



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Work Session - Final City Council

Tuesday, August 21, 2018

3:00 PM

City Hall Conferene Room

630 E. Hopkins - Work Session

I. Call To Order

II. Roll Call

1. Receive a Staff presentation and update regarding Texas Food Establishment Rules and the City of San Marcos' compliance to current regulations and State Laws, and provide direction to the City Manager.

EXECUTIVE SESSION

2. Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and set evaluation goals for the City Attorney, City Manager, and City Clerk.

III. Adjournment.

POSTED ON WEDNESDAY, AUGUST 15, 2018 @ 5:45PM

JAMIE LEE CASE, CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov



Legislation Text

File #: ID#18-538, **Version:** 1

AGENDA CAPTION:

Receive a Staff presentation and update regarding Texas Food Establishment Rules and the City of San Marcos' compliance to current regulations and State Laws, and provide direction to the City Manager.

Meeting date: August 21, 2018

Department: Neighborhood Services - Environmental Health Division

Amount & Source of Funding

Funds Required: N/A

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Staff will provide a presentation regarding Texas Food Establishment Rules and the City of San Marcos' compliance to current regulations and State Laws.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

Texas Food Establishment Rules

COSM COMPLIANCE to Current Regulations and State Laws

Texas Food Establishment Rules

Last updated October 1, 2015 with a goal to protect consumers from food borne illnesses by incorporating the most current methods and practices from a wide variety of experts at the national and state level.

THE OBJECTIVE...

Transitioning to New Code

- ▶ The State of Texas changed Texas Food Establishment Rules effective October 2015
- ▶ COSM has been operating in accordance with prior rules and has been transitioning to current legislative requirements

THE OBJECTIVE...

Transitioning to New Code

- ▶ Create local amendments to clarify vague language in state code
- ▶ Vendors must be educated
- ▶ Local amendments and variances can be used to help the code fit local business needs while still maintaining health and safety regulations

Food Establishment Types

- ▶ Fixed food establishments
 - restaurants, retail food stores, and bars
- ▶ Mobile food units
 - food trucks, trailers, and push carts
- ▶ Temporary food establishments
 - single events, festivals, and celebrations
 - operates no more than 14 consecutive days

Food Establishment Types

▶ Cottage Kitchens

- at home production of non-potentially hazardous foods such as breads, cakes, pastries, and canned jams or jellies

▶ Farmer's Markets

- a designated location used primarily for the distribution and sale of food directly to consumers by farmers and other producers

COSM Current Permits

- ▶ Fixed Establishments = 382
- ▶ Mobile = 32
- ▶ Temporary 2017= 326
- ▶ Temporary 2018 to date= 351
- ▶ Cottage = Unknown- no permit is required
- ▶ Farmer's Markets = 12

State Code & Local Code

▶ State code

- mandated by law: Health and Safety Code; Texas Administrative Code

▶ Local code

- can be more restrictive than state code, but not less restrictive
- modifications that achieve same results of state code can be addressed through variances (Ex: Dining with dogs)

Solutions for Local Organizations

- ▶ Event Coordinator—Allows for 501c3's to obtain permits for participants
- ▶ Cottage Kitchen—Temp event with concessions for ware washing and food types
- ▶ Downtown Association—Third Thursday required adjustments for 501c3 permits, food manager for event

Solutions for Local Organizations

- ▶ School District—Annual permit for school feeding program
- ▶ Cook Off Events—On the spot permitting, and 501c3 permits
- ▶ Sights and Sounds—Batch permitting and meetings with participants
- ▶ Dining with Dogs—variance for companion animals on outdoor patios

THE APPROACH...

Community Engagement Initiatives

- ▶ Multiple Stakeholder Meetings | December 2017 & January 2018
- ▶ Communications Press Release | January 2018
- ▶ City Website Updates | January 2018

THE APPROACH...

Community Engagement Initiatives

- ▶ Multiple Health Open Houses | February 2018
- ▶ Health & Community Committee | May 2018
 - Comprised of 17 community members/stakeholders
 - Solicit and review online comments/drafts
 - Proactively identify and address new requirement feasibility issues
 - FAQ's on website

Community Engagement Feedback

- ▶ Initial proposed fees were too high
- ▶ Concerns about certified food manager requirements
- ▶ Concerns about local produce being sold to restaurants
- ▶ Requirement for mobile food units to obtain a temporary permit

Community Engagement Feedback

- ▶ Are mobile food units required to move each day.
- ▶ Samples at cook off events
- ▶ Concerns regarding limiting the number of temporary events
- ▶ A process for annual permits related to non profit/government events

Code Recommendations

Changes...Clarifications...Variances...Amendments

Codes:

Fixed Establishments

State	Local (Proposed)
Certified Food Manager is required	Clarification: One Certified Food Manager for each location
All food employees must complete a food handler training course within 60 days of hire	Amendment: Suggesting a 45 day time frame due to turn over of staff
Food handler certifications must be located on site	Amendment: Available upon request

Codes: Mobile Food Units

State	Local (Proposed)
Must be readily moveable—no power, water, or wastewater connections	Variance: Allow electrical connection when in operation
Designated central prep facility and copy of last inspection report	Clarification: Provide clear definition/ identification process of this type of facility
Food Protection Manager Certification	Clarification: One per truck or location

Codes: Mobile Food Units

State	Local (Proposed)
Food Handler for employees within 60 days	Amendment: 45 days and available
No restriction on vending from a public place	Clarification: Current restriction on vending in parks in separate code
Restrooms for employees conveniently located and accessible to employees during all hours of operation	No change

Codes: Temporary Food Establishments

State	Local (Proposed)
Food not prepared on site or requiring extensive preparation must be prepared at a licensed food establishment	No change
May be required to have food handler	Amendment: Required for temp permits depending on food type

Codes: Temporary Food Establishments

State	Local (Proposed)
May not operate more than 14 consecutive days in conjunction with single event or celebration	Amendment: Limit number of events per vendor/per year
No annual or long term permits	Variance: Create provisions for government, non profits and school programs

Codes: Cottage Kitchen Industry

State	Local (Proposed)
No permit required	No change
Labeling of ingredients is required	No change
Food must be sold or given by the preparer	No change

Codes: Farmer's Market

State	Local (Proposed)
Allows for permit for time temperature control for safety foods	Amendment: Classifications... A - prepackaged foods B - baked goods, bulk items, prepared samples C - full meal service
Food handler not stipulated	Amendment: Food handler for B, C

Codes: Farmer's Market

State	Local (Proposed)
Hand and ware washing station not stipulated	Amendment: Treat as temp food permit
No requirements for self serve	Amendment: Does not allow unattended self serve

Permit Fees

Permit	Current	Proposed	Notes
Food Operation, Temp Food, and Other Fees:			
Food Handler Training	\$15.00	Eliminate	Cannot offer local training
Choking Poster (Heimlich)	No Charge	Eliminate	No longer required by state code
Central prep facility registration(current health permit)	N/A	\$50.00	Covers registration and inspection

Permit Fees

Permit	Current	Proposed	Notes
Stand alone commissary	N/A	\$507.00	Fixed Food Establishment
Annual temporary	N/A	None	Government, school districts, non profits
Expedited permit	N/A	\$50.00	For permits submitted < 7 days

Permit Fees

Permit	Current	Proposed	Notes
Farmers Market A	N/A	\$101.50	Prepackaged foods
Farmers Market B	N/A	\$130.00	Baked goods, bulk items, samples
Farmers Market C	N/A	\$160.00	Full meal preparation
Change of Owner	N/A	\$101.50	Application and inspection

Next Steps...

- ▶ Adopt local ordinance that references the state code...1st reading September 4th
- ▶ Develop outreach plan with Communications/Intergovernmental Relations department
- ▶ Complete online permitting process through MyPermitNow.org

Next Steps...

- ▶ Complete online inspection process through MyPermitNow.org
- ▶ Develop inspection matrix for timing of inspections
- ▶ Provide Food Manager Certification training and testing locally



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#18-536, **Version:** 1

AGENDA CAPTION:

Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - to discuss and set evaluation goals for the City Attorney, City Manager, and City Clerk.