



SPECIAL CITY COUNCIL MEETING

May 30th, 2013 @ 3:00 P. M. at the Oran White Civic Center

MINUTES

The City of Tool, City Council meeting was called to order at 3:00 pm. Present were Councilmen Williams, Phillips, Sonka, Wright and Reeder. Quorum was established with Mayor Pro-Tem Phillips presiding.

ITEM 1: Consideration and or action on the appeal of Officer Ricky Simmons regarding the Chief of Police's decision to terminate Officer Simmons. This matter will be held in open session if the former employee chooses to seek public consideration of the appeal. The matter may be considered in closed session if the employee does not seek public consideration, or if the Council consults with the City Attorney for the purpose of receiving confidential legal advice under The Texas Open Meetings Act, Section 551.071 of the Texas Government Code. Mayor Pro-tem Phillips asked Mr. Simmons if he wished to have the meeting conducted in open session to which his representing Attorney Joe Tooley responded yes and was given the floor to speak. Mr. Tooley briefed the Council on the occurrences leading up to the termination of Officer Simmons claiming that Simmons had not been given due diligence and that the City's had violated its own personnel policy by failing to give written complaints, copies of reprimands and by singling Mr. Simmons out. Mr. Tooley concluded his comments with a plea to Council to allow Mr. Simmons to return to work and stating that they were open for questions. Mayor Pro-tem Phillips asked the Council if they had any questions they wanted to ask or if they would like to go into executive session to consult with the City Attorney. Council did not respond therefore the floor was opened for City Attorney Ron Stutes to speak. Mr. Stutes stated that the City Council was well aware of the facts regarding this matter and the only decision to be made was to accept or deny the termination appeal that was presented. Mayor Pro-tem Phillips gave Chief Mike Grant an opportunity to speak; Chief Grant denied. Mayor Pro-Tem asked if Council had anything to add and Council Member Sonka reiterated that during open session at the March meeting a motion was made and approved authorizing Ron to draft a settlement agreement with Simmons' attorney regarding his separation and resignation, with the City effective Friday March the 8th 2013. Mrs. Sonka added that it was made very clear at that time the agreement was for resignation and not retirement. City Attorney Ron Stutes stated that there was a misunderstanding on his part for failure to recognize the fine distinction between retirement and resignation and that none of this was intentional on either party's behalf. After the clarification neither party was able to reach an agreement. He went on to state that the issue before the Council right now is, he has been terminated and has appealed that termination, so you are to say: yes, we uphold the Chief's decision to terminate him, or we deny his appeal. Or, we grant his appeal and reinstate him as an officer. That's the bottom line. Council Member Williams made a motion to deny the appeal of Mr. Simmons second by Council Member Sonka. Motion passed 5-0. Mayor Pro-Tem Phillips addressed Mr. Tooley stating that their appeal had been denied.

ITEM 2: General Discussion of the Planning and Zoning Ordinance. City Attorney Ron Stutes indicated that he had been in communication with the City regarding a zoning issue and one of the solutions was to change the current P&Z Ordinance to allow a specific use permit in a RA zones area. Mr. Stutes advised against rezoning a portion of the land saying that it was spot zoning and was not recommended. (Remaining minutes was done off of secretary notes; tape recorded shut off). Council discussed putting this item on the agenda for the next City Council meeting to take action.

Motion to adjourn was made by Council Member Reeder, second by Council Member Williams. Motion carried 5-0 at 3:30pm.

Passed and approved this 18th day of July, 2013

Handwritten signature of A.J. Phillips in blue ink.

A.J. Phillips, Mayor Pro-Tem



ATTEST:
Handwritten signature of Makenzie Blaser in blue ink.

Makenzie Blaser, City Secretary