

April 17, 2017

A City Council workshop and regular meeting was held on the above date in the City Council Chamber, 100 South Houston Avenue with all officers and members present except Council Member Williams.

Mayor Anderle called the workshop to order at 5:30 p.m.

City Manager JRhett Parker briefly reviewed the agenda items.

The following departmental reports were reviewed by each Department Supervisor:

- City Manager JRhett Parker reviewed his typed departmental report and announced that Melanie Reed had been hired as the Retail Director. New storm protocol has been implemented. Code Red training will occur this week. The wood fort at 12th Street Park has been removed because of rotten wood. The AWOS system at the airport is down temporarily due to storm damage.
- Street Supervisor Craig Arnold presented storm damage pictures from the last storm as well as reporting that the annual city-wide clean-up was a success.
- Fire Chief Henry Horelica stated that the Fire Department has been busy with minor calls. The annual chicken fundraiser was a success.
- City Manager JRhett Parker reported the police department is down one car. Continuing to operate with the 3 Sergeants.
- Court Clerk Wende White presented and reviewed the March court report.
- Librarian Marie Christopher stated that business is maintaining as normal. One employee is on leave this month and they are continually working on the summer reading program.
- Code Enforcement Officer Stanley Garrison reviewed typed report.
- City Secretary Amy Harris reported that thank you cards for TML Region X has been sent out. All audits have been sent to creditors and agencies and early voting will begin Monday, April 24, 2017.
- Utilities Director Jerald Brunson stated that the wastewater plant is still an issue. Down 2 people in the water department. Working on a water update newsletter to let citizen's know where we are at.

Mayor Anderle called the regular meeting to order at 5:55 p.m.

Council Member Davis offered the invocation.

Council Member Schiller led the pledge of allegiance.

Mayor Anderle requested citizen comments.

There were no citizen's comments at this time.

Council Member Schiller moved to approve the corrected minutes of the regular meeting of April 3, 2017. Council Member Goza seconded the motion and it carried unanimously.

Andy Layne, representing the Cameron Horseshoe Club, was not able to attend so this will be presented at the next meeting.

Raymond Lara requested the use of downtown to host a memorial car show on May 21, 2017.

Council Member Goza moved to approve the car show as long as all requirements of restroom facilities and insurance have been met. Council Member Davis seconded the motion and it carried unanimously.

Mayor Anderle read the first reading of the following ordinance:

AN ORDINANCE OF THE CITY OF CAMERON, TEXAS, ADOPTING PROVISION RELATED TO MOBILE FOOD ESTABLISHMENTS; PROVIDING FOR PERMITS; PROVIDING FOR DENIAL, SUSPENSION, AND REVOCATIONS FOR PERMITS; PROVIDING FOR APPEALS; PROVIDING FOR INSURANCE AND INDEMNITY; PROVIDING FOR A PENALTY OF UP TO \$500; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, Mobile Food Establishments (commonly referred to as “Food Trucks”) have increased in popularity among citizens in communities and have the potential to add vibrancy to cities;

Whereas, Mobile Food Establishments are licensed and regulated by the Texas Department of State Health Services, following Title 25 Texas Administrative Code, Chapter 228, in order to protect the public from health hazards and comply with consumer and environmental safety policies; and

Whereas, the City of Cameron encourages mobile retail food vendors within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, TEXAS:

SECTION 1. Findings.

The recitals above are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as finding of fact.

SECTION 2. Definitions.

Except as provided in Subsection (b), a term defined by Texas Administrative Code Title 25, Part 1, Chapter 228, (Texas Food Establishment Rules) has the same meaning in this chapter.

In this ordinance:

CENTRAL PREPARATION FACILITY means a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and the Food Truck is supplied with fresh water and ice; and emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the Mobile Food Unit utensil-washing sink. Use of a private residence as a central preparation facility is prohibited.

CITY means the City of Cameron, Texas.

CITY MANAGER means the City Manager of the City, his designee, or the department the City Manager tasks to fulfill the requirements of this ordinance.

FOOD ESTABLISHMENT RULES means Title 25 of the Texas Administrative Code, Part 1, Chapter 228, (“Texas Food Establishment Rules”).

FOOD TRUCK means food preparation facilities that are contained on a vehicle or trailer mounted, self or otherwise propelled, self-contained food service operation, designed to be readily and easily movable at all times, that is used to store, prepare, display, serve or sell food. The area equipped

for food preparation must be completely contained in the Food Truck and completely separated from the driving cab. Catering trucks, food trailers, and push carts as defined by TSDHS are considered Food Trucks. Food Trucks selling only prepackaged ice cream items are allowed for only mobile use (not stationary) in residential zones of the City with permission from the City Council. A Food Truck is a Mobile Food Establishment.

MOBILE FOOD ESTABLISHMENT means a unit that may serve prepackaged food in individual servings, beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels, packaged frozen foods, and may cook, prepare and assemble a full menu of food items. When not in operation the unit must be secured and completely enclosed.

TSDHS means the Texas Department of Health and Human Services.

UNSAFE FOOD means:

food that contains any chemical, poisonous or injurious substance which may be harmful to the health of a consumer;

food that is not packaged in conformity with this chapter;

food that contains a contaminated or putrid substance; or

food that has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated, or may have been rendered diseased, unwholesome, or harmful to health.

SECTION 3. Compliance.

A person may not manufacture for supply, possess with intent to supply, display, sell, or supply, with or without charge, any food that is unsafe or misbranded.

All food shall be prepared, packaged, transported and supplied in compliance with this ordinance.

A person operating a Mobile Food Establishment shall comply with this ordinance and the City adopts the provisions of Texas Administrative Code Title 25, Part 1, Chapter 228.

A Mobile Food Establishment shall comply with Texas Administrative Code Title 25, Part 1, Chapter 228 ("Texas Food Establishment Rules"), as amended, and be inspected and licensed accordingly.

Designs, advertising and logos on the Food Trucks must be compatible with location or the permit may be denied. Only signage attached to the unit or small sandwich boards placed in close proximity to the unit are allowed.

Food Trucks are not permitted to block fire hydrants or obscure right of ways.

Food Trucks must comply with City noise ordinances. Food Truck noise levels must be compatible with locations. Noise ordinances for locations in or near residential zones will be strictly enforced. Any sound or music broadcast from the Food Truck must be appropriate for the location as determined by the City. Vendors must cease broadcasting music or sounds when requested by the City.

Operations of a mobile food establishment must cease and the Food Truck must be removed from the location when the permit issued pursuant to this ordinance is revoked, suspended, or expired.

SECTION 4. Permit Application.

A person who seeks to operate a mobile food establishment must submit to the City Manager a written application for a permit on a form provided by the City Manager. The application must include:

Name, address, telephone number, and e-mail address of the applicant and the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant;

make, model, vehicle identification number, license number, dimensions of the vehicle, and the type of vehicle to be used for the proposed mobile food establishment;

address and/or physical location of the Central Preparation Facility utilized by the applicant, if applicable;
tax identification number of the applicant and proof of sales tax and use permit;
proof of insurance;
copy of health inspection and license required by the Texas Food Establishment Rules;
dates and times of operation of the mobile food establishment;
photographs of truck/trailer, all sides, depicting designs, advertising, logos, table and chair setup, and queue area;
an itinerary of locations where sales occur;
other information required by the City Manager;
the signature of each applicant;
the fee for the permit;
A plan to dispose of grease or other liquid waste must be presented to the City to determine the frequency and location of an appropriate waste disposal receptor;
a notarized statement from the property owner granting applicant permission to locate a Food Truck on the property if the Food Truck is not owned by the property owner; and
if at one location for more than two hours, a written agreement from a business within 150 feet for employees of the mobile food establishment to have use of flushable restrooms (or other facilities as approved by the City Manager) during hours of operation.

If eligible for issuance, the City Manager shall provide the permit holder a sticker or other document that indicates the permit expiration date.

A person operating a mobile food establishment shall promptly display the sticker on the unit where it is readily visible (as designated by the City Manager).

SECTION 5. Permit Revocation or Suspension.

The City Manager may suspend or revoke a mobile food establishment permit if the City Manager determines that:

- an applicant obtained the mobile food establishment by knowingly providing false information on the application;
- a person is infected with or is a carrier of any foodborne communicable disease; or
- the continuation of the person's mobile food establishment permit presents a significant public health threat.

A permit may be revoked for non-conformity to the application location specifications or requirements as well as to non-conformity to an approved location plan or diagram.

A permit may be suspended or revoked for not complying with the requirements of this ordinance, or any other ordinances, or laws.

At the sole discretion of the City Manager, the City Manager may declare that Food Trucks no longer add to the vibrancy of the City or public interest; and, revoke all permits issued pursuant to this ordinance in the City with a 30-day written notice to the permittees of record. In such event, the City shall return the unused pro-rata portion of the annual fee. Revocation pursuant to this subsection is final and unappealable.

SECTION 6. Appeal of Permit Revocation, Suspension, or Denial.

The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.

If the City Manager revokes, suspends or denies a mobile food establishment permit, the holder or applicant of the permit which has been revoked, suspended, or denied shall have the right of appeal to the City Council

of the City by submitting an appeal in writing to the City Manager within ten (10) business days of the revocation, suspension, or denial.

Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.

If a written appeal is not submitted within ten (10) business day of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended, or denied.

SECTION 7. Reapplication after Permit Revocation, Suspension, or Denial.

If a mobile food establishment or applicant is not in compliance with this ordinance or any other ordinances, laws, or the approved application, the following actions will be taken:

1st violation. A warning may be issued, or the permit may be revoked or suspended and the vendor may become ineligible for new or reissued permit for three (3) months.

2nd violation. Permit will be revoked and the vendor may become ineligible for new or reissued permit for three (3) months.

3rd violation. Permit will be revoked and the vendor will become ineligible for new or reissued permit for one (1) year.

If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for three (3) months.

SECTION 8. Sanitary Requirement.

If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the City Manager and City Codes.

If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the City Manager and City Codes.

A person operating a mobile food establishment shall equip the interior of the mobile food establishment with an attached trash receptacle approved by the City Manager for the use of persons working in the mobile food establishment. The operator must hold, store, and dispose of solid and liquid waste in a receptacle approved by the City Manager and must comply with any other applicable City Code requirements.

Foods that are not prepared inside the Food Truck, or that require extensive preparation or cooking outside of the Food Truck, must be prepared at a licensed Central Preparation Facility and not at a private residence. Ice that is to be consumed or that contacts food must be made and used in accordance with retail food requirements established by the TDSHS.

A plan to dispose of grease or other liquid waste must be presented to the City to determine the frequency and location of an appropriate waste disposal receptor. Storm sewers, car washes, or other locations that may wash into waters of the state may not be used to dispose of grease or other liquid waste.

A person who operates a mobile food establishment must comply with the Food Establishment Rules, including, but not limited to:

a mobile food establishment shall provide only single service articles for use by the consumer;

a mobile food establishment shall comply with the regulations adopted by the TDSHS regarding time, temperature, plumbing, operation and maintenance requirements for mobile food establishments and any other regulations approved by the City Manager;

- a mobile food establishment shall comply with the regulations adopted by the TDSHS regarding a mobile food establishment's provisions, mandatory central preparation facility, serving area and operations and any other regulations approved by the City Manager;
- a mobile food establishment shall demonstrate that the vehicle is readily moveable if requested by the City Manager;
- a mobile food establishment shall comply with all requirements prohibiting alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility of the mobile food establishment unit;
- the City Manager shall require a mobile food establishment to come, on an annual basis, to a location designated by the City Manager for an inspection;
- all food and supplies must be stored within the mobile unit;
- a person who operates a mobile food establishment may not place food, equipment, or supplies that are part of its operations outside of the permitted unit and must conduct all of its operational activities within the mobile food establishment;
- the City Manager may require mobile food establishments found to violate this section come for a re-inspection at a location designated by the City Manager;
- a mobile vending unit must be equipped with an attached potable water container of no less than 30 gallons. A push cart type mobile vending unit must be equipped with an attached potable water container of no less than 10 gallons; and
- mobile vending unit waste water containers must be sized with at least 15% higher capacity than the potable water tank size installed.

SECTION 9. Zoning and Location Restrictions.

- No mobile food establishment shall locate on any private property without written permission to do so and must comply if asked to leave by the property owner or City official. A copy of the written permission to operate in a specific location, signed by the private property owner, shall be kept within the mobile vending unit at all times.
- A mobile food establishment may not be located within fifteen (15) feet of another mobile food establishment unless approved by the City Manager.
- Hours of operation for a mobile food establishment are limited between 6:00 a.m. to 8:00 p.m. daily. Food Trucks are required to move off locations daily by 8:30 p.m. Hours of operation and the requirement to move off the location daily may change if approved by the City Manager in accordance with parameters set for a City approved community event.
- Mobile food establishments may not operate within 150 feet of a property zoned R-1, R-2, and RR according to the City's zoning ordinance or with 150 feet of the front door of an operating restaurant within the City, unless the owners of the residentially zoned property or the restaurant owner submits written approval allowing a mobile food establishment to be located in closer proximity for the City's consideration before granting a permit.

SECTION 10. Permit Fees.

Annual permit fees will be pro-rated. Permits run from January to December of a given calendar year and expire on December 31st of that year. Permit fees may be pro-rated based on the number of calendar months the permit is in effect beginning with the month the permit is issued through December. Permits may be renewed prior to January 1 with payment of an annual fee. Renewals require an inspection and updates to application information. Permits are not transferrable from owner to owner.

SECTION 11. Insurance Indemnification and Release.

No permit shall be issued under this ordinance until the applicant has filed with the City Manager a certificate or certificates of insurance, indicating that there is in effect public liability insurance covering any damages

arising out of the use and operation of any and all devices and facilities operated in connection with the mobile food establishment and the location of the mobile food establishment. A public liability insurance policy shall be issued by a company authorized to do business in the State of Texas. The policy shall be accompanied by a certificate from such company that such policy will be in force and effect during the full duration of the valid permit. Such policy shall be in an amount not less than one million dollars (\$1,000,000.00) for the death or injury of one (1) person, and not less than one million dollars (\$1,000,000.00) for death or injury in any one (1) accident. The applicant should have the City named as an additional insured. The insurance requirements stated herein may be revised by the City Council, as needed.

The applicant must indemnify and release the City in connection and use of the location of the mobile food establishment before receiving a valid permit.

SECTION 12. Inspection.

The City shall inspect Food Trucks prior to issuing a permit for the following:

- posted valid Texas sales tax permit;
- posted valid state license by TDSHS;
- properly maintained fire extinguishers in good operating order;
- compliance with applicable City codes; and
- general condition.

SECTION 13. Inapplicability.

This ordinance does not pertain to Food Truck use when operating as Temporary Food Establishments under TDSHS rules by invitation of event organizers for a community event limited in time, i.e. festival, bazaar, carnival, circus, fund-raiser, public exhibition, celebration, sporting or other public gathering which can be civic, political, public, or educational. Such use is only allowed for events that are approved by the City Manager and managed separately by event organizers.

SECTION 14. Penalty and Culpability.

A violation of any provision of this ordinance shall be deemed to be a misdemeanor and, upon conviction, such violation shall be punishable by a fine in an amount not to exceed \$500.00. Each day of a violation exists shall constitute a separate offense.

Neither allegation nor evidence of culpable mental state is required for the proof of an offense defined by this ordinance.

SECTION 15. Severability. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 16. Effective Date. This ordinance shall become effective immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code and the City Charter. However, only one reading of this ordinance is required for this ordinance to become effective.

SECTION 17. Open Meeting. It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.

SECTION 18. Repealer. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith

Council Member Schiller moved to approve the following resolution. Council Member Davis seconded the motion and it carried unanimously.

RESOLUTION NO. 2017-04-17-009

RESOLUTION OF THE CITY OF CAMERON SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

Tommy Valle, representing KPA Engineers, recommended hiring Matous Construction, Ltd for TWDB Project 1 – WTP Clarifier Rehabilitation. Council Member Goza moved to hire Matous Construction, Ltd for the TWDB Project 1. Council Member Davis seconded the motion and it carried unanimously.

Council Member Mondrik moved to approve the expenditures of April 1, 2017 to April 14, 2017. Council Member Schiller seconded the motion and it carried unanimously.

The following expenditures exceeded \$25,000.00:

- Progressive Waste Solutions \$32,554.86
- State Comptroller \$32,103.30

Council Member Hardeman moved to approve the March 2017 financial report as presented. Council Member Schiller seconded the motion and it carried unanimously.

MARCH 2017 REVIEW

50.00%

<hr/>			HOT Revenues	\$115,809.09
General Revenues	1,836,600.91	51.03	HOT Expenses	\$10,000.00
EXPENSES			HOT Profit	\$105,809.09
Street Dept.	361,349.82	44.38		
Fire Dept.	\$55,701.21	39.34	Lib Revenues	\$28,440.05
Police Dept.	\$612,617.53	58.73	LIB Expenses	\$2,719.30
Court	\$28,370.27	45.14	Lib Profit	\$25,720.75
Library	\$31,725.05	43.1		
Ambulance	\$52,621.18	49.69	Fire Revenues	\$44,833.30
Other Operating Exp	\$222,680.20	51.27	Fire Expenses	\$17,717.43
Cemetery & Parks	\$45,954.22	29.25	Fire Profit	\$27,115.87

Administration	\$160,037.73	42.68
Debt Service	\$342,963.66	87.54
Total Expenses	\$1,914,020.87	53.18
GF Fund Loss	-\$77,419.96	

Water & Sewer Revenues	\$1,563,528.40	50.25
EXPENSES		
Water Maintenance	\$267,636.99	48.18
Water Treatment	\$132,204.87	32.41
Sewer Treatment	\$129,639.96	41.59
W & S Administration	\$276,018.82	37.36
Bond Retirement	\$989,644.22	90.15
Total Expenses	\$1,795,144.86	57.69
Water & Sewer Loss	-\$231,616.46	

Airport Revenues	\$17,841.71	29.49
Airport Expenses	\$16,785.83	27.75
Airport Loss	\$1,055.88	

The City Council went into Executive Session at 6:29 p.m. The Executive Session was held to discuss the following:

- §551.074 to deliberate about personnel matters regarding Police Chief Position
 - Formal interview with police chief candidates

The City Council ended the Executive Session at 9:37 p.m. and resumed the regular session.

No action was taken at this time.

There being no further business for the Council to consider, Council Member Schiller moved to adjourn the meeting at 9:37 p.m. Council Member Mondrik seconded the motion and it carried unanimously.