and declaring an emergency. | | Page 1 of 1 | Agenda Item # |
| FROM (Department or other point of origin): Legal Department | Origination Date | Agenda Date | |
| DIRECTOR'S SIGNATURE:  | Council District affected: ALL | | |
| For additional information contact: Jackie Leguizamon, Phone: 832.393.6473 | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) That Council adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between the City of Houston and Diane Ybarra in the total amount of \$150,000.00 | | | |
| Amount and Source of Funding: \$150,000.00 <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> Other (Specify) - Property & Casualty Fund (1004) | | | |
| SPECIFIC EXPLANATION: FOR SETTLEMENT PURPOSES ONLY An automobile accident between Ybarra and HAS Equipment Operator Moli Prom (CDL driver). The CDL driver was driving a City sweeper was about to cross Will Clayton Parkway, stopped at a stop sign, saw Diane Ybarra's vehicle approaching but thought he had enough time to cross. He pulled out into cross traffic and while crossing, turned to look at Ybarra, and saw that he not going to be unable to fully exit the cross street in time. He apparently panicked and then stopped, blocking all lanes of cross traffic. Ybarra was unable to stop her vehicle in time and struck the front wheel well of the City sweeper. Ybarra was transported from the scene by the Houston Fire Department (HFD) EMS to Northeast Medical Hospital for bilateral knee pain and her pupils were pinpoint and she had slurred speak. She claims she hit her head on the steering wheel. She received further medical care with Kelsey including steroid injections in her knees and physical therapy for her knees, neck and back. Ybarra ended up having one surgery at L3-4 in her lumbar spine and three surgeries in her neck including anterior decompression with fusion at C6-7. Related medical bills were \$328,100.46. After a thorough review of the facts, the Legal Department recommends that Council adopt an ordinance approving and authorizing settlement by the City of the claims of Diane Ybarra and her attorneys, Simmons & Fletcher, P.C. the amount of \$142,601.98; 2) to Blue Cross/Blue Shield, Diane Ybarra and her attorneys, Simmons & Fletcher, P.C. in the amount of \$5,593.64; 3) to Sullins, Rohrbach & Magers, Diane Ybarra, and her attorneys, Simmons & Fletcher, P.C. in the amount of \$714.38, for Memorial Hermann Hospital, and 4) City of Houston HFD EMS in the amount of \$1,090.00. | | | |
| REQUIRED AUTHORIZATION | | | |
| Other Authorization: | Other Authorization: | Other Authorization: | |