

*December 15, 2008*

**Minutes of Meeting**  
**City of Weston Lakes, City Council Special Meeting**  
**Held at the Precinct 3 Building, Fort Bend County**  
**8100 FM 359 Fulshear, Texas 77441**  
**Tuesday, December 9, 2008**  
**5:00 pm**

**1. Call to Order.** The special meeting of the Weston Lakes City Council was called to order at 5 PM on the 9<sup>th</sup> Day of December 2008 by Mayor Mary Rose Zdunkewicz.

Members Present:

Mayor Mary Rose Zdunkewicz

Alderman Trent Thomas

Alderman Clifton Aldrich

Alderman Denis DeLuca

Alderman Gary Owens

Member Absent:

Alderman Theodore Case II

Marshal Ronald Horowitz was also present

Public Present:

Mr. Walter Douglas

Mr. Bill Dubois

Mrs. Dot Dubois

**2. Invocation.** Alderman Trent Thomas, led the Council in the Invocation and prayer.

**3. Pledge of Allegiance.** Alderman Clifton Aldrich led the Council in the Pledge of Allegiance to the Flag of the United States of America.

**4. Announcements and Public Comment:**

a. Mayor Zdunkewicz announced that due to the non availability of a recorder the meeting was not being recorded, and minutes would be taken by hand.

b. The Mayor also announced that Ms. Kimberley Michelson had a family emergency as was not going to be able to participate in the meeting.

c. Mayor Zdunkewicz asked for public comment and hearing no request for such moved to the next agenda item.

**5. Administration.** The Council authorized the Mayor to obtain a Post Office Box, an Employer Identification Number from the IRS and established the city's fiscal year from 1 October to 30 September on a motion from Alderman Thomas and seconded by Alderman Aldrich. Alderman Aldrich indicated in discussion that these actions were necessary in order to accomplish action that had previously been authorized by the council. A vote was taken with all present voting in favor of the motion.

**6. City Attorney.** Presentation by and Interview of City Attorney Candidates, William Olson of Olson and Olson, and Alan Petrov of Johnson, Radcliff, Petrov and Bobbit.

a. William Olson. Mr. Olson provided a historical background of his firm and its long history of representing cities in the Houston area. He indicated his firm currently represented 35 cities in the Harris/Fort Bend County areas, both home rule and general law cities. Some of those mentioned included Rosenberg, Stafford, Simonton, Thompsons, Orchard and East Bernard. He indicated that they had 23 lawyers in the firm and he would have to match a particular lawyer to the City of Weston Lakes based upon meeting times and availability.

He indicated that in all probability he would assign one of the junior attorneys to the City to minimize costs. A junior lawyer would charge at \$175.00 per hour as opposed to \$250.00 per hour for more senior associates and partners. In answer to a question he indicated that they would defer billing for their services until the city was in receipt of revenue. He also indicated that they operated in a team environment with the entire expertise of the firm being brought to bear on a particular city issue regardless of the assigned city attorney. In response to a question he indicated that all billing was itemized by action item, attorney and time allocated to the task. The hourly billing included all costs associated with the action to include administration costs of copying.

In response to a question on conflict of interest related to representing other cities on our boundary, he indicated that they have never had the question arise, but would accede to the city's desire and concern regarding any issue that might come up. He did say that the firm's prime responsibility was to advise on the law and ensure compliance with the law regardless of who the client was. He also indicated that the firm had extensive capabilities in legal research and clients were not charged for research related to new law and how it might relate to client activities.

In response to a question about litigation experience and questions related to the ongoing incorporation law suit against the POA and the SPAC, as well as the State of Texas and the County of Fort Bend, he indicated that they had a very strong litigation group that was able to

represent all of their clients in any litigation that was brought. Also in response to a question he highlighted that they have handled litigation not only for individual cities, but also, the Texas Municipal League which they have been associated with since the mid 1940s. In working with the Municipal League he indicated his firm provided presentations at seminars, association meetings, special studies, and educational events.

Mr. Olson closed by saying he would like to represent the city and looked forward to our decision.

b. Alan Petrov. Mr. Petrov also provided a historical overview of his firm and his personal experience in the area of municipal law, municipal utility and water board experience, as well as his experience in supporting the Texas Municipal League. The experience in the MUD, Water Board and developmental area was extensive. He indicated that the firm represented five municipalities in the Houston area and it was a growing area of their business. He indicated that the attorneys in the firm all had come from larger firms and as a small firm had much more flexibility in both the levels of service provided as well as keeping their rates more affordable for small cities. He has been a practicing attorney for over 20 years.

Mr. Petrov is currently serving as a city attorney for three area cities including Bellaire and Hedwich village. He indicated that his firm would be willing to defer compensation until the city had a cash flow to support payment. He also indicated that his firm's range of hourly rates was \$145 to \$225 with partners charging the higher rate. He indicated immediate readiness to assist the city in establishing its administrative and legal procedures, particularly in the area of franchise agreements, city secretary training, and open meetings and open records training.

Mr. Petrov's firm did not handle municipal litigation and in the event of litigation they would recommend a firm that did handle litigation. Mr. Petrov indicated that the research necessary to become familiar with the City of Weston Lakes and the environment would be undertaken by the firm at no cost to the city. Billing would be by hour with specific task and time associated with that task clearly spelled out in the billing document.

Mr. Petrov closed his remarks with a sincere commitment to assisting the City of Weston Lakes in their start up process, with full coverage of the issues facing new cities.

**7. Adjournment.** There being no further business on the agenda Alderman Aldrich, moved for adjournment, with a second by Alderman DeLuca with all in favor. Adjournment occurred at 6:30 PM.

Signed

/s/

Mary Rose Zdunkewicz

Mayor, City of Weston Lakes