The City Council of the City of Bellaire, Texas, met in Special Session (Executive Session) on Monday, December 6, 2010, in the Council Chamber and Council Conference Room, both of which were located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 6:04 p.m. on Monday, December 6, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen James P. Avioli, Sr., and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. Councilman Corbett Daniel Parker arrived at 6:06 p.m. and Councilman Will Hickman arrived at 6:20 p.m. Both went directly into the closed portion of the Special Session. City Manager Satterwhite and City Clerk Dutton did not participate in the closed portion of the Special Session.

B. CONVENE in Executive Session (Closed Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas.

Councilwoman Nathan moved to convene in Executive Session (Closed Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas. Councilman Friedberg seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: Councilmen Hickman and Parker*

*As noted under Section A above, Councilman Parker arrived at 6:06 p.m. and Councilman Hickman arrived at 6:20 p.m. Both went directly into the closed portion of the Special Session.
The Bellaire City Council convened in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at 6:04 p.m. on Monday, December 6, 2010.

C. RECONVENE (Open Session) and take action, if any, on item(s) discussed in Executive Session – Action by Members of City Council.

The Bellaire City Council reconvened in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at 7:15 p.m. on Monday, December 6, 2010.

Mayor Siegel advised that City Council had met in Executive Session to review the past year in terms of performance with the City Attorney. She was happy to say that City Council had enjoyed their work with the City Attorney, Alan P. Petrov, and appreciated his service on behalf of Bellaire.

City Attorney Petrov presented City Council with an engagement letter, which did not change from the previous two years in terms of fee structure. It was noted that the City Attorney was paid a flat monthly fee of $6,650 plus out-of-pocket expenses not to exceed $1,000 per expenditure. If litigation, legal research, or specialized services were needed, the City would be charged an hourly rate of $225.00 for partners, $170.00 for associates, and $75.00 for paralegals plus out-of-pocket expenses.

Mayor Pro Tem Nauert moved to adopt an ordinance appointing Alan P. Petrov as City Attorney and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Legal Service Contract by and between Johnson Radcliffe Petrov & Bobbitt PLLC and the City of Bellaire, Texas, for a term beginning November 1, 2010, and ending October 31, 2011. Councilwoman Nathan seconded the motion.

Discussion ensued among members of City Council wherein it was noted that the old Legal Service Contract had expired prior to City Council taking action on the new one this evening. It was suggested that some language be included to extend the term of the agreement in the event that City Council was unable to enter into a new contract before the new one expired again.

Councilman Hickman moved to amend the ordinance by adding the following language on the last page of the Legal Service Contract, Term of Agreement, after “one year from such date”: and monthly thereafter. Councilman Parker seconded the motion.

Councilman Friedberg made a friendly amendment to change the language from “and monthly thereafter” to “and month to month thereafter.” The friendly amendment was accepted by Councilmen Hickman and Parker.
The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

The motion, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-080}

D. ADJOURNMENT.

Councilman Friedberg moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:19 p.m. on Monday, December 6, 2010. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas
Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas