

City of Coral Gables City Commission Meeting
Agenda Item F-2
June 8, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Deputy City Attorney, Cristina Suárez

Deputy Development Services Director, Devin Cejas

Public Speaker(s)

Mark Trowbridge

Maria Cruz

Agenda Item F-2 [10:44 a.m.]

An Ordinance of the City Commission of the City of Coral Gables, Florida, amending Chapter 34-Nuisances, Article VI “Noise,” Section 34-170 “Exemptions” of the City Code to create an exemption for outdoor live amplified music on private property in the Central Business District, subject to approval of a permit and conditions; providing for severability clause, repealer provision, codification; and providing for an effective date.

(Sponsored by Vice Mayor Mena)

Mayor Lago: Moving on to F-2, will somebody bring in Vice Mayor Mena?

City Attorney Ramos: F-2 is an ordinance of the City Commission of Coral Gables, Florida amending Chapter 34-Nuisances, Article VI "Noise," Section 34-170 "Exemptions" to the City of Coral Gables to create an exemption for outdoor live amplified music on private property in the Central Business District, subject to approval of a permit and conditions; providing for a severability clause, repealer provision, codification; and providing for an effective date. This is sponsored by Vice Mayor Mena. It's a public hearing. Ms. Suárez.

Mayor Lago: Good morning.

Deputy City Attorney Suárez: Good morning, Mayor and Commissioners. Cristina Suárez, Deputy City Attorney. So, this proposed ordinance creates an additional exemption to our noise ordinance in order to specifically allow for outdoor live amplified music on private property at the ground level for private establishments located in the Central Business District. There are certain conditions, including the establishment must have a permit approved by the City Manager or his or her designee, after having submitted a plan showing things such as the location where the performance will be held and any proposed noise attenuation. Only establishments with an active outdoor dining permit can get this outdoor music permit, or they can be done in conjunction, if it's a new establishment. It also provides, you know, a process for replication or amendment of the permit by the City Manager, if that becomes necessary. Outdoor live amplified music is defined really just to focus on vocal and instrumental performances that are live only, so that would exclude any pre-recorded music, any televised sporting events, things of that nature. The music must be held completely within a single private establishment. You can at no time exceed the occupancy of the establishment, of course. The ordinance does include proposed hours of operation, which are Friday evenings from 5 PM to 11, Saturdays from noon to 11, and Sundays from noon to 9 PM, with also a caveat that if Monday is a holiday, then the Sunday is treated as a Saturday night, so they can go until 11 PM. The performance of this outdoor live music cannot otherwise constitute a special event, such as -- you know, it can't attract so many attendees that it would spill

over into the right-of-way or create the need for additional City resources, as is the case for special events. And when approved, the music can go up to 85 decibels when measured from 100 feet from the real property line. And if the City Manager approves a higher level based on the noise attenuation or the plan that is provided, that can be agreed upon.

Mayor Lago: Mr. Vice Mayor.

Vice Mayor Mena: Yeah. So, let me -- is this on? Cristina, can you also -- before I make a few comments -- can you explain how those hours of operation compare to what they can currently do under the current process?

Deputy City Attorney Suárez: That's a good question. So, under the -- so when it comes to amplified music, even with -- even outside of any hours, it's challenging for a private establishment to really have amplified music on their property because the standard at any time of day is basically you can't disturb the peace and quiet of your, you know, neighboring -- you know, your adjacent neighbors, et cetera, and it can't be louder than what's necessary for the enjoyment of those in the room or the outdoor space listening to the music, so as soon as it's louder than, you know, that can be heard outside the property...

Vice Mayor Mena: Right, but in terms of the hours...

Deputy City Attorney Suárez: Right.

Vice Mayor Mena: Is what I'm saying. We had talked about the hours as it compares to like Miracle Mile and...

Deputy City Attorney Suárez: Okay.

Vice Mayor Mena: Yeah.

Deputy City Attorney Suárez: So, Miracle Mile and Giralda have later hours for their hours of operation. I believe it's up to 1 o'clock in the morning on Thursday, Friday, and Saturday nights. I can double-check that.

Vice Mayor Mena: Okay.

Deputy City Attorney Suárez: But I believe it's until 1 AM. And they're not allowed to operate outdoors beyond 2 AM.

Vice Mayor Mena: Right. So, the idea here is this would end, obviously, at 11.

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: So, it would be less...

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: An earlier end time than other music that's currently allowed. Look, the goal of this is to take it out of the realm of special events when it's on private property, it's not exceeding the establishment's occupancy, so it's the normal operation of the restaurant or café, or whatever it is. No stages, nothing like that. This is just, if you want to have live music at a restaurant outside on your own private property, it's to take it out of the realm of special event, but also to better administrate it, because what this will do is they're going to have to work with staff as part of the outdoor dining permit to get a noise attenuation plan, which is basically going to look at for their specific property how does this impact the surrounding neighborhood. Should you have the music placed --? Maybe for this property, you'll have it on the west side, or maybe on this property, you'll have it on the east side. Maybe you'll direct the music in a certain direction. The idea being

to minimize any impact on anybody around them. It also keeps -- the City gets to retain the right to rein it back in, right?

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: If they find that the original plan that gets approved is receiving a lot of complaints, we can adjust the plan, change the plan...

Deputy City Attorney Suárez: Right.

Vice Mayor Mena: Or rescind the plan.

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: And so, we retain control, and we get to better administer how it will work. The way it is currently, a restaurant that just wants to have, you know, again, live music on their private property for their customers, not anything beyond their existing customers, has to go through an entire special events process, has to pay for Code Enforcement, has to do all these things, and it's really a cumbersome process. So, again, with having in mind, you know, supporting our businesses in the CBD -- this is only in the CBD -- because it's only on private property, not on City right-of-way. I think that's an important distinction. This will only impact live music on private property.

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: And because it's tied to the outdoor dining permit, you know, I think it's a good idea. I think it's going to help our businesses. I've met with several business owners who are really looking to be able to do this in a responsible way. And so again, I think if it's done by 11 o'clock on a Friday or Saturday night, I think that's a reasonable time period, again, working

with staff on what the noise level should be, how it will be managed is important, and mostly what I've found is that business owner -- the business owners want to have clarity on -- they want to follow the rules. They don't want to be accused of not following the rules, so they want a plan so that they can say, "Okay, you told me to put it here; I put it here. You told me to keep it at this volume; I kept it at this volume," and now they know what they can do. And obviously, that plan will keep in mind, you know, the surrounding residents to the extent there are any. It may -- you know, in certain properties, there may not be surrounding residential; in certain others, there will be.

Deputy City Attorney Suárez: Right.

Vice Mayor Mena: But that's the goal. It's not extending any hours of operation. It's not -- it's actually going to be a more supervision over the plan for the establishment because they will have to come through staff to get a noise attenuation plan. And so, that was the goal here, so I put it on the agenda. I'd love to hear from my colleagues...

Deputy City Attorney Suárez: Vice Mayor.

Vice Mayor Mena: So, we can discuss further.

Deputy City Attorney Suárez: I got clarification from Mr. Cejas. On Miracle Mile and Giralda, the -- on Thursday to Saturday night, it's until midnight.

Vice Mayor Mena: Until midnight, okay. This would only be until 11.

Deputy City Attorney Suárez: Correct.

Vice Mayor Mena: Right.

Commissioner Menendez: I have a question. So, currently, restaurant -- if it gets the right permitting, special events, they can and they have had amplified music in a restaurant, so...

Deputy City Attorney Suárez: With a special event permit.

Commissioner Menendez: That's already been happening. And like Commissioner Mena -- Vice Mayor Mena says, this is a way to sort of better manage or better control the situation.

Deputy City Attorney Suárez: Right. And I think it would be a little bit more streamlined for the businesses than having to go through the special event process...

Commissioner Menendez: Exactly.

Deputy City Attorney Suárez: Which includes costs and fees and...

Commissioner Menendez: And especially now that we're, you know, hopefully coming out of this pandemic, and we're trying to make sure that, you know, support, and help our local businesses, our restaurants to be able to draw people back. It's difficult to draw people back after more than a year having people be away. Now...

Vice Mayor Mena: Can I answer that question really quick for you as well?

Commissioner Menendez: Please, absolutely.

Vice Mayor Mena: Commissioner Menendez, the -- yeah, and I think the other -- I would just add to that, I also think it's intended to be honest about what is happening, right? If a restaurant wants to have live music on their private property Friday evenings, it's not a special event. It's not Carnival on the Mile. It's not...

Commissioner Menendez: Right.

Vice Mayor Mena: Something like that.

Commissioner Menendez: Absolutely.

Vice Mayor Mena: This is just on private property. Currently, they have to come in for a special event permit every single time they want to do that.

Commissioner Menendez: Right.

Vice Mayor Mena: Friday night, Saturday night, next weekend again, over and over and over again, and it's just -- there's so much bureaucracy that it makes it impossible. And so, the idea is to eliminate some of that, and then also -- to Cristina's point, have a plan where they're working with staff and staff has a little more control over how the music is amplified or not amplified.

Commissioner Menendez: No, perfect.

Vice Mayor Mena: Sorry, go ahead.

Commissioner Menendez: No, no. Thank you for clearing that up. And I totally agree with that position. Could you clarify what the Central Business District boundaries are so that the residents watching have a better idea of...

Deputy City Attorney Suárez: So, I believe that staff prepared a slide. I mean, I have a printout, but I think if we can pull up that slide -- I think the Clerk is working on that. The basic boundaries are Le Jeune, Almeria, Douglas, and Navarre.

Commissioner Menendez: Okay. And with regards to that area because -- well, I'll go back to this other point in a moment. So, you know, we have outdoor dining, which has been very helpful in helping our business district draw folks to dine. So, they're not allowed to have this amplified music on the sidewalks, correct?

Deputy City Attorney Suárez: This ordinance does not impact anything on the right-of-way. This is solely -- which sidewalks are right-of-way. This is solely for private property, so if a restaurant...

Commissioner Menendez: Exactly.

Deputy City Attorney Suárez: Has their outdoor dining on a right-of-way with an approved permit...

Commissioner Menendez: Yeah.

Deputy City Attorney Suárez: They can't have their live music...

Commissioner Menendez: Right.

Deputy City Attorney Suárez: On -- you know --

Commissioner Menendez: No, they might have a court...

Deputy City Attorney Suárez: Pursuant to this ordinance.

Commissioner Menendez: Interior courtyard or something like that.

Deputy City Attorney Suárez: Right.

Commissioner Menendez: Rooftops. This doesn't -- how do we deal with rooftops?

Deputy City Attorney Suárez: Correct. This specifically -- the exemption is specifically for private property at the ground level...

Commissioner Menendez: Ground level.

Deputy City Attorney Suárez: Located in the Central Business District. I know from Vice Mayor Mena, there may be perhaps down the road, you know, an intent to do something with rooftops, but that's a separate...

Commissioner Menendez: That's a separate -- no, and the reason I'm asking these questions is because these are the questions I assume a lot of the residents are thinking right now, just to get to the same conclusion I think the Commission will in a few minutes. Also, one of my, you know -- we've received emails and some concerns, and you're doing a great job of clarifying why this is valuable and why this is important. On Almeria, it's also close to single-family homes in the Crafts Section. You have -- you know, we've been trying to draw more residents to live in the Central Business District, which obviously provides a lot of foot traffic for our retail. And moving forward, and like you said, this helps the City Administration make adjustments along the way. And I just want to make sure that we listen to the residents that have their homes or apartments or condos in that area as we move forward. I mean, I think it's a great idea. It's a great step in the right direction, but as long as we're aware of the sensibilities of, you know, folks having dinner in their own homes within that, you know, proximity. Thank you.

Commissioner Anderson: Alright. May I make a few comments?

Mayor Lago: Of course, please.

Commissioner Anderson: Okay. I have the unique position of being an individual on this Commission that lives the closest to the Central Business District. I'm within walking distance, three blocks away, and I've received an enormous amount of commentary from my fellow residents. Eighty-five decibels with discretion to increase is not sitting well with the community. Before this item proceeds forward, we would need to have a workshop with the residents, be able to demonstrate how far that noise flows. In my 33 years of living in this area -- and it was a very quiet area 33 years ago -- there have been episodes where we have had excessive noise that travels all the way to the Youth Center, where I can discern the words being spoken. I put in impact windows to address some of the noise issues in this area. And we need -- and the residents deserve to be well informed what exactly 85 decibels is, going to 11 o'clock at night. It's one thing for a special event, which I did not get pushback on regarding that issue, but we absolutely need a workshop to be able to demonstrate how far this noise is going to demonstrate because it's not going to stop at Le Jeune Road, and it's not going to stop on the borders. And we do have residents that live in the condominium towers who I have seen come to the town hall meetings distraught from lack of sleep. Not everybody is healthy and young and can rest a normal night sleep and need to rest sometimes during the day, and we need to be thoughtful to that and be able to allow them to provide input at a demonstration as to how far those noises going to travel and whether or not it's going to affect their rest and their sleep. Those are my comments.

Mayor Lago: Any further comments?

Commissioner Fors: Yes, I have one question, legal question really. And perhaps this is something that legally does not need to be said, but it's regarding the ability to appeal the revocation or suspension of the license of the permit. Is it -- who has standing to do that? Only the permit holder? And if so, does it need to be specified that only the permit holder has the right to appeal?

Deputy City Attorney Suárez: I think that was the intent, but we can clarify that.

Commissioner Fors: Okay. Because I wouldn't want -- I'm concerned about a situation of revocation. You know, sometimes these noise ordinances implicate First Amendment issues if outside parties that get interested in it -- when I say "outside," I mean folks who have really no connection to Coral Gables. And also, to avoid a situation where it's revoked for good reason, and you know, you have folks who are appealing it besides the actual permit holder.

City Attorney Ramos: Yeah. Any third party would have the ability to (INAUDIBLE) Code and ask that it be enforced, the restrictions be enforced. But in terms of the actual permit being revoked, it would only be the permit holder that would have standing.

Deputy City Attorney Suárez: Well, clarify that for next time.

Commissioner Fors: Okay.

Commissioner Menendez: I have one...

Commissioner Fors: If it needs to be clarified. I'm not trying to clarify something that...

City Attorney Ramos: It doesn't hurt.

Commissioner Fors: Legally doesn't need to be.

Deputy City Attorney Suárez: I think it'd be better to do it.

Commissioner Fors: Okay.

Commissioner Menendez: I have one final question. I'm sorry to jump out of order. Of the special permits, let's say the last 12 months for music, have they -- is there a way to get a sense has it been

for outdoor music outdoors for those special permits, or has it been in line with what's being presented today?

Deputy City Attorney Suárez: So...

Commissioner Menendez: Because I know...

Deputy City Attorney Suárez: I would...

Commissioner Menendez: And I agree with Commissioner Anderson. Noise has been an issue, but I know we've had events at Ponce Circle Park, open air. So, I'm just trying to get a sense as to the origins of the problem.

Deputy City Attorney Suárez: Right. So, I don't know how many special events permits have been approved in that time frame, but the sense I have is that I think a restaurant is not getting the special event permits to have a live band in their, you know, outdoor area because it's not really an event -- right? -- so they don't do it is the sense that I get, but...

Commissioner Menendez: So, or maybe...

Deputy City Attorney Suárez: I don't know if anybody from Parks can...

Commissioner Menendez: Before the pandemic, if the request for music has been mostly for outdoors events, or have they been requesting what's being presented today for indoor. Because again, noise has been an issue, but if the noise is -- originated from outdoor events, then it may not be necessarily related to what's before us today.

Deputy City Attorney Suárez: Well, to be clear, this is for outdoor live amplified music.

Commissioner Menendez: Okay.

Deputy City Attorney Suárez: But it has to be on the private property. And so, I do not know the answers to the special events permits. I don't know if staff, someone from Parks or anyone knows if there are, you know, these establishments that are just asking for these one-off special events permits just to have, you know, music on their property.

Commissioner Menendez: Because I know, for example, Giralda Plaza has a lot of amplified -- there's a deejay. You know, it creates a festive atmosphere for the diners, but since noise has been an issue, trying to figure out what the source of that noise is.

Deputy City Attorney Suárez: So, Giralda and Miracle Mile have their own -- in the Zoning Code, there's allowances for live outdoor music for Giralda and Miracle Mile, so that's why you see more of that on there.

Deputy Development Services Director Cejas: And if I may expand on that. Devin Cejas, Deputy Development Services Director. On Miracle Mile and Giralda, that's on private property -- excuse me, on public property, and there are specific guidelines on how live music can be generated there, which is 80 dBAs on Giralda at 30 feet and 85 on Miracle Mile at 30 feet. And again, it's on public property. With regard to special events, there is no special events permits issued on private property. It's solely for public property. And then the decibel readings on there, the allowable decibel readings on there are 75 when adjacent to residential units at 100 feet, and 85 within the CBD areas when not adjacent to residential uses at 100 feet.

Commissioner Menendez: Okay, thank you.

Deputy Development Services Director Cejas: You're welcome.

Mayor Lago: So, in reference to this issue, do you --? This takes two votes, obviously, right, today and the following?

City Attorney Ramos: Yes.

Deputy City Attorney Suárez: Yes.

City Attorney Ramos: It's on first reading.

Mayor Lago: So, listen, I agree with Commissioner -- with Vice Mayor Mena's comments on this issue. I've had to deal on multiple occasions with issues in regards to live music in the downtown area, and I think that we need to come to some sort of understanding. There has to be guidance in regards to it. It can't be just so ambiguous. There needs to be kind of a line in the sand where we know where we stand and what needs to be done, and how are we going to address that. I also understand Commissioner Anderson's comments about potentially engaging in some sort of workshop. She would like to hold a workshop. I have no issues holding a workshop in between first and second reading. I just think that we need to move this forward. As a result of the fact that I've had to -- I can't even answer how many times I've had to answer the phone from businesses or from residents where there isn't -- it's ambiguous. How are we going to address this issue? There has to be some sort of message sent across the board on how to properly address the concerns. And again, I don't want this to be taken out of context, but let me remind everybody, our downtown didn't pop up just yesterday. If you moved to the downtown, again, you are -- we want peace and quiet. We want people to enjoy themselves. But if you move next to a restaurant that has been there for 10 years, five years, and they have, you know, some respectable live music, like maybe a violinist playing or a jazz band, something that is classy and within the confines of the City of Coral Gables, we need to make sure that people understand and they need to understand that our downtown is a place -- it's a vibrant downtown. It's not South Beach; it'll never be South Beach. But people need to understand that, that they're moving into a downtown, which we want to attract people to.

Vice Mayor Mena: And I think that's an important...

Mayor Lago: And I know it's a tough comment.

Vice Mayor Mena: No, no, no, that's a great point. That's really, I think, part of the philosophical discussion here too, right, is this is our CBD. We're not trying to have this throughout the city, but in our CBD. You know, in places like South Beach and elsewhere, the music probably starts after 11, so you know, this is designed, you know, to end at a respectable hour, to have a staff process where they administer a plan, to not have rooftop, you know. So, this is intended to be something that, one, is managed carefully; and two, we have the ability to tweak and revise and make changes as we go. And so -- but yes, to your point, it is also to encourage live outdoor music at private property in our downtown, which I think there are a lot of residents want that, and they want to have those options, and they want to be able to go and have a nice time at such a place. And I think if you do it in the appropriate location, at the appropriate hours, and with the appropriate management, then it should be a reasonable thing to do.

Mayor Lago: Yeah. The biggest issue that we've had that at least I've had when I've answered phone calls -- and I see that we have the Chamber, Mark Trowbridge, here. Maybe he wants to come up and say a few comments, and we'd appreciate that -- is the issue of not really weekends. Really, the issue here is during the weekdays.

Vice Mayor Mena: This is only weekends.

Mayor Lago: Yeah, I know. I'm saying -- but I'm just throwing that out there that we're not dealing with a weekend issue...

Vice Mayor Mena: Right.

Mayor Lago: Excuse me, a weekday issue.

Vice Mayor Mena: Right.

Mayor Lago: I apologize. And again, it always comes from certain areas that are triangulated in the downtown that I'm not going to say what they are here. Everybody knows what they are. But that we need to, you know, figure out a way to make sure that people understand this is a vibrant downtown. We have 200 restaurants, you know, people come to our community not only for our exceptional food, but for the fact that this is a safe environment to bring their kids, to bring their families. So that's what we want to see in our downtown. This is not a call for nightclubs and, you know, madness, like you see in other communities. We will remain a community that doesn't forget who we are and how we got here, which is important. Mr. Trowbridge, great to see you.

Mark Trowbridge: Thank you, Mr. Mayor. Thank you for the opportunity to share a few words. Mark Trowbridge, with our Coral Gables Chamber of Commerce, 201 Alhambra Circle. And I'll just echo what the Vice Mayor was saying. You know, this is a living, breathing document. There are opportunities to come back and revisit when situations arise that may not always be as, you know, sort of appreciated. There's a symbiosis that takes place downtown between the residential community, and of course, the business community. And we have always maintained that there is a wonderful way for them to work together. We encourage, obviously, our business owners and property owners to engage with the residents. They are first and foremost the best customers because they live within their proximity. But secondly, and most importantly, is that, you know, we're in an evolving downtown. We have new businesses that come in and have different ideas, restaurants. It's amazing to see even in the last six months as we have been working our way through this pandemic, to see the new businesses, the new restaurants that have opened, whether that's on Giralda or on Miracle Mile. We're celebrating a ribbon cutting tomorrow, the Mayor and I and some of you as well, with regard to Forte by Chef Adrian. Really, her second concept that's open in the pandemic. So, I think the good news is, is that there's always a path forward, and I think the City has always shown through our staff and certainly through our elected leadership, the

ability to continue to come back, have those conversations, and I think the public has done a great job of sharing their thoughts and concerns, but also finding a path forward. I know from the Chamber's perspective, we want the most vibrant downtown, not only here in Coral Gables, but all across South Florida. And there have been challenges not only related to the pandemic, but we were just beginning to kind of emerge post-streetscape for a lot of those businesses, and we didn't quite get our firm footing before we were dealing with COVID-19. So, you know, we'll continue to work very closely with the BID. I know the Mayor has been very involved with the Business Improvement District and our good colleague, Aura Reinhardt there. And of course, we're thrilled that the Vice Mayor will be joining our board and working closely with us, but the more we collaborate, I think we create the same type of synergy for our businesses and our residents, and let's continue to work together.

Mayor Lago: Thank you, Mr. Trowbridge.

Commissioner Anderson: A couple more comments, and I'm all supportive of businesses, and I've walked the Mile at many different hours of the day and listened to the -- we had a bar out there at one time. And there's a synergy that's got to happen between the businesses and a collaboration, because we're going to have a conflict with music. So, I think a workshop is absolutely essential, not only for the businesses, for the residents as well because you're going to have a conflict of music going on. What decibel level is not going to interfere with the business next door? You have a French restaurant next to a bar, next to another type of restaurant. We need to have a workshop in order to be able to determine what those decibel levels would have to be and have a clear path forward and not have this discretionary situation where, you know, it's going to dissuade people from wanting to rent the space next door if that music is too loud and interfering with their business. So, I'd like the workshop first and then take a vote.

Vice Mayor Mena: Yeah. I would say to that that for the very reason you just described, this is not a situation where one size fits all, because all these properties are different. And so, the entire point of having a situation where staff administers a plan that is specific to a property is designed

to make sure that they're not infringing on whatever their neighboring properties may be. Perhaps they have a, you know, seven-story building next door with a lot of apartments, or perhaps they have an open courtyard where noise travels more freely, or perhaps they're in an enclosed area where the noise travels in a different way. If you just do one size, this is the decibel level, that may work in one location, but it may not work in another location, so the guiding principle here is to have a situation where staff can actually look at that, on a case by case basis, and determine what the appropriate sound level is and retains the ability to adjust it if whatever they deem is appropriate is not well received, not by the theoretical French restaurant next door, but the actual French restaurant next door. If they're not satisfied with what's going on or they have issues, they can communicate it to staff and we can revisit the plan for any given property, so you know, that's the only point I would make to that. You know, I appreciate the sentiment of having a workshop and feedback, and that's great, but I don't think one size fits all here. I don't think you can just say this is the decibel level across the board in the CBD, because the properties in the CBD may differ. And so, I think that would actually give us less control over the process than a process where staff is able to work with them on a noise attenuation plan to make sure that any disruption that occurs is minimal. So, that would be my response that.

Commissioner Anderson: Okay. Well, I've had to call too many times on decibel levels, and so have my residents so...

Vice Mayor Mena: Our residents, yep.

Commissioner Anderson: I'm talking about in my area, so I -- since I live the closest.

Vice Mayor Mena: I live near a downtown area as well; it's not the CBD. I can hear the PA announcer at Mark Light Stadium from my house. Probably -- I assume Mayor Lago can as well in the opposite direction.

Mayor Lago: I can hear the Metrorail from my house.

Vice Mayor Mena: Yeah, I can hear the Metrorail. You know, we have restaurants nearby as well. And I think it's important, you know, to do not govern from fear of what may happen, but to actually, you know, move forward. If you subscribe to the philosophy that, you know, we want to encourage this type of thing in our CBD, as long as it's properly managed, appropriate hours, et cetera, then again, the entire notion behind this process is for staff to be able to have control over the process, work on a plan, modify the plan, change the plan as necessary, and try it out. And if it's a problem, then they can always rescind the plan, if there is a call for any given place. But again, you know, that's going to have to be weighed as well because, you know, the fact that there's outdoor -- we're going to have to make a decision if whether the fact that there's outdoor live music at a sound decibel level from a private property that doesn't extend beyond certain footage at 9 o'clock on a Saturday night, is that really a problem or not. Either you feel it is, and you know, that's not acceptable for the CBD, or you feel that our CBD should have that kind of vibrance to it that I think it should. Then that's kind of where you're going to have to make a decision here. But obviously, you know, we want as much feedback as possible, but I think it's critical that the process enables staff to make location-specific decisions and plans that are catered to the exact location, as opposed to trying to make a one-size-fits-all decision.

Commissioner Fors: One thing is for sure, as like almost everything we do here, there's going to be folks that think it's a good idea and folks that think it's a bad idea. I'm willing to put this up for a vote, move it forward to second reading. I'm also more than happy to participate in a Sunshine meeting as well.

Commissioner Menendez: I'd like -- so Commissioner Fors, you're making a motion?

Commissioner Fors: Yeah, I'll move it.

City Clerk Urquia: Mr. Mayor...

Commissioner Menendez: And then I'll...

City Clerk Urquia: Before you make the motion, this is a public hearing item.

Mayor Lago: Okay. Is there anyone that would like to speak before the Commission?

City Clerk Urquia: Yes, sir. Ms. Maria Cruz has requested to speak on this item.

Mayor Lago: Perfect.

Commissioner Fors: And perhaps -- well, maybe not.

Maria Cruz: And yes, I am...

Mayor Lago: Ms. Cruz.

Ms. Cruz: Yes, I want you all to know that it only took me maybe two seconds to reach somebody at Miami-Dade County who sent me a map that I have sent to some of you that shows Miller Road on the map that Miami-Dade County has. So, that was not a good answer. I do believe that now I live in Coral Gables. I do believe that now, based on the map that I got from Miami-Dade County, that was very easy to access -- and some of you have it. If anybody else wants it, I'll send it to you too -- the road is called Miller Road. It's not called 56th Street, not even on the other side. On the other side, it's called Miller Drive. So, I do not know where our beautiful City got the information, but much to some of your dismay, I do plan to continue fighting for the residents. And here we go with F-2. I think it is ill conceived. I think that we have been pushing people to move, to reside, to live in downtown Coral Gables. And when we started that push, we didn't have this discussion. So, now we're saying to the people, okay, we convinced you, come move in, but we forgot to tell you we're going to have live music. Okay, that's number one. Number two, your intentions are wonderful, wonderful, but you need to live in the people's shoes because you know what, like

Commissioner Mena just advised, Mayor Mena just said, "Yeah, I live very close to the University." And you know what, even though I have impact windows, I could hear the boom, boom, boom, boom the other day. And believe it or not, some of us do not wait until 11 o'clock to go to sleep, alright? And number three, how are you going to enforce this when we cannot enforce people (INAUDIBLE) and taking care of their properties, building on the weekend because we only have one Code Enforcement official that leaves at 5 o'clock or 4 o'clock on weekends, when we have nobody enforcing anything in the evenings because they finish at 5, 6, or 7? When you call the next resort, which is the Coral Gables Police, they tell you they're not here to enforce Code, and they push back a hundred times. And if you don't believe me, ask your City Manager because I have called him after hours because there's nobody to enforce the rules. So, you're proposing to let these businesses -- and I know we're all for businesses. We're also all for developers. We want people that are going to make money to be able to make money, but hello, we pay taxes, and we also pay you, okay? So, how are we going to enforce this after hours? What, we're going to expect the neighbors to wait until Monday to complain for the City to look into it, and meanwhile, who's going to give them back the sleep that they didn't get? This is ridiculous. Unless you have a plan, unless you have somebody on site that will enforce...

Mayor Lago: Ms. Cruz.

Ms. Cruz: Whatever rules you set up, you're wasting your time because the neighbors will be trying to enforce what is unenforceable.

Mayor Lago: Ms. Cruz, in regards to after 5 PM -- and correct me if I'm wrong -- the police enforce Code Enforcement issues in regards to noise, correct?

Ms. Cruz: They do not, Mayor. They do not. They give you pushback.

Mayor Lago: But let's have a con...

Ms. Cruz: It's horrible.

Mayor Lago: Ms. Cruz, let's address -- let's have the director address your concern.

Unidentified Speaker: Yes, the current protocol after 5 PM on days that Code Enforcement isn't out there at that time, Police does respond to complaints. And once we receive a police report, then the following day, we will move forward with citations if one was documented.

Mayor Lago: Okay.

Ms. Cruz: That's exactly what I said. The following day -- Monday if it's the weekend. Please ask the City Manager how many times have I contacted him because the police only write a report. The police do not stop the behavior, so the residents have to wait for the report to be received to see if they're going to issue a citation. No.

Mayor Lago: So, Ms. Cruz, this is why...

Ms. Cruz: It shouldn't be like that.

Mayor Lago: This is why it's great in between first and second reading to have a workshop to memorialize these concerns and find a path forward to get there, so...

Ms. Cruz: But maybe we should put the horse before the cart instead of the cart before the horse. Why don't we have a Sunshine meeting, decide what the limits should be, get it all straight before? It's very difficult to expect people to be sitting here watching or there because, you know, once you do a first vote, it's very hard to change it, as we have seen, except for today, hopefully. But most of the time when people hear you put it through, that's it. They give up.

Mayor Lago: Ms. Cruz.

Ms. Cruz: It's nothing we can do.

Mayor Lago: Let's move on to the next item so we can discuss this and finalize this. You wanted to make a comment. Is there any other public comment in regards to this?

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Okay. Did anybody else have anything else they wanted to say on this issue? Obviously, we have some concerns...

Commissioner Anderson: Sure.

Mayor Lago: That we can address in between first and second reading.

Vice Mayor Mena: But again, there's going to have to be a decision here. And let me -- this is -- let's not -- let's get ahead of it, right? If we're going to be a city where one or two calls to complain about noise is going to shut down a restaurant from having music outside, then let's not -- let's just tear it up and throw it out. If we're going to make a decision that we're comfortable with a certain amount of activity in our CBD only, you know, and we want to have a vibrant downtown, and we want to do it respectfully within certain hours of operation, and at the appropriate noise levels where staff has say on what that noise attenuation plan looks like, then we should move forward. So -- but that's -- you know, if the idea is that if a couple of people call and complain about noise at 9 o'clock on a Friday night from a restaurant on its private property, again, to your point, somebody who lives in a condo next door to a restaurant in the CBD, then let's not waste time with it. But if we want to have a little more of a vibrant downtown that -- because you know, I think it's also important to reject the notion that this is about just the businesses. The people who go to these places are also Coral Gables residents. And Coral Gables residents, many of them, also want a vibrant downtown. They don't want to have to go to restaurants in Wynwood, or in Brickell, or

Miami Beach. They want to have nice places where they could go at respectable hours on the weekend and listen to some nice outdoor music while they have dinner, or they have a beer and enjoy it. And so, I think, you know, the idea that this is just some profit center for businesses that we're really focused on, it's not about that. It's about having a vibrant downtown that Coral Gables residents can enjoy, and that is prosperous and doesn't have vacancy after vacancy, but rather has customers who want to stay in downtown Gables and enjoy everything it has to offer.

Commissioner Anderson: I'm not against music at all. It has to do with decibel level. And in order to test the decibel level, what doesn't penetrate to the residential areas, it might be 65 decibels, it might be, you know, 75 decibels, but without a workshop, we'll never know. So...

Commissioner Menendez: I'd like to -- if this does move forward to second reading, I too would -- in between the two readings, I think a workshop is appropriate. And I would also like -- you know, if it -- once it does get to second reading, and I would like to see this Administration come back with a report six months from the date of the final vote, which would be a December Commission meeting, on feedback, the impact it's had in the area, so we can, as a Commission, if we need to tweak it six months from now -- sort of like I think it's an appropriate amount of time -- we can do so. But I think definitely our downtown area, our Central Business District going into the summer months, you know, if we can help them draw people and keep people in the area and spend money, you know, we're -- it's a balancing act. So, perhaps with a workshop and having to come back six months from June or July is a way we can sort of perhaps move forward, but keep control of its impact, benefits, and you know, disadvantages and advantages. Just a thought.

Mayor Lago: I think that would be a good amendment to the Vice Mayor's legislation, if you would accept it. I mean, it gives you as a window of six months to see how effective the legislation is. And one thing that I just -- and I'll leave it at this because I'm ready for someone to make a motion. I think Commissioner Fors made a motion and Commissioner Menendez seconded it. We have to do something, because right now, we're not addressing the real issue. And we need to find a way forward. And we need to partner up with the Chamber and the Business Improvement

District to educate these businesses that are coming in and explain to them -- because by the way, remember, we extended outdoor dining to January. And my Administration's move forward is going to be to try to find a way with the Chamber, the Business Improvement District, and staff to ensure that businesses can have as much outdoor dining without compromising ADA guidelines, because it's bearing fruit across the board. All the restaurants that we speak -- and we need our downtown.

Unidentified Speaker: We do.

Mayor Lago: We can't compromise our values, but we need to find some sort of happy medium. And I want to see if the Vice Mayor's plan works. And I would love nothing more than to have a workshop. I'm more than willing. I will make myself available to the Commission. We have a motion on the floor; we have a second.

Commissioner Menendez: Do we have it with the...

Vice Mayor Mena: Yeah, we can do a six-month check-in, you know. That's fine.

Mayor Lago: You can do it.

Commissioner Menendez: Six-month check-in.

Vice Mayor Mena: You can -- listen, we can...

Commissioner Menendez: And it coincides with the outdoor dining, I think, like you said, the extension to January.

Mayor Lago: Let's do it for December.

Commissioner Menendez: So, it might be perfect.

Commissioner Fors: And at the Sunshine meeting, just so we don't waste our time, staff could gather some, you know, scientific information on what are the recommended decibel levels as opposed to a resident saying that's too loud and me saying it's not, when neither of us know what's too loud and what's not in terms of decibel levels, so gather some information on that.

Mayor Lago: What are other cities doing? If Police goes out there, I want to make sure that they have a reader in place so that that issue is dealt with. Are they going to have the power to shut down a business who does not want to comply and continues to play music past 11 o'clock or continues to play music at a level that's unacceptable? I want to make sure that we have a plan of action so that we -- before I take a vote on second reading.

Vice Mayor Mena: Yeah, let's also not lose sight of the fact that we already have decibel levels...

Mayor Lago: Yes.

Vice Mayor Mena: For Miracle Mile and Giralda. This is not like our first rodeo into this area. We already have decibel levels for Miracle Mile, Giralda. That's for a public right-of-way, so it's even...

Mayor Lago: Perfect.

Vice Mayor Mena: You know, it's even more in the public sphere, if you will, and that's already at 80. So, you know, this would be on private property, and it would only be able to go a certain distance from the private property. And so, that's the plan that staff would work with each location on to try to administer, but you know, I go -- let's have a workshop. I think it's great. I just -- I want to caution against the notion that we can just say that the decibel level should be X across the entire CBD for any property, because again, as I said earlier, I don't think it's a situation where it's

a one-size-fits-all. I think you want to be able to look at each location and for each location be able to better serve the residents by knowing how it's impacting them for that location.

Commissioner Fors: I reiterate my motion, as amended by Commissioner Menendez.

Commissioner Menendez: And I'll second it.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes.

Commissioner Menendez: Yes.

Commissioner Anderson: No.

Mayor Lago: Yes.

(Vote: 4-1)

Mayor Lago: Okay. Can -- Mr. Clerk, can you remind us please and coordinate with staff to ensure on the Commissioners that we can have this...

Unidentified Speaker: Workshop.

Mayor Lago: Sunshine meeting to discuss this issue?

City Clerk Urquia: Yes, sir.