

**CITY OF SAN ANTONIO  
CITY ATTORNEY'S OFFICE  
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA  
ITEM NO. 20

**TO:** Sheryl Sculley, City Manager

**FROM:** Michael D. Bernard, City Attorney

**SUBJECT:** Settlement in *Alfred Castellano v Chris Fragozo, et al*, Cause No.SA-96-CA-346

**DATE:** February 16, 2006

**SUMMARY AND RECOMMENDATIONS**

This Ordinance authorizes a settlement agreement in the lawsuit styled *Alfred Castellano v Chris Fragozo, Individually and as San Antonio Police Officer, et al.*, Cause No.SA-96-CA-346 in the amount of \$215,000.00 to be paid by the City. Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

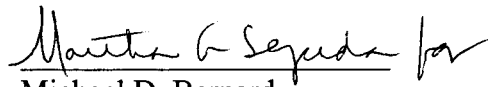
Alfred Castellano was convicted of arson in 1984. He challenged this conviction for about 9 years and the conviction was overturned. He subsequently sued the City, a police officer, Christopher Fragozo and other entities and individuals for civil rights violations. This federal lawsuit has been vigorously argued on both sides since 1994 and was recently mediated. The mediation resulted in this complicated dispute's proposed settlement for a total of \$225,000.00; of this the City will pay \$215,000.00 on behalf of the defendant police officer, Chris Fragozo; and another defendant, Maria Sanchez, will pay the remaining \$10,000.00. This lawsuit was recently discussed with City Council during an executive session on February 2, 2006.

**FISCAL IMPACT**

If approved, \$215,000.00 will be paid by the City to Plaintiff and his attorney from the City's Liability Self Insurance Fund.

**COORDINATION**

This item was coordinated with the Office of Management and Budget, Finance Department, and SAPD.

  
Michael D. Bernard  
City Attorney

Approved for Council Consideration:

  
Sheryl Sculley  
City Manager