

Resolution

Version 2.7 released on 7/1/25
Use for all types of Resolutions



CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received: _____	Tracking #: _____	<input type="checkbox"/> Scanned	Date: <u>03.18.2026</u>
Committee Date: _____	Committee: _____	<input type="checkbox"/> Posted	Item # <u>2603,00678</u>
1 st Agenda Date: _____	Hearing Date: _____		
	2 nd Agenda Date: _____		

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

Primary Details

Board Approval		Other Board Name	City Council Approval
_____		_____	<input checked="" type="radio"/> Yes <input type="radio"/> No
Department	Contact Name	Email	Phone
<u>Fire Legal</u>	<u>Komron Takmil (tmd)</u>	<u>ktakmil@cityoftulsa.org</u>	<u>9185967717</u>
Resolution Type		Owner-Grantor	
_____		<u>Iglesia De Amor Ministerios</u>	
Amount	Case Number	TMAPC Number	Council District
<u>\$75,000.00</u>	<u>CJ-2024-2143</u>	_____	_____
Description (Subject)		Bid/Project Number	
<u>Payment of Lawsuit</u>		_____	
Section	Township	Range	Addition
_____	_____	_____	_____
Lot	Block	Address	
_____	_____	_____	

Budget

Funding Source(s)

TOTAL:

Approvals

Department:	<u>[Signature]</u>	Date:	<u>3.11.26</u>
Legal:	<u>[Signature]</u>	Date:	<u>3/11/2026</u>
Board:	_____	Date:	_____
Mayor:	<u>[Signature]</u>	Date:	<u>MAR 18 2026</u>
Other:	<u>Krystal S. Reyes</u>	Date:	_____
	<u>Mayor Pro Tem</u>		

Policy Statement

Background Information
On February 4, 2026 the Mayor approved settlement in this case in the amount of \$75,000.00. The Journal Entry was signed by the Judge and filed with the court on March 10, 2026 (see attached JE)

Summation of the Requested Action
Request Council execute Resolution. Request Mayor approve payment and direct Finance to issue a check in the amount of \$75,000.00 payable to Iglesia De Amor Ministerios, Frazier Gonzalez and Iris Gonzalez, Plaintiffs and Buxton Law Group, attorneys at law and return to the Legal Department for further processing.

Emergency Clause?	Reason for Emergency Clause
<input type="radio"/> Yes	_____
<input type="radio"/> No	_____

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 executed RFA & Resolution to City Legal for further processing.



LEGAL

JANUARY 28 2025

SETTLEMENT APPROVAL MEMO

Mayor Nichols:

On June 10, 2024, attorneys Jim Buxton and Spencer Habluetzel filed suit on behalf of Iglesia de Amor Ministerios, Frazier Gonzales, and Iris Gonzales, in the District Court of Tulsa County, Case No. CJ-2024-2143, relating to a sewer backup that affected the Iglesia de Amor church at 2132 N. Atlanta Pl. on October 29, 2023.

On October 29, 2023, a sanitary sewer backup occurred at 2132 N. Atlanta Pl. in the basement bathroom during a church dinner. Following the backup, Plaintiffs hired a plumber who determined that the property was not properly connected to the mainline and contacted the City of Tulsa. The City sent out a crew that connected the property to the mainline. Due to the presence of raw sewage, Iglesia de Amor hired a remediation service to sanitize the property and were unable to hold services at their regular location for several weeks. After the remediation was completed, Plaintiffs resumed service but have not been able to pay for reconstruction of the basement kitchen and classrooms.

Upon investigation, the City determined that the mainline behind this property was rehabilitated in approximately 1999. During that rehabilitation, the mainline was slip lined, a process that requires that each property's service be reconnected. It is unclear why this property was not reconnected in 1999. Plaintiffs purchased this property in 2021 and have had an active and current City utilities account since that time. During that time, Plaintiffs allege that they were paying for a service that they did not receive, due to the improper connection.

Plaintiffs allege three causes of action: negligence, nuisance, and breach of contract. Plaintiffs allege that their total property and consequential damages amount to \$48,442.78. This amount does not include nuisance damages for annoyance, inconvenience, and discomfort related to the backup and subsequent displacement. Additionally, this amount does not include attorney fees or other breach of contract damages. The parties have engaged in a lengthy settlement process, including mediation, and Plaintiffs most recent demand was \$100,000.00.

As this case progressed, I requested settlement authority in this case. In line with that authority, I negotiated with Plaintiffs' counsel to settle all remaining claims for \$75,000.00. I am requesting \$75,000.00 to be paid from the sinking fund to resolve Plaintiffs' claims.

Respectfully,

A handwritten signature in black ink, appearing to read "H. Martin".

Hayes T. Martin
Assistant City Attorney – Litigation Division

(Published in the Tulsa Daily Commerce
& Legal News,
_____, 2026.)

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 11th day of March, 2026, in Case No. CJ-2024-2143, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Iglesia De Amor Ministerios, Frazier Gonzalez, and Iris Gonzalez, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Seventy-Five Thousand Dollars (\$75,000.00), 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 IGLESIA DE AMOR MINISTERIOS, FRAZIER GONZALEZ, and IRIS GONZALEZ, Plaintiffs, and BUXTON LAW GROUP, Attorneys at Law, the sum of Seventy-Five Thousand Dollars (\$75,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiffs 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

Monroe Nichols, IV, Mayor

By _____
Secretary

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

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

being satisfied that Plaintiffs fully understand 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 Plaintiffs' Petition and, upon being further advised by Plaintiffs that it is their desire to settle the entirety of all claims and causes of action relating to the events identified in their Petition, including costs and fees, upon payment in the sum of Seventy-Five Thousand Dollars and 00/100 (\$75,000.00), the Court finds:

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

2. That Plaintiffs are fully aware of their rights in this matter and it is Plaintiffs' desire to compromise their right to trial by jury;

3. That Plaintiffs desire to accept as full, final and complete settlement from the City of Tulsa the sum of Seventy-Five Thousand Dollars and 00/100 (\$75,000.00), for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiffs' 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. That Plaintiffs have agreed to dismiss with prejudice or forgo any and all claims against the City of Tulsa and its employees individually;

6. That by agreement of the parties, Defendant's payment to Plaintiffs will stand as full compensation from the City to Plaintiff and precludes any further or separate action by Plaintiffs or those they represent against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiffs' Petition;

7. That the City has agreed to settle Plaintiffs' lawsuit in the sum of Seventy-Five Thousand Dollars and 00/100 (\$75,000.00);

8. That the City shall pay Plaintiffs 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 Plaintiffs have and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of Seventy-Five Thousand Dollars and 00/100 (\$75,000.00), as full, final and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiffs' 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 Plaintiffs' claims against Defendant City of Tulsa are dismissed with prejudice and that payment to Plaintiffs by Defendant City of Tulsa will preclude any further or separate action by Plaintiffs against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiffs' Petition.




JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



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