



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, August 21, 2018

3:00 PM

City Hall Conferene Room

630 E. Hopkins - Work Session

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Thomaides at 3:05 p.m. Tuesday, August 21, 2018 in the City Hall Conference Room, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Gregson was absent due to work travel and Council Member Derrick arrived shortly after roll call.

Present: 6 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Council Member Jane Hughson, Mayor John Thomaides and Council Member Ed Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Scott Gregson

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.

Bert Lumbreras, City Manager, provided an introduction of Mr. Jeff Caldwell, Neighborhood Services Director, who provided the Council with the presentation.

Mr. Caldwell provided that the Texas Food Establishment Rules was 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. He provided that the City of San Marcos has been operating in accordance with prior rules and has been transitioning to current legislative requirements. Mr. Caldwell discussed transitioning to the new code and explained that would need to create local amendments to clarify vague language in the 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.

Mr. Caldwell reviewed the different 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

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.

Mr. Caldwell provided the number of issued City of San Marcos permits:

Fixed Establishments = 382

Mobile = 32

Temporary 2017= 326

Temporary 2018 to date= 351

Cottage = Unknown- no permit is required

Farmer's Markets = 12

Mr. Caldwell reviewed the State and Local codes. He explained that State code is mandated by State law the Health and Safety Code and the Texas Administrative Code. He explained that the Local code can be more restrictive than state code, but not less restrictive and that modifications that achieve same results of state code can be addressed through variances (Ex: Dining with dogs).

Mr. Caldwell provided some local solutions such as having an appointed Event Coordinator for non-profit events which allows for 501c3's to obtain permits for participants. The Cottage Kitchen is a temporary event with concessions for ware washing and food types. The Downtown Association Third Thursday event has required adjustments for 501c3 permits and food manager for the event.

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

Discussion was held regarding churches selling food to their members vs. selling food to the public.

Discussion regarding getting clarification on if the Certified Food Protection Manager has to be on site or not. Staff agreed to provide clarification whether the one certified food manager for each fixed establishment must be on site or contacted via phone.

Discussion was held regarding regulating how many vendors could be in a public place such as on a street or how many could be per block. Staff will research the potential to allow mobile food units to stop in the middle of a block to vend food with number of mobile food units restricted.

Discussion regarding limiting the number of events per year for temporary food establishments.

Discussion was held regarding Farmer Market fee categories. Staff will verify that there is not a fee associated for things like whole foods such as fruits and vegetables. Staff will provide clarification on the permit fee table and show no fee requirement for that category.

Discussion was held regarding the proposed fee rates and reducing it. Discussion regarding the potential to have the event coordinator at the Farmer's Market be a certified food manager and each booth have a food handler; lowering the fees for the three categories (A, B, and C permits). Staff will adjust the fees to a flat fee such as \$102 instead of \$101.50. Staff will determine whether other surrounding cities are following the State Code.

Mr. Caldwell provided the Council with the next steps. He provided that the first reading of the ordinance will not be coming on September 4, but will come after they have more time to meet with their committee. Staff is working on developing an inspection matrix for timing inspections. Staff is working on providing the Food Manager Certification training and testing locally instead of them having to go to Austin or somewhere outside of San Marcos.

Staff will look at the Dining with Dogs requirements and get them posted to the message board.

Discussion regarding mobile food trucks and them having to move every day.

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.

A motion was made by Council Member Hughson, seconded by Council Member Gonzales, to enter into Executive Session at 4:29 p.m. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

III. Adjournment.

The City Council returned into Open Session at 6:15pm.

Mayor Thomaides adjourned the Work Session of the San Marcos City Council at 6:15p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor