

Resolution

Version 2.5 released on 6/29/23
Use for all types of Resolutions



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned

Date:

11.06.2024

☐ Posted

Item #

2410.02916

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Department: Legal
Contact Name: Kristina Gray (tmd)

Resolution Type: Authorizing Sinking Fund Credit or Payment

Amount: \$24,934.68
Case Number: CJ-2024-3792

Description (Subject): Payment of Lawsuit

Section: _____ Township: _____

Lot: _____ Block: _____

Other Board Name

Email: kgray@cityoftulsa.org

Owner-Grantor: Tracey Martin

TMAPC Number: _____

Bid/Project Number: _____

Range: _____

Address: _____

City Council Approval

☒ Yes ☐ No

Phone: 9185967717

Council District: _____

Addition: _____

Budget

Funding Source(s): _____

TOTAL:

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: 10/28/24
Date: 10/28/24
Date: _____
Date: NOV 06 2024
Date: _____

Policy Statement

Background Information

On September 25, 2024 Mayor approved settlement in this matter in the amount of \$24,934.68. The Journal Entry was signed by the Judge and filed with the court on October 9, 2024. (See attached JE)

Summation of the Requested Action

Request Council sign the Resolution. Request Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$24,934.68 made payable to Tracey Martin and return to the Legal Department for further processing.

Emergency Clause?

☐ Yes
☐ No

Reason for Emergency Clause

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addt'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details

Please return executed RFA and Resolution to the Legal Department for further processing

(Published in the Tulsa World,
_____, 2024.)

RESOLUTION

A RESOLUTION AUTHORIZING PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 9th day of October, 2024, in Case No. CJ-2024-3792, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Tracey Martin, Plaintiff, and the City of Tulsa, Defendant, in the sum of Twenty Four Thousand Nine Hundred Thirty Four Dollars and 68/100 (\$24,934.68) representing principal judgment, interest, costs and attorney fees, was entered against the City of Tulsa, which settlement has been approved by the Court; and

WHEREAS, it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the City of Tulsa to pay said judgment in full, including court costs and interest thereon; and

WHEREAS, it is desirable and in the best interest of the City of Tulsa to make such present payment out of the City's Sinking Fund, and thereafter reimburse the Sinking Fund from subsequent tax levies, as provided by 62 O.S. §435.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA:

Section 1. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized to consummate and complete the payment of said judgment by drawing the following warrant on the City of Tulsa's Sinking Fund:

To the order of TRACEY MARTIN, Plaintiff; the sum of Twenty Four Thousand Nine Hundred Thirty Four Dollars and 68/100 (\$24,934.68); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiff in the lawsuit identified above.

Section 2. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized and directed to properly advise the Tulsa County Excise Board by appropriate reports, of the prepayment of said judgment in order that said Board may include said prepaid judgment as a necessary and lawful expense of the Sinking Fund of the City of Tulsa, Oklahoma, for which appropriate tax levies may be made to replenish said Sinking Fund, as provided by the provisions of Title 62 of the Statutes of the State of Oklahoma.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately from and after its passage, approval, and publication.

ADOPTED by the Council: _____ (Date)

ADOPTED as an emergency measure: _____ (Date)

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

OCT 09 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

TRACEY MARTIN,)
)
Plaintiff,)
)
v.)
)
CITY OF TULSA,)
)
Defendant.)

CJ-2024-03792
DOUG DRUMMOND

Judge:

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 8th day of OCT, 2024, this matter comes before the undersigned judge. Plaintiff, Tracey Martin, appears pro se, and Defendant City of Tulsa, appears by and through its attorney of record, Kristina L. Gray, Litigation Division Manager.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 8th day of OCT, 2024 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by the Defendant to the Plaintiff herein shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment as evidenced by the Affidavit of Chad D. Becker attached as Exhibit "A" to the Defendant's *Offer of Proof*, and the Court being advised that the City's Mayor has authorized a compromised settlement in the sum of Twenty-Four Thousand Nine Hundred Thirty-Four and 68/100 Dollars (\$24,934.68) and the Court being satisfied that Plaintiff fully understands the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the occurrence of the event identified in Plaintiff's Petition and, upon being further advised by Plaintiff that it is her desire to settle the entirety of all claims and causes of action relating to the

events identified in her Petition, including costs and fees, upon payment in the sum of Twenty-Four Thousand Nine Hundred Thirty-Four and 68/100 Dollars (\$24,934.68), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;

2. That Plaintiff for herself and in her representative capacity is fully aware of her rights in this matter and it is Plaintiff's desire to compromise her right to trial by jury;

3. That Plaintiff desires to accept as full, final, and complete settlement the sum of Twenty-Four Thousand Nine Hundred Thirty-Four and 68/100 Dollars (\$24,934.68), for any and all damages, losses, fees, and expenses sustained as a result of the events identified in Plaintiff's Petition;

4. That this settlement is not an admission that the City of Tulsa, or its employees were negligent, but is only a recognition of the uncertainty of trial;

5. The Plaintiff has agreed to dismiss with prejudice or forgo any and all claims against any employees of the City of Tulsa individually;

6. That by agreement of the parties, Defendant's payment to Plaintiff will stand as full compensation to Plaintiff in her personal and representative capacity and preclude any further or separate action by Plaintiff or those she represents against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiff's Petition;

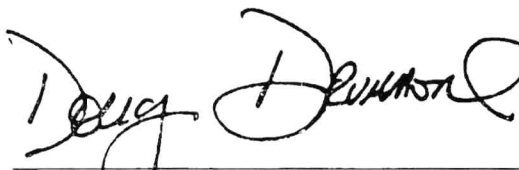
7. That the City has agreed to settle Plaintiff's lawsuit in the sum of Twenty-Four Thousand Nine Hundred Thirty-Four and 68/100 Dollars (\$24,934.68);

8. That the City shall pay the Plaintiff from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

9. That all parties request this court to approve and finalize their mutual settlement;

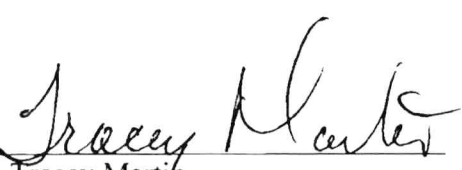
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiff for herself and in her representative capacity has and recover from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Twenty-Four Thousand Nine Hundred Thirty-Four and 68/100 Dollars (\$24,934.68), as full, final, and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiff's Petition and that said damages shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

IT IS FURTHER ORDERED BY THE COURT that Plaintiff's claim against Defendant City of Tulsa is dismissed with prejudice and that payment to Plaintiff by Defendant City of Tulsa will preclude any further or separate action by Plaintiff against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiff's Petition.


JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

By:


Tracey Martin
P.O. Box 404
Haskell, OK 74436

By: Kristina L. Gray
Kristina L. Gray, OBA #21685
Litigation Division Manager
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
(918) 596-7717
(918) 596-9700 Facsimile

Legal Records

Version 2.9 released on 11/29/23

For torts, lawsuits, settlements, and other legal actions. Use other more specified RFAs for other record types including Contracts, MOUs, Election Actions, Worker's Compensation Orders and Miscellaneous



CITY COUNCIL USE ONLY

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1st Agenda Date: _____

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2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: _____
☐ Posted Item #: _____

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Legal Action Type

Tort - Approval of Claim

Court Order Date

Council Approval

☒ Yes ☐ No

Department

Legal

Contact Name

Summer Graham

Email

summergraham@cityoftulsa.org

Phone

9185969095

Incident Date

11/14/23

Legal Case No.

Amount

\$24,934.68

Name

C24-162 Martin

Originating Department

Asset Management

Date Filed City Clerk

Name or Description

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Summary

Background Information

Provide background information on the requested action.

Summation of the Requested Action

Request Mayor approval tort claim settlement of \$24,934.68 to be paid from the Sinking Fund and filing fees in the amount of \$232.14 for Legal to file the necessary court documents.

Summarize the pertinent details of the requested action

Other Pertinent Information

Provide any additional information that should be considered when considering approval of this contract document

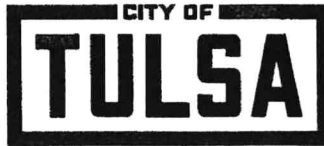
Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (add'l signature copies attached)
☐ Must be filed with other governmental entity
☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

Please return the stamped approved copy to Legal.



LEGAL

Date: September 23, 2024
To: Mayor G.T. Bynum
From: Lawson Vaughn, Senior Assistant City Attorney
Subject: Tort Claim Approval, Case #C24-162

Tracey Martin presents tort claim #C24-162 for a vehicle collision in the amount of \$35,563.68. Repair estimates were submitted with the claim.

Ms. Martin alleges that on November 14, 2023, while traveling southbound on Memorial Drive, a City of Tulsa firetruck driver merged into her lane causing a collision.

The Legal Department, with assistance from the Fire Department and Equipment Management Department, reviewed this claim. The investigation indicates that the incident occurred as stated.

The Legal Department has reached a negotiated settlement in the amount of \$24,934.68 and recommends this claim be approved.

If you agree with the recommendation, please direct Finance to issue a check in the amount of \$24,934.68 payable to Tracey Martin and return the check to Legal for processing.

Respectfully,

A handwritten signature in black ink, appearing to read "Lawson Vaughn", written over a horizontal line.

Lawson Vaughn
Senior Assistant City Attorney

/slg

TUL * USA

**All items approved by the Mayor Pro Tem James Wagner
on September 25, 2024, unless otherwise noted.**

Dept.	Clerk Agenda No.	Agenda Item	Synopsis Notes
FIN	2409.02548	Purchasing Award of Bid and Issuance of Purchase Order(s) to Fisher Scientific Company, LLC to provide Q Digital PCR System to the Water and Sewer Department, Bid No. B/W 25-818, \$50,000.16	Approved
FIN	2409.02549	Purchasing Award of Bid and Issuance of Purchase Order(s) to OCV Control Valves, LLC to provide OCV Pressure Relief Valve to the Water and Sewer Department, Bid No. B/W 25-820, \$45,772.00	Approved
FIN	2409.02551	Request approval of expenditures for the 2024 Customer Service Week of October 7-11, 2024 for the City Clerk's Office, \$150.00	Approved
HR	2409.02532	Position Classification Revision: Brand and Creative Manager, Class Code: 2124, Pay Grade: EX-44, to reclassify this job description to better meet the needs of the Communications Department	Approved
HR	2409.02533	Job Description Change: Digital and Employee Engagement Manager, Class Code: 2125, Pay Grade: EX-44, to revise this job description to better meet the needs of the Communications Department	Approved
HR	2409.02534	Job Description Change: Media and Marketing Manager, Class Code: 2126, Pay Grade: EX-44, to rebrand this job description to better meet the needs of the Communication Department	Approved
HR	2409.02536	Job Description Creation: Public Safety Communications Training Coordinator - Fire Dispatch, Class Code: 3628, Pay Grade: AT-32, to create this job description to better meet the needs of the Tulsa Fire Department and the Tulsa Police Department	Approved
LEGAL	2409.02492	Lawsuit Payment for Case No. CJ-2024-3295	Approved
LEGAL	2409.02537	Request execution of two certifications regarding the proposed charter amendments submitted to the voters at the election held on August 27, 2024, to be forwarded to Governor Stitt for review and approval	Approved
LEGAL	2409.02538	Lawsuit Payment for Case No. CS-2024-5731	Approved
LEGAL	2409.02539	Tort Claim Recommendation - Approval of Claim: C24-162 Martin	Approved
LEGAL	2409.02540	Tort Claim Recommendation - Denial of Claim: C24-161 Ballandby	Approved
PARK	2409.02550	Memorandum of Understanding with the National Recreation and Park Association, Incorporated (NRPA) to confirm the approval of the terms governing the acceptance and use of grant funds for the implementation of the Supporting Healthy Aging through Parks and Recreation 3.0 program, Grant No. 24402, Grant Start and Expiration Date: June 27, 2023, through May 31, 2025, \$4,000.00	Approved