CITY COUNCIL SPECIAL SESSION MINUTES

February 12, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 12th day of February, 2013, 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 Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	None

Item 2, being:

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-1213-3 WITH OPES, INC., INCREASING THE FYE 2013 CONCRETE PROJECTS CONTRACT AMOUNT BY $26,906 TO ALLOW FOR COMPLETION OF THE SIDEWALK ON THE WEST SIDE OF SHERRY AVENUE FROM IOWA STREET TO CRESTMONT AVENUE TO ACCOMMODATE PEDESTRIANS AROUND CLEVELAND ELEMENTARY SCHOOL.

On July 24, 2012, City Council approved Contract No. K-1213-3 for the FYE 2013 Concrete Projects to OPES, Inc., in the amount of $169,269.25 and Change Order No. One increasing the contract by $13,730.75 for a total contract amount of $183,000. This contract included four (4) concrete sidewalk programs:

Citywide Sidewalk Reconstruction Program	$ 70,000
Sidewalk Accessibility Program	$ 25,000
Sidewalk Program for Schools and Arterials	$ 38,000
Downtown Area Sidewalks and Curbs Program	$ 50,000
	$183,000

Mr. Scott Sturtz, City Engineer, said this change order will add $26,906 to the Sidewalk Program for Schools and Arterials to allow the completion of sidewalk construction on the west side of Sherry Avenue from Iowa Street to Crestmont Avenue to accommodate pedestrians around Cleveland Elementary School including Americans With Disabilities (ADA) accessible ramps. He provided photographs of the project site plan at the north entrance at Cleveland Elementary School, the Cleveland School driveway at the northwest corner of Iowa Street and Sherry Avenue, and the sidewalk on the south side of Iowa Street across from the school which at this time are not handicap accessible.

Mr. Sturtz said a fund transfer for the FYE 2013 Sidewalk Program for Schools and Arterials would be required and it is recommended that a transfer in the amount of $14,276 be made from the FYE 2012 Driveway Repair Program and $12,630 be transferred from the FYE 2013 Driveway Repair Program.

Councilmember Gallagher asked if these improvements were to be done at all elementary schools.

Mr. Shawn O'Leary, Director of Public Works, said Staff works with Norman Public Schools to identify areas where sidewalks are needed. He said there are two different programs. This program that is included in the Capital Budget and Safe Routes to School Program is funded with federal funds via the Oklahoma Department of Transportation (ODOT).

Councilmember Williams asked how much money remains in the Driveway Repair Program. Mr. O'Leary said $6,550 remains in the FYE 2013 Budget and $5,820 has been spent to date.

Items submitted for the record

1. Text File No. K-1213-3, Change Order No. Two, dated January 25, 2013, by Jack Burdett, Engineering Assistant
2. Change Order No. Two to Contract No. K-1213-3
3. Power Point Presentation entitled, "Change Order No. Two, FYE 2013 Concrete Projects, Sidewalks for Schools and Arterials, City Council Conference, February 12, 2013," presented by Scott Sturtz, City Engineer

Participants in discussion

1. Mr. Scott Sturtz, City Engineer
2. Mr. Shawn O'Leary, Director of Public Works

Item 3, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(4) TO DISCUSS THE FOLLOWING POSSIBLE LITIGATION AND PENDING SETTLEMENT OF CLAIMS:

POSSIBLE LITIGATION WITH RED CLIFF, INC., IN CONNECTION WITH THE RAW WATER LINE PROJECT, PHASE I, AND PHASE 2B.

SETTLEMENT OF KIM STEPHENS VS. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2010-02282 J.

POSSIBLE LITIGATION WITH SAND EXPRESS REGARDING CONTRACT NO. K-0607-47 FOR SAND MINING ACTIVITIES.

Councilmember Kovach moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss possible litigation with Red Cliff, Inc., in connection with the Raw Water Line Project, Phase 1 and Phase 2B; settlement of Kim Stephens vs. the City of Norman, Workers' Compensation Case No. WCC-2010-02282 J; and possible litigation with Sand Express regarding Contract No. K-0607-47 for sand mining activities, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the Special Session and convening into an Executive Session to discuss possible litigation with Red Cliff, Inc., in connection with the Raw Water Line Project, Phase 1 and Phase 2B; settlement of Kim Stephens vs. the City of Norman, Workers' Compensation Case No. WCC-2010-02282 J; and possible litigation with Sand Express regarding Contract No. K-0607-47 for sand mining activities, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into to discuss possible litigation with Red Cliff, Inc., in connection with the Raw Water Line Project, Phase 1 and Phase 2B; settlement of Kim Stephens vs. the City of Norman, Workers' Compensation Case No. WCC-2010-02282 J; and possible litigation with Sand Express regarding Contract No. K-0607-47 for sand mining activities.

The City Council adjourned into Executive Session at 5:40 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Jeff Bryant, City Attorney, Ms. Jeanne Snider, Assistant City Attorney; and Ms. Leah Messner, Assistant City Attorney, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session was reconvened at 6:29 p.m.

The Mayor said possible litigation with Red Cliff, Inc., in connection with the Raw Water Line Project, Phase 1 and Phase 2B; settlement of Kim Stephens vs. the City of Norman, Workers' Compensation Case No. WCC-2010-02282 J; and possible litigation with Sand Express regarding Contract No. K-0607-47 for sand mining activities were discussed in Executive Session. No action was taken and no votes were cast.

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Item 4, being:

ADJOURNMENT

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 6:30 p.m.

ATTEST:

City Clerk

Mayor