

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: September 17, 2025

Presenter's Name and Title: Karen Muir, Human Resources Risk Manager & Kanika Stamp, Human Resources Director

Prepared By: Karen Muir, Human Resources Risk Manager

Temp. Reso. Number: 8513

Item Description: Temp. Reso. #R8513 APPROVING A CLAIM RELEASE AGREEMENT IN THE MATTER OF ANGELICA CUEVAS VS. CITY OF MIRAMAR; AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO RESOLVE THIS CLAIM.

Consent ☒ Resolution ☐ Ordinance ☐ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. ____ of the City Code and/or Sec. ____, Florida Statutes, public notice for this item was provided as follows: on ____ in a ____ ad in the ____; by the posting the property on ____ and/or by sending mailed notice to property owners within ____ feet of the property on ____
(fill in all that apply)

Special Voting Requirement – As required by Sec. ____, of the City Code and/or Sec. ____, Florida Statutes, approval of this item requires a ____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☒ No ☐

REMARKS: This settlement will be paid from Risk Management's claims Account. Funds are budgeted annually for claim payments.


Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR 8513**
 - **Exhibit A: Executed Release**
- **Attachment(s) None**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Kanika Stamp, Human Resources Director

DATE: September 11, 2025

RE: Temp. Reso. No. 8513 approving a claim release agreement in the matter of Angelica Cuevas vs. City of Miramar

RECOMMENDATION: The City Manager recommends approval of Temp. Reso. No 8513, authorizing settlement of the automobile bodily injury claim involving Angelica Cuevas v. City of Miramar, Claim #010586-005929-AB-01, for the sum of \$40,000. Settlement was negotiated by Gallagher Bassett, the City's Third-Party Administrator for liability claims.

ISSUE: Ms. Angelica Cuevas and city employee, Officer Andrew May were travelling southbound on State Road 91. Officer May was occupying the center lane when he made an improper lane change to the outside lane, struck another vehicle, lost control and struck Ms. Cuevas vehicle head on. The recommendation to settle will resolve this claim in its entirety. Since the \$40,000 negotiated settlement exceeds the City attorney and Gallagher Bassett's authority level, the City Commission's approval is required.

BACKGROUND: On December 1, 2023, Ms. Angelica Cuevas allegedly suffered personal injuries when a vehicle driven by her was struck head on by a City of Miramar police vehicle. The accident occurred in the vicinity of South State Road 91 (Florida Turnpike) and State Road 20 (Hollywood Blvd.). Although no citation was issued, the City driver's actions were a contributing factor. Ms. Cuevas retained the services of Kurt Thompson Law Group which proffered a demand for \$200,000 to resolve her claim.

DISCUSSION: Ms. Cuevas sought treatment for her injuries and provided substantiating medical specials totaling \$69,501.06, for neck and back injuries. Personal Injury Protection responded to \$10,000 of her medicals, but the balance remains outstanding.

ANALYSIS: Liability is undisputed, so negotiations primarily focused on amicably resolving damages, which Gallagher Bassett was able to accomplish on the City's behalf for \$40,000 in exchange for a full release.

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9/10/25
9/10/25

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING A CLAIM RELEASE AGREEMENT IN THE MATTER OF ANGELICA CUEVAS V. CITY OF MIRAMAR; AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO RESOLVE THIS CLAIM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 1, 2023, Ms. Angelica Cuevas allegedly suffered personal injuries when a vehicle driven by her was struck head on by a City of Miramar police vehicle; and

WHEREAS, thereafter, Angelica Cuevas, imitated a personal injury claim against the City of Miramar ("Claim"); and

WHEREAS, the parties have agreed to settle all issues involved in the Claim for personal injury for the total sum of Forty Thousand Dollars (\$40,000.00); and

WHEREAS, neither party admits liability in this matter, however, in an effort to resolve the pending controversy, all parties desire to amicably and expeditiously resolve all claims and avoid continued litigation; and

WHEREAS, the City Commission hereby accepts the recommendation of the City's Risk Management Department to settle this matter consistent with the Claim

Reso. No. _____

Temp. Reso. No. 8513
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Release Agreement, attached to this Resolution as Exhibit "A," and

WHEREAS, the parties desire to enter into a Claim Release Agreement with the intended purpose of resolving all claims set forth in Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing **"WHEREAS"** clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Approval of Claim Release Agreement. The City Commission of the City of Miramar hereby approves the agreement between the Claimant, Angelica Cuevas, and the City of Miramar, for the total sum of Forty Thousand Dollars (\$40,000.00), consistent with the Claim Release Agreement attached hereto as Exhibit "A," and further authorizes the City Manager to take all necessary action consistent with Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption hereof.

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9/10/25
9/10/25

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Maxwell B. Chambers

Commissioner Avril Cherasard

Vice Mayor Yvette Colbourne

Commissioner Carson Edwards

Mayor Wayne M. Messam

Voted

RELEASE OF ALL CLAIMS

010586-005929-AB-01

This Indenture Witnesseth that I, **ANGELICA CUEVAS** consideration of the sum of **FORTY THOUSAND DOLLARS and 00/100 (\$40,000.00)**, do hereby for my heirs, personal representatives and assigns, release and forever discharge **Gallagher Bassett Services, Inc., ANDREW WAY, CITY OF MIRAMAR**, and any other person, firm or corporation charged or chargeable with responsibility or liability, their heirs, representatives or assigns, from any and all claims, demands, damages, costs, expenses, loss of services, actions and causes of action arising from any act or occurrence up to the present time, and particularly on account of all personal injury, disability, property damages, loss or damages of any kind sustained or that I may hereafter sustain in consequence of an accident that occurred on or about the 1ST day of December 2023, at or near State Rd. 91, Hollywood FL

To procure payment of the said sum, hereby declare: that I am more than 18 years of age; that no representation about the nature and extent of said injuries, disabilities or damages made by any physician, attorney or agent of any party hereby released, nor any representations regarding the nature and extent of legal liability or financial responsibility of any of the parties released, have induced me to make this settlement; that in determining said sum there has been taken into consideration not only the ascertained injuries, disabilities and damages, but also the possibility that the injuries sustained may be permanent and progressive and recovery there from uncertain and indefinite, so that consequences not now anticipated may result from the said accident.

The Undersigned Agree(s), as a further consideration and inducement for this compromise settlement, that it shall apply to all unknown and unanticipated injuries and damages resulting from said accident, casualty or event, as well as to those now disclosed.

I understand that the parties hereby released admit no liability of any sort by reason of said accident and that said payment and settlement in compromise is made to terminate further controversy respecting all claims for damages that I have heretofore asserted or that I or my personal representatives might hereafter assert because of said accident.

Signed and sealed this 24 day of July, 2025.

Witnessed by

(CAUTION - READ BEFORE SIGNING)

[Signature]
(SEAL)

[Signature]

X ANGELICA CUEVAS

[Signature]
(SEAL)

STATE OF Florida)
COUNTY OF Broward) SS

On this 24 day of July, 2025, before me personally appeared

to me known to be the person who executed the foregoing instrument, and acknowledged that

he/she executed the same as his/her free act and deed.

My commission expires 2/14/2028

[Signature]

Notary Public



ANGEL VIGO
Notary Public
State of Florida
Comm# HH492920
Expires 2/14/2028

FRAUD WARNING: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information is guilty of a felony of the third degree."