



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1617-2**

**File ID:** SC-1617-2      **Type:** Special Claim      **Status:** Consent Item

**Version:** 1      **Reference:** Item 16      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$2,000.00      **File Created:** 10/25/2016

**File Name:** Special Claim of Mason Phillips      **Final Action:**

**Title:** SPECIAL CLAIM SC-1617-2: SUBMITTED BY MASON PHILLIPS IN THE NEGOTIATED AMOUNT OF \$2,000 FOR DAMAGES TO HIS VEHICLE AS A RESULT OF AN ACCIDENT WITH A SANITATION VEHICLE IN THE 700 BLOCK OF WEST BROOKS STREET.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1617-2; and, if approved, direct payment in the negotiated amount of \$2,000 contingent upon obtaining a Release and Covenant Not to Sue from Mason Phillips

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 11/08/2016

**Agenda Number:** 16

**Attachments:** Clerk Memo, Tort Claim, Estimate, Value Report, Police Report

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** jayne.rowe@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-1617-2

Body

**BACKGROUND:** A claim has been filed by Mason Phillips in the amount of \$7,332.34 for damage to his vehicle on August 4, 2016, when a City sanitation vehicle backed up to complete a sanitation pick up in the 700 block of West Brooks and struck his vehicle.

**DISCUSSION:** This claim was investigated by Brandon McLendon, Safety Manager. According to his investigation, the sanitation truck was in the process of backing up to retrieve full garbage containers on West Brooks after pulling from the alley between Lahoma and Chautauqua. As the driver was backing to line up with the garbage containers, Mr. Phillips' vehicle came from the same alley the sanitation vehicle had just exited and he was not able to make it around the sanitation vehicle before the sanitation vehicle began backing and struck his vehicle.

Mr. Phillips' vehicle was a 2005 Ford Focus that has logged 250,000 miles. Although Mr. Phillips obtained three estimates regarding the damage to his vehicle with the lowest estimate being \$7,332.34, the value of the vehicle when researched with Kelly Blue Book and NADA, ranges from \$1,714 to \$2,920. As a result, Mr.

Phillips as agreed to settle his claim for the amount of \$2,000 and will relinquish the vehicle to the City. As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The settlement of Mr. Phillips' claim for the reduced amount of \$2,000 appears reasonable

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Mason Phillips, in the reduced amount of \$2,000, be approved.