



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: GID-1819-25**

**File ID:** GID-1819-25

**Type:** Executive Session

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item 35

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 09/21/2018

**File Name:** Executive Session - Real Prop-Litigation

**Final Action:**

**Title:** CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25, §307(B)(4) TO DISCUSS THE PENDING LAWSUIT STYLED ROBERT GREEN VS. CITY OF NORMAN, CASE CIV-17-510 D, AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25, §307(B)(3) TO DISCUSS THE ACQUISITION OF REAL PROPERTY FOR RECREATIONAL PURPOSES CURRENTLY OWNED BY THE OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES LOCATED IN THE VICINITY OF EAST ROBINSON STREET AND 12TH AVENUE N.E. AND EAST ROBINSON STREET AND 24TH AVENUE N.E., AND RIGHT-OF-WAY IN CONNECTION WITH THE WIDENING OF 24TH AVENUE EAST BETWEEN LINDSEY STREET AND ALAMEDA.

**Notes:** ACTION NEEDED: Motion to adjourn out of the City Council meeting and convene into an Executive Session in order to to discuss settlement of lawsuit Robert Green vs. City of Norman, Case CIV-17-510 D and the acquisition of real property for recreational purposes currently owned by the Oklahoma Department of Mental Health and Substance Abuse Services and right-of-way purposes in connection with the widening of 24th Avenue East between Lindsey Street and Alameda.

ACTION TAKEN:\_\_\_\_\_

ACTION NEEDED: Motion to adjourn out of the Executive Session and reconvene the City Council meeting.

ACTION TAKEN:\_\_\_\_\_

**Agenda Date:** 09/25/2018

**Agenda Number:** 35

### Attachments:

**Project Manager:** Jeff Bryant, City Attorney

**Entered by:** brenda.hall@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1819-25

Body

Pursuant to 25 O.S., Section 307(B)(4), 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 a pending investigation, litigation, or proceeding in the public interest. Further, pursuant to 25 O.S., Section 307(B)(3), a public body is permitted to conduct an executive session to discuss the purchase or appraisal of real property.

Robert Green is a former thirty-one year employee of the City of Norman who was separated from City employment in April of 2014 for taking excessive breaks and lunches and falsifying records. The employment action was reversed by an Arbitration decision. The Arbitration decision was appealed to the District Court. The District Court reversed the Arbitration decision. The grievant appealed that decision and the Oklahoma Court of Civil Appeals affirmed the District Court, but ordered a new arbitration proceeding on the issue of progressive discipline. That decision has been further appealed to the Oklahoma Supreme Court by the grievant. A decision from the Oklahoma Supreme Court is pending.

Mr. Green also filed a discrimination claim with the Equal Employment Opportunity Commission (EEOC) in December of 2014. Green initiated a case in Federal Court on May 3, 2017. The City Council was briefed on this case in Executive Session on January 23, 2018. The case has proceeded through the litigation process and has reached a litigation process milestone that warrants an additional City Council briefing.

Council has met a number of times to discuss the possible acquisition of real property from the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to be used as potential sites for Norman Forward Projects. The most recent Executive Session discussion on this matter occurred in April 2018. Council approved a Memorandum of Understanding on June 26, 2018 that was forwarded shortly thereafter to the ODMHSAS. Additional discussion with Council is necessary at this time.

As Public Works has moved forward on the 24th Ave east widening bond project, work has been on going to acquire right of way necessary for the Project. There are a handful of parcels that have yet to be acquired that may need to move toward initiating action for eminent domain. Although good faith negotiations with affected property owners are still on going, a briefing of Council prior to consideration of the Resolutions authorizing litigation will be provided.

Council will be briefed on these matters in Executive Session. Legal Staff will be available to answer questions.