



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1718-3

File ID: SC-1718-3 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 17 **In Control:** City Council

Department: Legal Department **Cost:** \$2,500.00 **File Created:** 08/16/2017

File Name: Special Claim from Cristian Mejia for Omar Mejia Arita **Final Action:**

Title: SPECIAL CLAIM SC-1718-3: SUBMITTED BY CRISTIAN MEJIA FOR OMAR MEJIA ARITA IN THE NEGOTIATED AMOUNT OF \$2,500 FOR DAMAGES INCURRED TO HIS VEHICLE AS A RESULT OF A COLLISION WITH A SANITATION VEHICLE NEAR FLOOD AVENUE AND SYMMES STREET.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-3; and, if approved, direct payment in the negotiated amount of \$2,500 contingent upon obtaining a Release and Covenant Not to Sue from Omar Mejia Arita.

ACTION TAKEN: _____

Agenda Date: 09/12/2017

Agenda Number: 17

Attachments: City Clerk Memo, Tort Claim, Photographs, Value Reports

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: sencinias@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1718-3

Body

BACKGROUND: A claim was filed by Cristian Mejia on behalf of Omar Mejia Arita for damage to his vehicle received on June 16, 2017, when he claims an oncoming City Sanitation vehicle crossed the center line and struck his 2000 Toyota Tundra Access Cab pick-up truck, causing extensive damage to it.

DISCUSSION: This incident was investigated by Bret Scovill, Sanitation Division Manager, who found that on June 16, 2017, a City Sanitation Division employee was driving a Sanitation vehicle north on Flood Avenue at the same time Mr. Arita's truck approached going southbound. As both vehicles neared each other just north of Symmes Street, the City vehicle crossed the center line and struck the front fender of Mr. Arita's truck. Damage continued to occur down the truck's left side as the City vehicle continued to move forward against it, eventually pushing the truck off of the road, leaving it wedged between the City vehicle and a nearby tree. This caused additional damage to the right side of the truck.

At the time of the incident, the truck was hauling a trailer that contained various pieces of mowing equipment

however Mr. Arita does not own any of these particular items so a separate claim has been filed by the owner for the cost of their replacement.

Three (3) repair estimates were submitted regarding the damage Mr. Arita's pick-up truck received in this incident, with the lowest estimate being \$12,747.05, an amount significantly more than the truck is worth. The Kelley Blue Book online guide places the value of the truck in the range of \$4,126 - \$4,764 for good to very good condition.

As indicated above, there appears to be possible negligence on the part of the City in this matter and staff recommends payment of this claim in the negotiated amount of \$2,500. Mr. Arita will retain possession of the truck.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Cristian Mejia for Omar Mejia Arita in the amount of \$2,500 as set forth above be approved.