

**MINUTES OF PROCEEDINGS  
CITY COMMISSION WORKSHOP  
Tuesday, December 7, 2010**

Be it known that the City of La Feria City Commission held a workshop session on **Tuesday, December 7, 2010, at 5:45 P.M.** in the City Commission Meeting Room, 115 E. Commercial Avenue, La Feria, Texas 78559. The purpose of said meeting was to consider and take action on those items of City Business as was duly posted by agenda in accordance with State Open Meetings Law. The following City Commission members were present at said meeting.

|                            |                                 |
|----------------------------|---------------------------------|
| Mr. Steve Brewer           | Mayor                           |
| Ms. Lori Weaver            | City Commissioner/Mayor Pro Tem |
| Mr. John Edward Betancourt | City Commissioner               |
| Mr. John Hernandez         | City Commissioner               |
| Mr. Victor Gonzalez, Jr.   | City Commissioner               |
| Ms. Angelica P. Baldivia   | City Commissioner               |

The following staff members were present.

|                        |                                  |
|------------------------|----------------------------------|
| Mr. Sunny K. Philip    | City Manager                     |
| Mr. Richard S. Talbert | City Attorney                    |
| Ms. Irene Szedlmayer   | Planning and Community Dev. Dir. |
| Ms. Maria Chavero      | Finance Director                 |
| Ms. Olga Oberwetter    | City Secretary                   |

A copy of the signature roster of all others present is attached as a part of the minutes hereof.

At 5:56 P.M., Mayor Steve Brewer gave the invocation. After the invocation, Mayor Brewer led everyone present in reciting the Pledge of Allegiance to the Flag of the United States of America. He then declared that a quorum of the City Commission was present and called the meeting to order.

**WORKSHOP TO DISCUSS THE PROPOSED AMENDMENTS TO THE  
ZONING ORDINANCE FOR THE FOLLOWING:**

- A. **To treat "child care centers" the same as "pre-schools" and "kindergartens" for purposes of allowing them to operate in residential zones conditioned upon submittal and approval of Specific Use Permit.**
- B. **To amend the minimum setbacks and lot sizes in the Mobile Home District.**
- C. **To distinguish between premises where gaming devices are stored and premises where they are available for operation by the public.**
- D. **To permit massage establishments in commercial zoning districts.**
- E. **To provide for adjustment in the specified front set-back on blocks or in neighborhoods with existing development.**
- F. **To amend the off-street parking requirements applicable in the C-1 (Restricted Commercial) District.**

Planning and Community Development Director Irene Szedlmayer addressed the City Commission and said she had redistributed the memo that had accompanied the City

Commission meeting packet of the October 26, 2010 City Commission meeting. She added that tonight's agenda includes Item 4F which is the off-street parking requirements applicable in the C-1 (Restricted Commercial) District. Ms. Szedlmayer reviewed the proposed changes to the Zoning Ordinance for Items 4A, B, D, E, and F before addressing Item 4C pertaining to gaming devices. Ms. Szedlmayer asked for input and direction from the City Commission concerning each item. Commissioner Victor Gonzalez, Jr. asked for clarification concerning the "individually owned" mobile home lots so that it would not be misinterpreted as the ability to place a mobile home on regular single family home lots. Ms. Szedlmayer responded that mobile homes are not allowed outside the Mobile Home District. The exception is that if a family has a mobile home on a regular single family home lot, they are allowed to replace it with a newer one. Ms. Szedlmayer said she would work with the City Manager and City Attorney to come up with language that would not be confusing in regards to "individually owned" mobile home lots.

Ms. Szedlmayer reviewed Item 4F, off-street parking requirements, which was not discussed with the City Commission at any of the previous meetings. Ms. Szedlmayer said the parking ordinance requires quite a bit of parking, but her recommendation would be that any use or occupancy of an existing building in the downtown area would not require any off-street parking and that new structures would be required to provide half of the parking that would otherwise be applicable. The City Commission requested that this item be brought back later after more research.

Ms. Szedlmayer then covered Item 4C pertaining to gaming devices. She said last month staff suggested that the ordinance should distinguish between those premises that have gaming machines available to the public to play and those where machines are being stored or warehoused or available for purchase wholesale. Ms. Szedlmayer said the way the ordinance is drafted, it requires staff to seek extensive information on the ownership and any financial interest in the business. The State Comptroller's Office requires a Social Security Number and a Driver's License Number of anyone with a 10% interest in the business. The City could modify the SUP application to require the applicant to give us the same type of information, or require the applicant to provide the City with a criminal background check report. Ms. Szedlmayer said one of the proposed changes is to regulate those places where machines are stored or repaired more leniently. They would not have to pay the \$15.00 occupational tax per machine, and there would be a slightly reduced fee for the other fees. It would still require an SUP for storage. Discussion followed concerning the violations that might be occurring pertaining to the storage of the gaming machines. Mayor Brewer said he would like to keep the application process as is, but would like to have anyone with a 10% interest in the business provide the City with a background check. Mayor Brewer said the City's fees are low compared to other cities. Ms. Szedlmayer read the fees charged by the City of San Benito, which were as follows: for 51-60 machines the fee is \$31,500.00; for 71-80 machines the fee is \$42,000.00 and for each additional 1-10 machines, they add \$5,250.00. The City of Kingsville charges \$60,000.00 for 71-80 machines and for each additional 1-10 machines, they add \$7,500.00.

The Planning and Zoning Commission held a public hearing on October 18, 2010 and considered the changes to the Zoning Ordinance as listed above for Items 4A thru 4E. They voted unanimously to recommend to the City Commission approval of the amendments affecting child care centers, 4A; set backs in mobile home districts, 4B;

massage therapy establishments in commercial districts, 4D; and for set-backs in neighborhoods that are already developed, 4E. There was no action taken by the Planning and Zoning Commission on Item 4C gaming devices.

City Manager Sunny K. Philip said that staff would work with the recommendations provided by the Commission and a draft ordinance would be brought before the Commission at a later time.

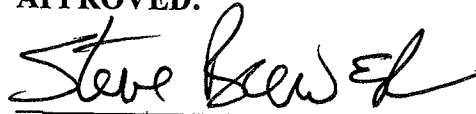
**ACTION FOR ADJOURNMENT**

There being no further business to conduct, Commissioner John Hernandez moved to adjourn the meeting. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**ADJOURNMENT**

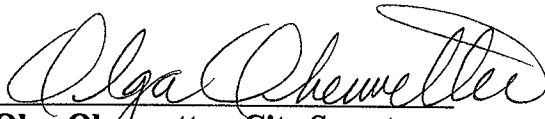
Mayor Steve Brewer adjourned the meeting at 6:35 P.M.

**APPROVED:**



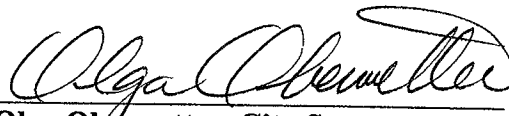
**Steve Brewer, Mayor**

**ATTEST:**



**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 9:00 A.M. on January 10, 2011, as official record.



**Olga Oberwetter, City Secretary**



**CITY COMMISSION WORKSHOP**  
**AT THE**  
**CITY COMMISSION MEETING ROOM**  
**TUESDAY, DECEMBER 7, 2010, AT 5:45 PM**

WELCOME  
PLEASE SIGN IN

|    | <u>NAME</u>        | <u>MAILING ADDRESS</u> | <u>HOME/WORK PHONE NO.</u> |
|----|--------------------|------------------------|----------------------------|
| 1  | Juan Ochoa         |                        |                            |
| 2  | Elizabeth H. Perez |                        | 677-9668                   |
| 3  | Conn Ramon         |                        | 200-2946                   |
| 4  | Rosa Turner        |                        |                            |
| 5  | Liana T. Brewer    |                        |                            |
| 6  | Elise Ireland      |                        |                            |
| 7  |                    |                        |                            |
| 8  |                    |                        |                            |
| 9  |                    |                        |                            |
| 10 |                    |                        |                            |
| 11 |                    |                        |                            |
| 12 |                    |                        |                            |
| 13 |                    |                        |                            |
| 14 |                    |                        |                            |
| 15 |                    |                        |                            |
| 16 |                    |                        |                            |
| 17 |                    |                        |                            |
| 18 |                    |                        |                            |