

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
January 27, 2003**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
Jim McGee  
Ken Lambert

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Executive Director  
Bruce Glasscock, Executive Director  
Rod Hogan, Executive Director  
Diane C. Wetherbee, City Attorney  
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:04 p.m., Monday, January 27, 2003, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Deputy Mayor Pro tem Stovall arrived at 5:15 p.m. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, and to discuss Real Estate, Section 551.072, for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:20 p.m. in the Council Chambers for which the following matters were discussed:

**Consideration and Action Resulting From Executive Session Discussion**

No action was brought forward.

**Discussion and Direction Regarding Request for Extension of Line of Duty Leave – Firefighter Scott Boyd**

Fire Rescue Specialist Scott Boyd addressed the Council and reviewed his medical condition timeline history beginning in 1992 through present day. He spoke to sustained injuries and related surgeries and to requests to be reinstated in “the field.”

Mr. Boyd stated that his physician advised him that his medical condition prevents him from returning to “the field” but that he could work in another “8 – 5” capacity. He spoke to the usage of worker’s comp and sick leave, and to being unsuccessful in securing another (non-firefighter) position with the City of Plano or with other cities. Mr. Boyd stated that he is scheduled to be terminated from employment in the capacity of Fire Rescue/Paramedic with the City of Plano and requested that the Council consider a 90-day extension of leave. He stated that his application for disability was denied and is currently under appeal and further that he is waiting for a decision from the Attorney General. Mr. Boyd spoke to there not being “equal access” in the Fire Department.

Division Fire Chief Caldwell advised that he is speaking on behalf of Fire Chief Peterson and that Chief Peterson does not recommend offering an extension of sick leave based on the fact that the Plano Fire Department has met requirements in providing a one-year leave of absence away from the work place for Mr. Boyd. He stated that Mr. Boyd was able to accrue time during this leave of absence at full pay and that all requirements have been met in addition to offering Mr. Boyd the opportunity to work in a light duty capacity. Chief Caldwell advised Council Member Stahel that Mr. Boyd’s application for long-term disability has been denied on the first submittal but that his worker’s compensation claim went through. He advised Council Member Lambert that it is his understanding that Mr. Boyd’s first surgery was non-job related. Chief Caldwell advised that during the growth period of the department some Civil Service Firefighter positions were placed in Staff positions under similar requests and further that Mr. Boyd’s physician has stated that Mr. Boyd is not capable to fulfill the duties of a Firefighter Paramedic. He stated that the filling of previous Staff positions was based on position availability, and that some Firefighters previously injured were denied a Staff position and were then retired following denial. Chief Caldwell advised Mr. Lambert that Mr. Boyd is eligible for retirement and that there are no restrictions in his being employed elsewhere concurrently along with his retirement status with the City.

Plano Fire Captain Scott Kerr of the Plano Firefighter Association spoke to working on Mr. Boyd’s case for some time, his understanding with Chief Peterson regarding Mr. Boyd’s continuation of employment in a light duty capacity, and to the need to be retested when returning to a Civil Service position after having left. He stated that the Firefighter Association, which represents 96% of the Fire Department, has offered to donate time, sick time, “sub-for” or do whatever it takes to offset costs while waiting to resolve this issue. Captain Kerr stated that an answer from the Attorney General is expected to be received by March and further spoke to an upcoming resignation which will free up a position.

Plano Fire Captain Michael Shafter advised that Mr. Boyd worked under his supervision and spoke to an injury sustained by Mr. Boyd while performing duty for the Fire Department. He spoke to his communication with Chief Peterson regarding the filling of Staff positions and requests to have Mr. Boyd “swap” with individuals functioning in other Staff positions. Captain Shafter stated that no positions were offered to Mr. Boyd.

James Craft, a citizen of the City, spoke to Civil Service positions which were “civilianized” and which could have been filled by Mr. Boyd, other positions open which could have been filled by Mr. Boyd, the pending Attorney General ruling, and concerns as to why an Attorney General ruling was not requested earlier.

City Attorney Wetherbee requested that the Council convene into Executive Session to address the Attorney General ruling. Mayor Evans stated at 6:44 p.m. that the Council would convene into Executive Session in Training Room A in compliance with Chapter 551, Government Code, Vernon’s Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 regarding the item being addressed.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:56 p.m. in Training Room A and immediately recessed the meeting. Further discussion and direction regarding Preliminary Item II was continued during the Regular Meeting. Remaining Preliminary Items were discussed during the Regular Meeting. Nothing further was discussed.

---

Pat Evans, **MAYOR**

ATTEST:

---

Elaine Bealke, City Secretary