

City of Coral Gables City Commission Meeting
Agenda Item D-3
May 28, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

Interim City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Parks & Recreation Director, Fred Couceyro

Police Chief, Ed Hudak

Public Speaker(s)

Harald Neuweg

Agenda Item D-3 [0:00:00 p.m.]

A Resolution authorizing Satchmo Blues Bar and Grill, Inc. to sell alcoholic beverages and to authorize waiver of special event code Section 62-260 allowing the above-mentioned applicant to operate from 12:00 p.m. to 11:00 p.m. at the Plaza located at 60 Merrick Way from Tuesday, July 2, 2019 through Sunday, July 7, 2019, during the 2019 FIFA Women's World Cup Celebration and 2019 Copa America watch party to benefit the Coral Gables Cultural Affairs Council, subject to Florida Department of Professional Regulation Requirements

Mayor Valdes-Fauli: Next item is consent agenda. And there's an item, consent agenda D-3, that they would like pulled.

Commissioner Keon: I'd like to talk about D-1 for just a minute, too.

Mayor Valdes-Fauli: Wait, wait, wait. Let's -- we have Harald Neuweg, who wants to talk about pulling out D-3. Good morning.

Harald Neuweg: Good morning, Mr. Mayor, Commissioners. My name is Harald Neuweg. I have a business on 60 Merrick Way, Coral Gable. And I'm asking for permission to do an event, Soccer Women's World Cup, one week, from July 2 through July 7. We'd like to use the plaza, as we did last year for the Men's World Cup. And at the same time, there will be the Copa America. The games will be in the afternoon for the Women's World Cup. And the Copa America games will be at night. So, we would like to set up the big screen TV. We would like to set up small tents for beverage sales and food sales. And we'd like to set up high-top tables and picnic tables. I'm also asking you to waive the event fee, which is an incredible waste to \$2,800 for one week. And this is money which is basically, since we are not charging any admission and this is a free event for the public, this money is taking basically off the top of our income and we're making money with the sales of food and beverage. So, every year, the increase -- the amount of the fees for the plaza use was increased. And then I ask for this week, it's \$2,800 fee and it's quite a lot. So, I would like to have a waiver for this fee. We're bringing people to the community. We're bringing people to Coral Gables from all over Miami. We are known for soccer. And I think it's -- to keep the events going on the plaza, I think we really need to look into the fees. We also have increased code enforcement fees. We have increased police fees, and we have now increased permit setup for the TVs and the (INAUDIBLE). And apparently, they're asking for two inspections instead of one, so there's increased fees everywhere we go on these events. And last year, I was at the point where I just said, okay, I won't do any more events on the plaza because it's getting too expensive. But the plaza is just too nice for us not to use it and it's such a logical thing to set up the events for the soccer, set up the Octoberfest, set up any other events. We limit

our events a lot already anyhow since we only have 24 days a year. So, I'm asking you to give us the permission to use the plaza for the July 2 through July 7 for the World Cup Soccer and the Copa America. And hopefully, to waive the fee of \$2,800 or at least maybe reduce it to half. Thank you very much.

Mayor Valdes-Fauli: Thank you. I think that we -- I have been around there, lunch with grandkids or whatever. Excuse me. And your facility does attract a lot of people for soccer, and I think it's wonderful. We also have another place in Giralda that attracts people for different soccer, Spanish soccer and not German soccer. And this World Cup for women is very, very good for us to attract different type of people. Sports and it's a beautiful plaza and we should use it more. I would be very much for your request.

Vice Mayor Lago: Mayor, just a few questions on my end. I noticed that you're talking about July 2 through the 7th. Some of those are weekdays. At what time do the soccer games end during the evening?

Mr. Neuweg: The earliest game -- the soccer -- the Women's Soccer World Cup is televised from France, so the earliest game will be at 11 o'clock in the morning. And then it will be 11, at 1 o'clock, a 3 o'clock game. In the Copa America, games will be 6 o'clock, 8 o'clock. And I think the latest -- one game will be at 10 o'clock, but most games are like 6 or 8 o'clock at night.

Vice Mayor Lago: So, that game -- you said that the one that starts at 10 o'clock will be ending at 10 or it will be ending...

Mr. Neuweg: No, it will be...

Vice Mayor Lago: At 12?

Mr. Neuweg: Yeah. It will be ending at 10 o'clock. It will start at 8...

Vice Mayor Lago: Okay.

Mr. Neuweg: Two 45-minute games. At that point, it will be the quarter final and the semifinal. We don't know because they could go into overtime and then go into penalty shoot, so it might go on for another half an hour after 10 o'clock at night. So, I think, to be safe, at the quarter final and semifinal games, we should say for the Copa America, 11 o'clock at night is absolutely finished because what if they go into overtime and penalty shots.

Vice Mayor Lago: And I have just two last points. Is anybody here from Code Enforcement? Just a -- any info in regards to last year and how it went? Did we have any problems? Were there any complaints? I know that we're monitoring the noise, so I just wanted to make sure it wasn't an issue.

Parks & Recreation Director Couceyro: The -- we monitored the noise. The Men's World Cup is a different beast altogether...

Vice Mayor Lago: Yes.

Parks & Recreation Director Couceyro: Than the Women's World Cup. Although the Women's World Cup can be popular, it's not the same level, especially not the other countries. So, on the Men's World Cup, you had a crowd on just about every day. Some of the things we put in, which is we have a Code Enforcement officer there. That kind of helped. We do have two residential, you know, buildings that are across the street, so that's something that we're always sensitive to that we worked on. The reason why he's here with this particular event is our ordinance allows four days in a row and Thursday through Sunday. So, he's going to extend that past that Thursday into the Tuesday and the Wednesday.

Vice Mayor Lago: The Wednesday.

Parks & Recreation Director Couceyro: An important note is within this week is 4th of July. From what -- our discussion is there are no games on 4th of July because we don't have the police capabilities on the 4th because our resources will be used at the Biltmore for that event. So, those are the things that we discussed.

Vice Mayor Lago: So, the second part of my question was...

Parks & Recreation Director Couceyro: Yes.

Vice Mayor Lago: He's asking for a fee waiver of the \$2,800.

Mayor Valdes-Fauli: That's what this is about, yes.

Unidentified Speaker: Yeah.

Vice Mayor Lago: So, what was the amount last year that he paid for a similar event? I know this is an additional two days.

Parks & Recreation Director Couceyro: It's the same -- we have a -- there's a set rate...

Vice Mayor Lago: Per day.

Parks & Recreation Director Couceyro: It's a set rate per day. It gets a little less if you do a four-day. So, what we're doing here is -- because he's doing it for seven, it's -- he's got a four-day rate and he's got the three-day rate, which comes out to about -- I think it's \$1,800, and then it's the \$1,300, correct?

Unidentified Speaker: Yeah.

Parks & Recreation Director Couceyro: Yeah, so...

Vice Mayor Lago: For an additional two days. So, my...

Parks & Recreation Director Couceyro: An additional three days.

Vice Mayor Lago: The reason why I asked is because I want to know what's encompassed in that \$2,800. You said there's a Code Enforcement -- what's...

Parks & Recreation Director Couceyro: No, that's the event fee.

Vice Mayor Lago: Is it just to...

Parks & Recreation Director Couceyro: Yeah, that's the event fee.

Vice Mayor Lago: Just the fee in itself?

Parks & Recreation Director Couceyro: Yeah. When we came to the Commission -- I think now it's been about two or three years ago where we had a lot of events in the city and one of the things -- the discussion from the Commission level was the fees are very low. It was like a couple hundred dollars to run, you know, a weeklong event. So, we presented a new fee structure, knowing that it was four days. So, for four days, depending on the size of the event and depending on where it is, those are also limited, so that's what it involves. It involves the administration of the event, the staff working on the meeting. Code Enforcement is extra. Permitting for tents, permitting for stages, permitting for electric, that's also extra. So, those events, the money starts -- there are some totals that start coming up just because of all the permitting and all the requirements. But those aren't things that are arbitrary. Those are done through Code and things that are needed.

Vice Mayor Lago: Would this be the first event that we waive the fee?

Parks & Recreation Director Couceyro: No. You've waived...

Vice Mayor Lago: For profit, not for...

Parks & Recreation Director Couceyro: Oh, okay. Well...

Vice Mayor Lago: Not -- this is for profit. This is not for charity. We've waived it for other events...

Parks & Recreation Director Couceyro: Right.

Vice Mayor Lago: For example, one that I requested for, which is...

Parks & Recreation Director Couceyro: Wings over Wishes, yes.

Vice Mayor Lago: The United Way.

Parks & Recreation Director Couceyro: Yes. We have waived it for charitable. I don't recall off the top of my head that we've waived it for a for-profit event.

Vice Mayor Lago: Okay.

Parks & Recreation Director Couceyro: Not that I can recall.

Vice Mayor Lago: Thank you.

Mr. Neuweg: Just to give an...

Mayor Valdes-Fauli: Okay. I will...

Mr. Neuweg: Just to give an idea, for the Octoberfest last year, which is basically two weekends, since we don't use the plaza Monday, Tuesday and Wednesday, our total fees including Code Enforcement, Police, event fee, was over \$21,000. Just to tell you -- and that's \$21,000. If you figure out that we're selling a beer for \$7, that's 3,000 beers we have to sell just to pay all the fees the City...

Commissioner Mena: But you did it, right?

Mr. Neuweg: Requires us to pay.

Commissioner Mena: But you did it, right?

Mr. Neuweg: Yes, we did it.

Commissioner Mena: So...

Mr. Neuweg: Because if...

Commissioner Mena: That's a business decision for you to make whether or not you think it's profitable for you to do the event.

Mr. Neuweg: I understand, I understand.

Commissioner Mena: It's the same fees and costs that we would charge to...

Mayor Valdes-Fauli: I know...

Commissioner Mena: Any...

Mayor Valdes-Fauli: But this is a very good...

Commissioner Mena: Business.

Mayor Valdes-Fauli: I mean, it's \$2,500 for us, and it attracts a heck of a lot of people, and I think we should help our merchants.

Commissioner Mena: If we start waiving fees and costs for every for-profit business that wants to have an event -- we have costs and fees associated with this. We have to have Code Enforcement out there. This is not meant to be punitive. This is not the City lining its coffers. This is covering our expenses and our costs associated with an event like this. And this is -- to be clear, this is to use City property. That's why there's...

Vice Mayor Lago: Which we have to maintain.

Commissioner Mena: Which we have to maintain in the long term. So, look, I don't -- this is not a fine or something we're talking about. This is the regular cost of doing business and having this type of event. As long as I'm hearing that this is the same cost and fees you would assess to anybody having this type of event...

Parks & Recreation Director Couceyro: Yeah.

Commissioner Mena: Any for-profit business...

Parks & Recreation Director Couceyro: Yes.

Commissioner Mena: I just have a hard time seeing how we can set that sort of precedent.

Commissioner Keon: Could...

Mayor Valdes-Fauli: I think it is very, very good for us. The World Women's Cup comes once every four years. It attracts a lot of people, and it is a good thing for us to have Coral Gables. And if we can help our merchants, I think it behooves us to do that. They will pay Code Enforcement. They will pay costs. This is a fee and I think it would be a very, very good thing for us to waive.

Commissioner Keon: Could I ask what the -- what is the -- what's the -- what does the fee cover? What does the permit fee cover?

Parks & Recreation Director Couceyro: The permit fee is the use of the plaza...

Commissioner Keon: Yes.

Parks & Recreation Director Couceyro: And the administration of the permit, which -- from the beginning...

Commissioner Keon: Who cleans it up?

Parks & Recreation Director Couceyro: Until the end.

Commissioner Keon: Who cleans up? Who cleans the plaza?

Parks & Recreation Director Couceyro: They are responsible for cleaning -- for...

Mayor Valdes-Fauli: They are responsible for it.

Parks & Recreation Director Couceyro: Pressure cleaning the plaza at the end of the event.

Commissioner Keon: Well, you know what...

Parks & Recreation Director Couceyro: They have to leave it in the same...

Commissioner Keon: I would tell you -- I would charge this fee and more and clean it up ourselves because that plaza is dirty. It's dirty and it's dirty all the time. So, it's not a well-cared for plaza. It doesn't generally look good. The plaza is dirty. The plants are pushed out between the bollards. There's one that was sitting in -- almost in the crosswalk the other day.

Mayor Valdes-Fauli: That's our fault.

Commissioner Keon: Right, but somebody needs to clean that plaza. And if we need to use those dollars and the permit fees and whatever else should go toward cleaning.

Mr. Neuweg: Commissioner...

Commissioner Keon: Not them. We should clean it because it should be cleaned to our specifications because it isn't clean now. So, I don't know whose specifications those are.

Mayor Valdes-Fauli: But you're not addressing the issue.

Commissioner Keon: But they're not ours.

Parks & Recreation Director Couceyro: Okay.

Commissioner Keon: And if the permit fees should go for -- I agree with Commissioner Mena. I don't think that we should waive fees for for-profit entities. If you were losing money, you know, we could talk about that, but you're not. You're...

Mr. Neuweg: May I just say...

Commissioner Keon: And you designed it...

Mr. Neuweg: Thank you very much.

Commissioner Keon: In such a way...

Mr. Neuweg: Thank you very much that you're telling us that...

Commissioner Keon: That you have all kinds of tents and all kinds of stands set up there. You -- you know, that's a decision that you make. No, I wouldn't waive the fee.

Mr. Neuweg: Commissioner, (INAUDIBLE) I would like to...

City Attorney Ramos: The Chief would like to address all of you regarding July 4th. He has some concerns. Chief.

Mayor Valdes-Fauli: But this is not July 4th.

Commissioner Mena: It is.

City Attorney Ramos: It includes July 4th.

Commissioner Keon: It's over July 4th.

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Mayor Valdes-Fauli: But there is no event on July 4th. Is that correct?

Police Chief Hudak: No. I just -- I would recommend, through the Manager, that we take out that day so there's no -- because on July 4th, there are no days off for the Police Department sworn personnel because of...

Commissioner Keon: I don't think there's any...

Police Chief Hudak: What we have to staff.

Commissioner Keon: There's no games.

Police Chief Hudak: So, if you take that day out, I don't know how that affects the fees or whatever, but I just want to make sure that the Commission's will is that we are not going to do anything on July 4th. Whether they leave it set up or not -- but the street would have to be open if it's a street because we are not going to be able to staff at all the other off-duty work that goes along with this, we won't be able to...

Mayor Valdes-Fauli: Well, I heard that there's not going to be anything going on on July 4.

Mr. Neuweg: We're not going to use the plaza at all.

Mayor Valdes-Fauli: Okay.

Mr. Neuweg: We -- well, we would...

Commissioner Mena: Is that included in your fee?

Mr. Neuweg: I'm sorry?

Police Chief Hudak: That's one of the days. If it's taken out...

Parks & Recreation Director Couceyro: We've included it in the fees because the plaza is set up. The tents are still out there, everything is set up. That's why we came -- we come to Commission and he's making his request. If we want to take that day off because there's no activity on the plaza, we're at the will of the Commission.

Commissioner Mena: We're not going to allow any activity that day on the 4th, which I agree with.

Parks & Recreation Director Couceyro: No.

Police Chief Hudak: But it's not in the resolution.

Commissioner Mena: No, no, no, agreed. Then I -- and I don't think that they -- I don't have a problem waiving the fees as to that day, if they're...

Commissioner Keon: For one day.

Commissioner Mena: For that day if they're not going to be allowed to have event -- but again, if -- I understand the tents will be there, so there's not going to be any...

Parks & Recreation Director Couceyro: There can't be any activity outside...

Commissioner Mena: Games or anything going on...

Parks & Recreation Director Couceyro: On the plaza.

Commissioner Mena: On the plaza.

Mr. Neuweg: There won't be any activity at all on the plaza on July 4th because -- we cannot take the screen down because it's a big screen.

Vice Mayor Lago: Understood.

Mr. Neuweg: We put it the next day up again, so we leave it up there.

Vice Mayor Lago: Understood.

Mr. Neuweg: We'll probably leave the 10 by 10 tents out there as well, and that's another issue I have with the City. We have beautiful 20/20 tents and we can't put them up because the fees to get the 20/20 permit is -- again, we're taking out of our budget. It's too high. I want to thank you, Commissioner Keon, for mentioning that the plaza is dirty. Our plaza -- I mean, your plaza, Aragon Plaza, has been neglected the last ten years.

Commissioner Keon: It's terrible.

Mr. Neuweg: You invested \$20 million in Giralda and Miracle Mile, and you forget the little plaza we have. You allow acoustic music on Miracle Mile, and you won't let us do acoustic music on your plaza. So, there's a lot of little issues we have here. The plaza is dirty. The hallway, which we're paying common area maintenance (INAUDIBLE) since I'm the landlord -- I'm a tenant, is dirty.

Commissioner Keon: It's filthy.

Mr. Neuweg: It has not been cleaned.

Mayor Valdes-Fauli: It's not their fault.

Mr. Neuweg: Nobody cleans it. It's not my fault.

Mayor Valdes-Fauli: It's our fault.

Mr. Neuweg: The plaza is dirty. I'm embarrassed when I show my place because the plaza is dirty.

Commissioner Keon: Me too.

Mr. Neuweg: It's not our way to clean the plaza all the time. Yes, after a big event, like the Oktoberfest, we clean the plaza. And I can show you a picture. We have hired a company, paid \$700 to have the plaza pressure cleaned, but really good pressure cleaned. And I'm glad you mentioned this now that the plaza is dirty, but that should not come us.

Mayor Valdes-Fauli: Right.

Mr. Neuweg: We don't have the plaza in our lease.

Commissioner Keon: I'm assuming -- I'm sorry. You know, maybe I wrongly assumed that the permit fees go toward the oper -- do they go to your budget? Where do...

Parks & Recreation Director Couceyro: Yeah.

Commissioner Keon: Where do permit fees go?

Parks & Recreation Director Couceyro: They go into our budget. They're our revenue.

Commissioner Keon: They go into your budget.

Parks & Recreation Director Couceyro: Yes, because our department is the one that administrates the permit and works with...

Commissioner Keon: I mean, the fees are...

Parks & Recreation Director Couceyro: The organizers.

Commissioner Keon: I would assume the fees are a revenue source for the Parks Department. And do you clean -- I mean, who's responsible for that plaza?

Parks & Recreation Director Couceyro: It's not the Community Recreation Department.

Commissioner Keon: Mr. Manager, who's responsible for that plaza?

City Manager Iglesias: I will have Public Works look into the plaza. All the plazas that we have restaurants and so forth are going to need extra cleaning. We are looking at that also on the Mile right now.

Commissioner Keon: We've invested a lot of money in that downtown, and that downtown is not clean.

Mr. Neuweg: Thank you.

Commissioner Keon: It's not clean.

Mayor Valdes-Fauli: Alright.

Commissioner Keon: So, I wouldn't -- I'm assuming...

Mayor Valdes-Fauli: I would like to speak...

Commissioner Keon: I would use them for that.

Mayor Valdes-Fauli: For waiving of the fee, and I will make the motion that we waive the fee.

Commissioner Mena: The entire fee?

Mayor Valdes-Fauli: \$2,500.

Vice Mayor Lago: All that...

Mayor Valdes-Fauli: And we charge...

Vice Mayor Lago: Not just one day?

Mayor Valdes-Fauli: And we charge the -- not just one day, the whole -- and we charge for Code Enforcement. We charge for costs. We charge for everything. Is there a second? Okay, it fails for lack of a second.

Commissioner Mena: Alright.

Mayor Valdes-Fauli: Alright, then...

Commissioner Keon: I would make a motion that we remove the fee for the one day he's not going to be able to use it.

Vice Mayor Lago: That's acceptable.

Commissioner Fors: What would be the difference if we remove that one day?

Unidentified Speaker: Just divide it by...

Commissioner Keon: It's like \$400.

Parks & Recreation Director Couceyro: It's approximately \$400.

Commissioner Keon: It's \$400.

Vice Mayor Lago: That's fine. I mean, again, you're not going to charge him -- he's not going to have to, you know, suffer remobilizing...

Parks & Recreation Director Couceyro: No.

Vice Mayor Lago: And coming back and taking it down.

Parks & Recreation Director Couceyro: We'll leave them...

Vice Mayor Lago: That's pretty standard. I mean, I agree we...

Parks & Recreation Director Couceyro: Yeah.

Vice Mayor Lago: Should do that.

Parks & Recreation Director Couceyro: We'll keep it -- we'll allow...

Vice Mayor Lago: So, let's move forward...

Parks & Recreation Director Couceyro: It to stay up.

Vice Mayor Lago: On that.

Commissioner Mena: I'll second that.

Vice Mayor Lago: By the way, he mentioned -- just for clarity. I don't want to discuss it now, but maybe in -- maybe you can send me a quick memo. He says he spent \$21,000 on fees last year to host a similar event. Can we find out exactly what those fees were?

Parks & Recreation Director Couceyro: Yeah, absolutely.

Vice Mayor Lago: Because if we have a plaza that, again, is not up to snuff and it lacks being cleaned, \$21,000 can do a lot of pressure cleaning.

Commissioner Keon: Go a long way.

Vice Mayor Lago: So, I think that we need to take a look...

Parks & Recreation Director Couceyro: Vice Mayor...

Vice Mayor Lago: At that.

Parks & Recreation Director Couceyro: I'll tell you what the...

City Manager Iglesias: Vice Mayor...

Mr. Neuweg: Commissioner Lago...

City Manager Iglesias: Tents that are...

Vice Mayor Lago: Let the Manager finish. One second.

City Manager Iglesias: Tents that are over 120 square feet...

Vice Mayor Lago: Yeah.

City Manager Iglesias: Require a building permit. Generators require fire and...

Vice Mayor Lago: A hundred percent.

City Manager Iglesias: Electrical approval. So, there's a lot of things that are part of the Building Code that are required for that size of...

Vice Mayor Lago: I clearly understand, and I agree with you and I...

Mayor Valdes-Fauli: Do I hear a motion? It's been moved and seconded. Will you call the roll, please?

City Clerk Urquia: Commissioner Fors?

Commissioner Fors: Are we -- point of clarification. We're waiving it for one day?

Commissioner Keon: One day.

Commissioner Fors: Yes.

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Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

City Attorney Ramos: We still need a motion on D-3 itself.

Mayor Valdes-Fauli: What?

City Attorney Ramos: We still need a motion on D-3 itself.

Vice Mayor Lago: So moved.

Commissioner Keon: So moved.

Commissioner Mena: Second.

City Clerk Urquia: Commissioner Keon?

City Manager Iglesias: Commissioner Keon would like to exclude July 4th.

Unidentified Speaker: Yes.

City Manager Iglesias: Specifically from...

Commissioner Keon: From the fees.

Mayor Valdes-Fauli: Okay, will you call the roll, please?

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Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Alright.

Mr. Neuweg: Thank you very much.

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: Thank you.