

City of Coral Gables City Commission Meeting
Agenda Item E-2
July 7, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Development Services Director, Jane Tompkins

Public Speaker(s)

Mr. Fernandez

Agenda Item E-2 [1:05:08 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Code, Chapter 6, "Alcoholic Beverages," Section 6-12, "Retail package store," by amending provisions providing for the hours of operation of retail package liquor stores; and providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: The next item we are going to bring up is Item E-2, which is an ordinance – I will let the City Attorney read this one E-2.

City Attorney Leen: E-2 is an ordinance on Second Reading. It's an ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Code, Chapter 6, "Alcoholic Beverages," Section 6-12, "Retail package store," by amending provisions providing for the hours of operation of retail package liquor stores; and providing for

a repealer provision, severability clause, codification, and providing for an effective date. My recollection is that it passed unanimously on First Reading; it is a public hearing item.

Vice Mayor Quesada: Any changes since First Reading?

Ms. Tompkins: Good afternoon, Jane Tompkins, Development Services Director. The only change we made was at your request after the First Reading to revise the hours. We had initially proposed an 8 p.m. shut off time and you recommended that it be changed to 10, so we changed that. So now the hours of liquor sales would be 7 a.m. to 10 p.m. seven days a week, with no exclusions for holidays.

Mayor Cason: OK. Do we have any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing portion – any discussion?

Vice Mayor Quesada: So moved.

Commissioner Keon: I just had a – did you read it?- did you look at this? The question I had on it was for the two retail package that was off premise consumption, alcohol only, and the retail package liquor store, both alcohol and liquor, they have different times. One could be open till mid-night, one closes at 10.

Vice Mayor Quesada: So you want it to be consistent with each other?

Commissioner Keon: I just wonder why they are not.

Mayor Cason: Which one is not consistent?

Vice Mayor Quesada: Are you looking at the chart? Bottom two on page one of the cover memo, is that what you were referring to?

Commissioner Keon: Well that's what it says it was, but the only one it changes is the retail package store and it doesn't say whether its retail package beverage store or retail package liquor store. I'm sorry, the retail package liquor store can be operated only between the hours of 7 and 10, so the retail package liquor store is open till 10, but the retail package beverage store, which is alcohol only is open till mid-night.

Vice Mayor Quesada: Can you just give me a reminder? I know we spoke about this last time. Give me an example – what is a retail package beverage store?- give me an example of a store.

Ms. Tompkins: I believe that would be a grocery store that sold only beer and wine.

Commissioner Keon: Could be a 7/11.

Vice Mayor Quesada: And a retail package liquor store is only specific liquor store, which I think last time we said we didn't think there were more than two or three liquor stores in the City.

Commissioner Lago: I think there are three.

Ms. Tompkins: The retail package liquor store can sell beer, wine and hard liquors.

Vice Mayor Quesada: At least in the City what we've seen what we have are the three liquor stores, correct?

Mayor Cason: We are likely to have a Total Wine and Beverage maybe coming to the Gables, which sell both, so.

Vice Mayor Quesada: So what do you suggest?

Commissioner Lago: Again, I know you brought this up, but I think it should be more uniform. There is no reason, in my opinion...

Commissioner Keon: I don't see why there is any reason why one would have to close earlier than the other. Is there a reason why one would have to close earlier than the other?

Ms. Tompkins: I don't know the genesis of the current regulations and why it was set up this way originally, and I'm not aware of any reason why we would need to maintain that.

Commissioner Lago: Is it food based?- or...

Commissioner Keon: No because – these two are off-site consumption, it's like a...

Vice Mayor Quesada: Hold on. When we had this conversation last time, the retail package beverage store, a Publix, OK, Publix, a Whole Foods, Fresh Market, they typically close at 10 p.m. or 11 p.m., their normal business hours.

Commissioner Keon: Right.

Vice Mayor Quesada: So I guess we are talking....

Mayor Cason: We were discussing sort of normal business hours last time, whatever that might be. We didn't want to constrict them as they stayed open later.

City Attorney Leen: May I add something? I would not necessarily recommend changing the hours for the beverage stores without giving them notice in some way, because it may affect their hours of operation.

Vice Mayor Quesada: Like say, don't cut them down.

City Attorney Leen: Not the beverage stores. I would focus...

Commissioner Keon: Are open till mid-night, the beverage stores, which are the ones that sell beer and wine, is that right?

Ms. Tompkins: I'm sorry...

Commissioner Keon: An alcohol store – alcohol is beer and wine, right?- so the grocery store can stay open till mid-night and the liquor has to close at 10.

City Attorney Leen: Under the new ordinance.

Commissioner Keon: Under the new ordinance. So that's why I'm asking is, it was 8, is there any reason that a liquor store...

Vice Mayor Quesada: Well let's think about, I guess, the potential impact. Are we creating a more beneficial, more competition or a better competitive environment for a supermarket? I don't think we are, because they close at 10 p.m. typically anyways for their regular business. A gas station that sells liquor, I guess they would have to have a liquor license.

City Attorney Leen: They would sell beer and wine.

Commissioner Keon: They sell beer and wine, they can stay open till midnight.

Vice Mayor Quesada: Unless they have a liquor license.

City Attorney Leen: Can they? I don't know if they can. I haven't seen one in the Gables.

Mayor Cason: We don't want to make the hours less than they are open.

Vice Mayor Quesada: No, no, of course not. The question is, I think what Commissioner Keon is asking is, should we move, should we change from 7 a.m. to 10 p.m. to be exactly consistent with what retail package beverage store is.

Commissioner Keon: Can they all stay open till midnight?- is there a reason one should close at 10 as opposed to just leave it open till midnight?

Vice Mayor Quesada: OK. I guess I'll be the naysayer on this. Who is buying liquor at 11:30 at night any day of the week? If you are going to a dinner party or you are going to what a game, a football, basketball game, I don't know, is it too attenuated to think that maybe we could have problems. Do we currently have problems with the Police Department?- with drinking late at night throughout the City?

Commissioner Lago: Vice Mayor you do realize that the City is probably two or three miles wide in certain areas, you can always just go to 37th Avenue and by liquor there if you like.

Vice Mayor Quesada: So then you are saying we are helping the businesses outside of the City thrive because of our condition.

Commissioner Lago: First of all, I think we are drilling down too much into this, number one; and number two, I think that we are hindering the businesses in our City to a certain extent because if someone is dire need at 11:30 to buy a six-pack of beer or whatever they are going to buy, or a bottle of liquor, they can just go to 37th Avenue and go to the liquor stores that are located on 57th Avenue. The drive is phenomenal...

Vice Mayor Quesada: I don't know if I agree with that argument, because doesn't mean we have to be like everyone else. I guess the correlation for me is, is it affecting crime in any kind of way? Is it even possible to track that?- we might not be able to. Is it crazy talk?

Commissioner Keon: If you are having tomorrow then you stop on the way home from wherever you are and you buy what you need for tomorrow....

Mayor Cason: We can always if we find there's problem that comes we can always come back later and adjust the hours. I know for example, Total Wine, which would be a great find if we

can get them to come to the Gables, I don't know what their hours are, I think they go till 12 and suddenly they can't sell half of their products because we restrict it.

Commissioner Keon: But Total Wines just sells wine and they can stay open till midnight.

Mayor Cason: If they sell liquor....

Commissioner Keon: They would have to close at 10.

Commissioner Slesnick: I like consistency.

Commissioner Keon: I think it's more – Mr. Fernandez could you maybe tell us, do you think there is an issue related to crime and the hours that liquor stores are open.

Vice Mayor Quesada: It also makes a lot of assumptions that people are committing crime when they are drunk, an educated guess.

City Manager Swanson-Rivenbark: This isn't with restaurants serving liquor; this is packaged stores, so that they are only buying...

Mr. Fernandez: Well, I think if you go countywide and especially in the City of Miami, the longer that these stores remain open, and the longer the liquor sales....typically get. I do understand what Commissioner Lago is saying, you go across the street and you actually buy that liquor, which is open past 10 o'clock at night when...I will submit to you that along...10 p.m. could potentially create more of a magnet for people to come to Coral Gables to buy that liquor and it could generate some more problems. So it's a hit or miss, if you will. I would say that generally speaking throughout Dade County you would find most people will tell you that the earlier we close the better off that it is for public safety. Leading up to midnight and past midnight typically has caused some problems in some neighborhoods.

Commissioner Lago: Isn't there an existing curfew in the City of Miami for under 18 currently?

Mr. Fernandez: It's a county curfew.

Commissioner Lago: County curfew. What is the timeframe for that?

Mr. Fernandez: The timeframe for kids in the weekdays is 10 p.m. and on weekends its midnight.

Mayor Cason: They couldn't buy in a liquor store anyway.

Commissioner Lago: No, I'm just asking because again, we are trying to avoid as many problems as possible and I don't want there to be additional temptation, so I see where you are coming from in reference to their potentially being a reduced timeframe for purchase, but I also agree with Commissioner Slesnick and Commissioner Keon, I think that we should have a little more uniformity. I don't think we should have two different times based on whether you are a grocer or not.

Vice Mayor Quesada: I think I'm the only one who's going the other way on this one.

Commissioner Slesnick: We could be having a great party.

[Laughter]

Vice Mayor Quesada: I want to make a motion to make it consistent with the retail package beverage store hours.

Commissioner Keon: OK.

Commissioner Slesnick: Second.

Mayor Cason: Vice Mayor makes the motion, Commissioner Slesnick seconds it.

City Clerk

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 1:17:00 p.m.]