

CITY COUNCIL SPECIAL SESSION MINUTES

April 12, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session meeting at 5:31 p.m. in the Municipal Building Conference Room on the 12th day of April, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: None

TARDY: Councilmember Ezzell

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) TO DISCUSS CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT AN IMPENDING INVESTIGATION, LITIGATION OR PROCEEDING IN THE PUBLIC INTEREST REGARDING THE FOLLOWING COURT CASES:

CITY OF NORMAN VS. THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), LOCAL 2067, Cleveland County District Court Case No. CIV-2011-48-L.

CAROL A. BUCKMASTER VS. CITY OF NORMAN AND SILVER STAR CONSTRUCTION COMPANY, INC., Cleveland County District Court Case No. CJ-2010-505BH.

VARIOUS WORKERS' COMPENSATION CASES.

CITY OF NORMAN VS. JOHN TERRY AND FRATERNAL ORDER OF POLICE (FOP) LODGE 122, District Court Case No. CJ-2009-1154

JOHN TERRY VS. CITY OF NORMAN, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051

NGUYEN VS. JOHN TERRY AND CITY OF NORMAN, Federal Court Case No. CIV-10-196-R, JOHN TERRY VS. CITY OF NORMAN, ET. AL., Federal Court Case No. CIV-10-01042-D

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss negotiations concerning employees and representatives of employee groups and confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. the International Association of Fire Fighters (IAFF), Local 2067, Cleveland County District Court Case No. CIV-2011-48-L; Carol A. Buckmaster vs. City of Norman and Silver Star Construction Company, Inc., Cleveland County District Court Case No. CJ-2010-505BH; various workers' compensation cases; City of Norman vs. John Terry and Fraternal Order of Police (FOP) Lodge 122, District Court Case No. CJ-2009-1154; John Terry vs. City of Norman, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051; Nguyen vs. John Terry and City of Norman, Federal Court Case No. CIV-10-196-R; John Terry vs. City of Norman, et. al., Federal Court Case No. CIV-10-01042-D, which motion was duly seconded by Councilmember Atkins; and the question being upon adjourning out of the Special Session and convening an Executive Session, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:: None

Item 1, continued:

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened in order to discuss negotiations concerning employees and representatives of employee groups and confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. the International Association of Fire Fighters (IAFF), Local 2067, Cleveland County District Court Case No. CIV-2011-48-L; Carol A. Buckmaster vs. City of Norman and Silver Star Construction Company, Inc., Cleveland County District Court Case No. CJ-2010-505BH; various workers' compensation cases; City of Norman vs. John Terry and Fraternal Order of Police (FOP) Lodge 122, District Court Case No. CJ-2009-1154; John Terry vs. City of Norman, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051; Nguyen vs. John Terry and City of Norman, Federal Court Case No. CIV-10-196-R; John Terry vs. City of Norman, et. al., Federal Court Case No. CIV-10-01042-D.

The City Council adjourned into Executive Session at 5:31 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Blaine Nice, Assistant City Attorney; Ms. Leah Messner, Assistant City Attorney; Mr. Charlie Plumb, Attorney at Law, McAfee and Taft; Ms. Gala Hicks, Director of Human Resources; Mr. Anthony Francisco, Director of Finance; and Mr. Clint Mercer, Chief Accountant, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Dillingham moved that the Special Session be recessed, which motion was duly seconded by Councilmember Kovach; and the question being upon recessing the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES::	None

The Mayor declared the motion carried and the Special Session was recessed.

The Mayor said negotiations concerning employees and representatives of employee groups, negotiations concerning confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. the International Association of Fire Fighters (IAFF), Local 2067, Cleveland County District Court Case No. CIV-2011-48-L; Carol A. Buckmaster vs. City of Norman and Silver Star Construction Company, Inc., Cleveland County District Court Case No. CJ-2010-505BH; various workers' compensation cases were discussed in Executive Session. No action was taken and no votes were cast.

The City Council recessed the Special Session at 6:25 p.m.

Thereupon, Councilmember Dillingham moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Kovach; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES::	None

The Mayor declared the motion carried and the Special Session was reconvened.

The Special Session reconvened at 11:45 p.m.

Item 1, continued:

Thereupon, Councilmember Cubberley moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. John Terry and Fraternal Order of Police (FOP) Lodge 122, District Court Case No. CJ-2009-1154; John Terry vs. City of Norman, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051; Nguyen vs. John Terry and City of Norman, Federal Court Case No. CIV-10-196-R; and John Terry vs. City of Norman, et. al., Federal Court Case No. CIV-10-01042-D, which motion was duly seconded by Councilmember Quinn; and the question being upon adjourning out of the Special Session and convening into an Executive Session, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach, Quinn,
Mayor Rosenthal

NAYES:: None

The Mayor declared the motion carried and the Special Session adjourned out of; and the Executive Session was convened into in order to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. John Terry and Fraternal Order of Police (FOP) Lodge 122, District Court case no. CJ-2009-1154; John Terry vs. City of Norman, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051; Nguyen vs. John Terry and City of Norman, Federal Court Case No. CIV-10-196-R; and John Terry vs. City of Norman, et. al., Federal Court Case No. CIV-10-01042-D.

The City Council convened into Executive Session at 11:46 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Mr. Rick Knighton, Assistant City Attorney, were in attendance at the Executive Session.

Thereupon, Councilmember Dillingham moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Kovach; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach, Quinn,
Mayor Rosenthal

NAYES:: None

The Mayor declared the motion carried and the Special Session was reconvened.

The Special Session reconvened at 12:33 p.m.

The Mayor said confidential communications between a public body and its attorney concerning a pending investigation, claim or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct an impending investigation, litigation or proceeding in the public interest regarding City of Norman vs. John Terry and Fraternal Order of Police (FOP) Lodge 122, District Court Case No. CJ-2009-1154; John Terry vs. City of Norman, Supreme Court Case No. SD-107788 and District Court Case No. CJ-2010-1051; Nguyen vs. John Terry and City of Norman, Federal Court Case No. CIV-10-196-R; and John Terry vs. City of Norman, et. al., Federal Court Case No. CIV-10-01042-D were discussed in Executive Session. No action was taken and no votes were cast.

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ADJOURNMENT

There being no further business, Councilmember Cubberley moved that the meeting be adjourned, which motion was duly seconded by Councilmember Quinn; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach, Quinn,
Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 12:35 p.m.

ATTEST:

City Clerk

Mayor