CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 18, 2013

The City Council of the City of Bellaire, Texas, met in Special Session (Executive Session) on Monday, November 18, 2013, 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 – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 6:28 p.m. on Monday, November 18, 2013.

B. ANNOUNCEMENT OF A QUORUM – Mayor Philip L. Nauert.

Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and the following members of City Council:

Amanda B. Nathan, Mayor Pro Tem;
Roman F. Reed, Councilman – Position No. 1;
James P. Avioli, Sr., Councilman – Position No. 2;
Pat B. McLaughlan, Councilman – Position No. 4; and
Andrew S. Friedberg, Councilman – Position No. 5.

Corbett Daniel Parker, Councilman – Position No. 3, was absent.

Also present was: Tracy L. Dutton, City Clerk.*

*City Clerk Dutton did not participate in the closed portions of the Special Session (Executive Session).

C. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room located directly behind the Council Chamber) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas – Members of City Council.

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CITY COUNCIL MAIN MOTION/ACTION TO CONVENE IN EXECUTIVE SESSION:

Councilman Andrew S. Friedberg moved to convene in Executive Session in the Council Conference Room under the Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas. Councilman James P. Avioli, Sr., seconded the motion.

The main motion carried unanimously on a 6-0 vote as follows:

FOR: Dr. Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

Members of the Bellaire City Council convened in Executive Session in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on Monday, November 18, 2013, at 6:28 p.m.

D. RECONVENE (Open Session to be held in the Council Chamber) and consider taking possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, 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, for and on behalf of the City of Bellaire, Texas, a Legal Service Contract by and between Johnson Radcliffe Petrov & Bobbitt PLLC and the City of Bellaire, Texas, for a one-year period commencing on December 1, 2013, and continuing on a month-to-month basis thereafter.

Members of the Bellaire City Council reconvened in Open Session on Monday, November 18, 2013, at 7:08 p.m.

CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, 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, for and on behalf of the City of Bellaire, Texas, an extension of the Legal Service Contract by and
between Johnson Radcliffe Petrov & Bobbitt PLLC and the City of Bellaire, Texas, for a one-year period commencing on December 1, 2013, and continuing on a month-to-month basis thereafter. Councilman James P. Avioli, Sr., seconded the main motion.

For the record, Mayor Nauert advised members of the public that City Council had met in Executive Session for the purpose of discussing the City Attorney’s legal service contract with the City of Bellaire, Texas. Mayor Nauert indicated that City Attorney Petrov had presented an extension of his legal service contract at the same rates as he had been paid during 2012-2013. In other words, no increase in fees was requested.

Mayor Nauert summarized the fee schedule as follows:

- Flat monthly fee of $7,000, plus out-of-pocket expenses not to exceed $1,000 per expenditure;
- For litigation, legal research, and specialized services, hourly rates of $225 for partners, $170 for associates, and $75 for paralegals, plus out-of-pocket expenses for said services; and
- For bond issuance services, $15,000 minimum fee for any issue; 1% of the par amount for issuances up to $3,000,000; 1% of the first $3,000,000 issued plus 0.5% of any amount between $3,000,000 and $4,000,000; and plus 0.25% of all amounts in excess of $4,000,000.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The main motion carried unanimously on a 6-0 vote as follows:

**FOR:**
- Dr. Philip L. Nauert, Mayor
- Amanda B. Nathan, Mayor Pro Tem
- Roman F. Reed, Councilman – Position No. 1
- James P. Avioli, Sr., Councilman – Position No. 2
- Pat B. McLaughlan, Councilman – Position No. 4
- Andrew S. Friedberg, Councilman – Position No. 5

**OPPOSED:** None

**ABSENT:** Corbett Daniel Parker, Councilman – Position No. 3

{Ordinance was subsequently numbered: 13-057}

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E. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN:

Councilman Pat B. McLaughlan moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:10 p.m. on Monday, November 18, 2013. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion to adjourn carried unanimously on a 6-0 vote as follows:

FOR: Dr. Philip L. Nauert, Mayor  
Amanda B. Nathan, Mayor Pro Tem  
Roman F. Reed, Councilman – Position No. 1  
James P. Avioli, Sr., Councilman – Position No. 2  
Pat B. McLaughlan, Councilman – Position No. 4  
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

Respectfully submitted,

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

Approved:

Dr. Philip L. Nauert  
Mayor  
City of Bellaire, Texas