



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1819-1

File ID: SC-1819-1 **Type:** Special Claim **Status:** Consent Item

Version: 1 **Reference:** Item 19 **In Control:** City Council

Department: Legal Department **Cost:** \$2,202.02 **File Created:** 06/25/2018

File Name: Special Claim from Billy Thomas **Final Action:**

Title: SPECIAL CLAIM SC-1819-1: SUBMITTED BY BILLY THOMAS IN THE AMOUNT OF \$2,202.02 FOR DAMAGE TO HIS VEHICLE AS A RESULT OF AN ACCIDENT WITH A PUBLIC WORKS DEPARTMENT VEHICLE AT THE INTERSECTION OF NORTH PORTER AVENUE AND EAST ROBINSON STREET.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1819-1; and, if approved, direct payment in the amount of \$2,202.02 contingent upon obtaining a Release and Covenant Not to Sue from Billy Thomas.

ACTION TAKEN: _____

Agenda Date: 07/10/2018

Agenda Number: 19

Attachments: City Clerk's Memo, Notice of Tort Claim, Estimate, Photograph, Police Report - Redacted

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-1819-1

Body

BACKGROUND: A claim was filed by Billy Thomas in the amount of \$2,202.02 for damage to his 2008 Honda Accord sedan when it was struck by a Public Works Department vehicle at the intersection of North Porter Avenue and East Robinson Street.

DISCUSSION: This claim was investigated by Carrie Evenson, Stormwater Program Manager. On April 23, 2018 Claimant's daughter, Ms. Thomas, was driving Claimant's vehicle headed northbound on Porter Avenue. Ms. Thomas approached the intersection at East Robinson Street and began to move into the left turn lane at the marked lane entrance. Meanwhile, a City employee who had been driving directly behind Ms. Thomas began driving to the left of her before the marked turn lane entrance, crossing over double yellow lines and travelling within diagonal yellow lines. When Ms. Thomas moved into the lane at the appropriate time, the City vehicle was already in the area and collided with Claimant's vehicle.

The City employee was found to be at fault for driving in an unauthorized area and attempting to get in front of Ms. Thomas in the turn lane. Disciplinary action has been administered accordingly with this employee.

Claimant submitted three (3) estimates to repair the front left portion of his vehicle with the lowest estimate being \$2,202.02. He also requests the use of a rental car during repairs. The City will coordinate to provide a rental car as necessary with the costs to be submitted as a separate claim.

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. Claimant's request in the amount of \$2,202.02 appears reasonable.

RECOMMENDATION: Based upon the foregoing, it is the recommendation of the City Attorney's Office that the claim of Billy Thomas in the amount of \$2,202.02 as set forth above, be approved.