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
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.

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

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified Food Manager is required</td>
<td>Clarification: One Certified Food Manager for each location</td>
</tr>
<tr>
<td>All food employees must complete a food handler training course within 60 days of hire</td>
<td>Amendment: Suggesting a 45 day time frame due to turnover of staff</td>
</tr>
<tr>
<td>Food handler certifications must be located on site</td>
<td>Amendment: Available upon request</td>
</tr>
</tbody>
</table>
# Codes:
## Mobile Food Units

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

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Handler for employees within 60 days</td>
<td>Amendment: 45 days and available</td>
</tr>
<tr>
<td>No restriction on vending from a public place</td>
<td>Clarification: Current restriction on vending in parks in separate code</td>
</tr>
<tr>
<td>Restrooms for employees conveniently located and accessible to employees during all hours of operation</td>
<td>No change</td>
</tr>
</tbody>
</table>
## Codes:
### Temporary Food Establishments

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food not prepared on site or requiring extensive preparation must be prepared at a licensed food establishment</td>
<td>No change</td>
</tr>
<tr>
<td>May be required to have food handler</td>
<td>Amendment: Required for temp permits depending on food type</td>
</tr>
</tbody>
</table>
# Codes:
Temporary Food Establishments

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>May not operate more than 14 consecutive days in conjunction with single event or celebration</td>
<td>Amendment: Limit number of events per vendor/per year</td>
</tr>
<tr>
<td>No annual or long term permits</td>
<td>Variance: Create provisions for government, non profits and school programs</td>
</tr>
</tbody>
</table>
## Codes: Cottage Kitchen Industry

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No permit required</td>
<td>No change</td>
</tr>
<tr>
<td>Labeling of ingredients is required</td>
<td>No change</td>
</tr>
<tr>
<td>Food must be sold or given by the preparer</td>
<td>No change</td>
</tr>
</tbody>
</table>
## Codes: Farmer’s Market

<table>
<thead>
<tr>
<th>State</th>
<th>Local (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allows for permit for time temperature control for safety foods</td>
<td>Amendment: Classifications...&lt;br&gt;A - prepackaged foods&lt;br&gt;B - baked goods, bulk items, prepared samples&lt;br&gt;C - full meal service</td>
</tr>
<tr>
<td>Food handler not stipulated</td>
<td>Amendment: Food handler for B, C</td>
</tr>
<tr>
<td>State</td>
<td>Local (Proposed)</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Hand and ware washing station not stipulated</td>
<td>Amendment: Treat as temp food permit</td>
</tr>
<tr>
<td>No requirements for self serve</td>
<td>Amendment: Does not allow unattended self serve</td>
</tr>
</tbody>
</table>
## Permit Fees

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

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<th>Proposed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stand alone commissary</td>
<td>N/A</td>
<td>$507.00</td>
<td>Fixed Food Establishment</td>
</tr>
<tr>
<td>Annual temporary</td>
<td>N/A</td>
<td>None</td>
<td>Government, school districts, non profits</td>
</tr>
<tr>
<td>Expedited permit</td>
<td>N/A</td>
<td>$50.00</td>
<td>For permits submitted &lt; 7 days</td>
</tr>
</tbody>
</table>
## Permit Fees

<table>
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<th>Proposed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers Market A</td>
<td>N/A</td>
<td>$101.50</td>
<td>Prepackaged foods</td>
</tr>
<tr>
<td>Farmers Market B</td>
<td>N/A</td>
<td>$130.00</td>
<td>Baked goods, bulk items, samples</td>
</tr>
<tr>
<td>Farmers Market C</td>
<td>N/A</td>
<td>$160.00</td>
<td>Full meal preparation</td>
</tr>
<tr>
<td>Change of Owner</td>
<td>N/A</td>
<td>$101.50</td>
<td>Application and inspection</td>
</tr>
</tbody>
</table>
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
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