

City of Coral Gables City Commission Meeting
Agenda Item C-4
May 26, 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
Interim Police Chief, Ed Hudak
Parks and Recreation Director, Fred Couceyro

Public Speaker(s)

Mark A. Trowbridge, President, Coral Gables Chamber of Commerce

Agenda Item C-4

A Resolution authorizing Satchmo Blues Bar and Grill, Inc. to sell alcoholic beverages from 12:00 p.m. to 10:00 p.m. at the Plaza located at 60 Merrick Way from Thursday, June 11th, 2015 through Saturday, July 4th, 2015, during the “2015 Copa America,” to benefit the Woody Foundation, subject to Florida Department of Professional Regulation Requirements

Mayor Cason: Item C.-4.

City Attorney. Leen: Commissioner, Item C.-4.

Commissioner Slesnick: Yes. I want to bring up, and this has been on my desk, the whole format. If you might have it there, the rest of the information that goes with this. The

application does not go with this resolution in our packets. It's for the one right above it, C.-3, or at least in my packet. C.-3 was submitted with C.-4. So the dates and the specifics and the time of this were not submitted. Also, I was reading through the fee structure. This is for basically three weeks, which is a long time to have an outdoor festival from June 11 to July the 4th. This, I take it, is on City property, which is a wide plaza, which, to me, is equal to a city park and so forth; that we're allowing an organization, Satchmo Blues Bar and Grill, which, according to the internet, was closed in 2000 to operate an outdoor restaurant or facilities outside on the Parkway in the plaza, right across from two high-rises that have approximately 360 apartments in them. I've gotten a lot of calls recently from the Ten Aragon Apartment Complex regarding the fees being imposed upon them on the Miracle Mile landscape revision, since they are on the backside of the building and not actually on the front of Miracle Mile. And in those calls, I've also had a lot of complaints about the noise where the citizens feel, except for one individual who says that he is used to the noise, and he is younger, and he bought on Miracle Mile and Ten Aragon because he thought it was a vibrant city and wanted a lot of outdoor activities. Except for that one individual, everyone else is protesting not only the fees for the Miracle Mile project, but also the excessive use of the plaza behind them. Now, they say it's every weekend. I've looked back and it's not every weekend, but it seems like there was one in April, this one in June, and now the Fritz and Franz, which is in that location at 60 Aragon...60 Merrick Way. Is now asking for outdoor time from June 11 to July 4, which is, I feel, excessive. Now, this is for the soccer matches that are on, and even in their application, it says it's going to go -- that all the soccer matches end at 8 o'clock.

Parks and Recreation Director Couceyro: Correct.

Commissioner Slesnick: But they want the liquor license to be for serving outside until 11 o'clock.

Parks and Recreation Director Couceyro: Yes.

Commissioner Slesnick: So, again, it's excessive partying outside right across the street from two residential high-rises. I also want to bring this up to staff, that we have a lot of things in

front of City Hall also that start at 7 o'clock in the morning, including outdoor runs throughout the Gables, where we do use microphones and so forth, and I've gotten some complaints about microphones being used outside before our noise ordinance starts at 8 o'clock in the City and we use loud speakers outside. This is fine right now in front of City Hall, but when we have the Aloft hotel, eight-story hotel within a half a block of City Hall, I'd like to address that issue too. But back to this one, they did not, in my packet, submit an application; the times vary. Also, I read through the seven pages on fees, and it says you cannot charge more fees or that these fees are only for three days at a time, and this is for, again, three weeks. So, I would like to have some discussion on this.

Parks and Recreation Director Couceyro: Sure, absolutely. When they submitted the application, they submitted an application in conjunction with the "Ribfest", so we heard them as two separate entities. As you can see, I have all my writing that's on that, that where I kind of note because I want to see where all the different times are for the two, so we spread them out as two. They tried to group it together. We said, no; it's two separate events. We need to charge you two permit fees, and we need to look at this separately. The reason why they're asking for the plaza for such a long period of time is because it's just for the soccer game schedules. It's whenever a game is on, that's when they will have the screen outside and the activities. The reason why they asked for whole time is because they don't want to be from one day to the next because there's not a game on every day. It's like every other day, and so they didn't want to break down with each given game. I have been in conversation with the property manager from Ten Aragon building. This particular event, which is the soccer, which they do a soccer event every year, depending. There's World Cup a couple years ago. There was the UEFA (Union of European Football Associations) Euro Cup, and this is the Copa America. They seem to be the big soccer cups are once a year. This didn't seem to be that big of a concern because there isn't music. It's more of just the games, and it's a little bit more of a subdued activity.

Commissioner Slesnick: Except when they're scoring.

Parks and Recreation Director Couceyro: Right. Well, yeah, for the minute or two. You're absolutely right, for the minute or two that they're scoring. I'm saying in terms of an overall

event. You know, when I spoke to the property manager that we're going to continue to look at in terms of the event, they have a few fests. The only one that's really long is "OctoberFest." They have a few more that are usually for, you know, Thursday to Sunday type events that we bring here for approval for the liquor license. And the only thing that we have to work on, and I would recommend working on is, I know there was discussion on it in the past, of a live music on Fridays. I think we need to really look at limiting that. My recommendation would be to go back and limit that and maybe not have it every Friday and kind of look at a certain number. You know, I can do that with my committee, or we can look at whatever the Commission wishes.

Vice Mayor Quesada: We've had a long conversation about this in the past.

Parks and Recreation Director Couceyro: I know. I know.

Vice Mayor Quesada: Where the Commission, again, with Chief Hudak...

Parks and Recreation Director Couceyro: Correct.

Vice Mayor Quesada:... where we were discussing live music and the Friday nights, and we at that time, we were all in agreement to allow live music...

Parks and Recreation Director Couceyro: Correct.

Vice Mayor Quesada:...if it was kept under a certain noise level, if it was monitored by the Police Department, and if it ended at a certain time. I forget the exact particulars right now. But, you're recommending to us right now that we should go back and we should reconsider our thoughts?

Parks and Recreation Director Couceyro: We should look at limiting because we have to look at it as a complete package. It's not only the Friday nights you're looking at. We have the soccer, and then we have the fest, so it's a whole annual schedule of events, which I think, as it becomes

repetitive and more for the Ten Aragon residents, I'm getting the feedback that it's almost every week. That's the feedback I'm getting.

Commissioner Lago: Going off what the Vice Mayor had just said, I just a little bit further background information in reference to, since we made a decision to allow that type of activity to occur until a certain time, I'm not sure exactly what time we allowed it till.

Mayor Cason: Eleven o'clock, which is what this is till 11, right?

Commissioner Lago: What I'd like for you to prepare it for us. Is there a list or at least a breakdown in reference to...do we have a group of individuals that have said, you know, this is becoming an issue, and it's become an issue repetitively over and over again? Do we have a list of those complaints? Has anything been filed with the Police Department?

Interim Police Chief Hudak: The Police Department met with the homeowners association. I think Mr. Mendieta (phonetic) called everyone together. I met with him personally, as well as members of my staff. We've addressed their concerns, what they wanted to know ahead of time, which is indicative on these permits that the promoter, or Fritz and Franz, has to put up a notice. The meeting was positive in the fact that they don't want to shut them down, but we need to deal with the music. Now, the music is two-fold. It's not just Fritz and Franz. There's another business. Historically speaking, and I'm probably saying five years ago, there was one complaint that was generated from the same individual. The issues that are now being raised since our last meeting has been the frequency or the perception, which is why we were talking about those Friday nights. Again, we go by, and it's not even so much that it's allowed. Some of the conversations between the business owner and some of the residents, when they did complain, was that he has a permit and he's allowed to violate all the Ordinances, which we clearly instructed him that's not the case. I mean, if they're outside the norm of the decibel level, even if it is before 11 o'clock, they've been shut down.

Mayor Cason: Chief, let me ask you. At one point, the decibel meter didn't work if I recall. Do we have those available so you know how loud it is?

Interim Police Chief Hudak: Again, this are some of the issues, Mayor, that we looked at, and I'm going way back where we were tweaking, and I believe it was with Maria Menendez at the time. We were looking at how do we regulate the noise ordinance being police officers ,to go into somebody's bed...I mean, we looked at examples of possibly going into somebody's bedroom with a noise meter to see if it's...and then measured it exactly hundred feet. So there are some real nuances for the Police Department to do that. When we have special events, we defer to special events to come in and check those noise levels.

Parks and Recreation Director Couceyro: We've actually done that. We've actually gone into people's rooms. I actually have my staff person in charge of that, which is Norma Gavarrette she's here. We have our meter just in case you want to see it. If we're getting a complaint, we'll go into the person's room if they allow us. We'll go from the window and check it to see.

Vice Mayor Quesada: So, in my private world as an attorney, I've dealt with noise ordinances, and it's been three years since I look at our noise ordinance here in Coral Gables. I think the way City of Miami has their noise ordinance written, I think is the proper way. So you don't have to go into people's homes. The way they phrase it in their Code and I would ask you to take a look at it and talk to the City Attorney; maybe gives a proposal on rewriting it so it's a little bit easier for us to enforce and to identify these situations, so we don't have to go into people's homes. They look at the ambient noise. They look at what is the decibel reading in that location with regular traffic, regular pedestrian foot traffic, OK. And they create that baseline, and they anything 15 or 20 or 25 decibels over that is going to be excessive. So, what I think needs to happen is maybe in conjunction with the City Attorney's Office, the Police Department, and the Parks Department is we need to create a baseline for that area. What the normal volume is and then mark it 20, 25 above for the special events. And I don't know believe our Code is written that way, so it makes it very difficult.

Parks and Recreation Director Couceyro: I have a question on the noise ordinance does it include any clauses for live music?

Vice Mayor Quesada: It does.

Parks and Recreation Director Couceyro: It does? So is it the 15 to 20 encapsulate...?

Vice Mayor Quesada: I can't tell you that right now.

Parks and Recreation Director Couceyro: We'll take a look at it.

Vice Mayor Quesada: But I'm saying, I think it works very well, because you measure 15 feet from where the actual live band is playing, and you measure, and you're going to know right off the bat.

Parks and Recreation Director Couceyro: Sure.

Vice Mayor Quesada: So you don't have to go into anyone's home, and maybe it's an easier way to control the noise so that it addresses the resident's concern, and makes it easier for us to identify those situations.

Parks and Recreation Director Couceyro: Absolutely.

Vice Mayor Quesada: So, I think a better written ordinance will help us get there.

Commissioner Slesnick: And not just live music, but amplified music.

Vice Mayor Quesada: Or anything at all.

Parks and Recreation Director Couceyro: Absolutely.

City Attorney Leen: Let me just clarify what the noise ordinance is just for a moment, just what it says, because we will take a look at what the City of Miami ordinance. What our current ordinance says is it has a general prohibition on unreasonable noises, and then it goes through a

list of different types of noises and provides different types of requirements. So bands, radios, televisions, phonographs, etcetera, which is generally the provision that applies to loud noise from an amplifier or a speaker or from a television set. There are hours that are provided; they are between 11 p.m. and 7 a.m., the following day on Sunday, Monday, Tuesday, Wednesday, and Thursday; and between the hours of 12 midnight and 7 a.m. the following day on Friday and Saturday. And the standard that's applied is a plainly audible standard: at a distance of a hundred feet from the building structure or vehicle in which it is located. That shall be prima facie evidence of a violation of this Section. In addition, there is an exception to the noise. And you can grant an exception to the noise ordinance through the special events permit, which is what I think is being discussed here. Nevertheless, those special events permits should be fairly specific as to what would be allowed and what time.

Vice Mayor Quesada: But again, there's a lot of ambiguity in what you just mentioned right there. What's unreasonable? What's unreasonable for me might not be unreasonable for Fred.

City Attorney Leen: Correct, understandable.

Vice Mayor Quesada: So, that's why I think we create this baseline method. It's going to be very easy to identify and for us to follow up, and whatever it is that you guys determine, so I don't know think it's a bad idea to look into it. But at the same time and if I can just address a few points, Commissioner Slesnick. First of all, Satchmo Blues Bar, that's the name of his entity.

Commissioner Slesnick: I know. I looked it up. I did a lot of research.

Vice Mayor Quesada: Oh, OK. No, it's still open, because you mentioned it was closed.

Commissioner Slesnick: Well, on the Internet, it says it's closed, and then I went back. So, he's using the liquor license, I guess, from that to run Fritz and Franz.

Vice Mayor Quesada: I'm assuming his lease his operating entity that he owns is called Satchmo Blues and Bar Grill, and that's what Sun Biz says.

Mayor Cason: How many years have they been doing this?

Parks and Recreation Director Couceyro: Have they been doing events or...?

Commissioner Lago: Outdoor events.

Parks and Recreation Director Couceyro: The outdoor events. Long time.

Interim Police Chief Hudak: Since they opened.

Commissioner Slesnick: A long time.

Interim Police Chief Hudak: At one point, we allowed them, I remember when we opened it up, they would open up, fence off the courtyard, and then that was stopped.

Vice Mayor Quesada: And to address the broader issue of these events, I'm very much in favor, it is our downtown. I'm very much in favor of having outdoor events. And having a lot of them. You know, when residents concern about noise in that area, you know, I feel for the resident, but at the same time, they've decided to live in downtown in that area, so it's a difficult issue to address. I don't want to handicap any kind of business in our downtown that wants to have some sort of live music. Obviously, it's got to be in a reasonable way that makes sense, but when you go to dinner, what I don't like about certain areas of our downtown is that you can go to a dinner, maybe you've done a dinner at 8:30, 9 o'clock, and then our City's completely dead. Now, we never want to have nightclubs. We've discussed that. Absolutely not. But if there's a place that you want to go, grab a drink or grab desert and listen to, you know, someone play guitar...

Commissioner Lago: Jazz. A little bit of jazz.

Vice Mayor Quesada:...or jazz or whatever it is.

Mayor Cason: I agree.

Vice Mayor Quesada: This is one of the locations that it actually happens. So I think we just got to be careful. It's a slippery slope when we get there.

Commissioner Lago: Frank, if I could just interject. I'd like to hear from Mark Trowbridge from the Chamber in reference to this issue.

Commissioner Slesnick: And I'd like to talk to the Chief again, too.

Mark Trowbridge: Mark Trowbridge. I'm president of the Chamber of Commerce, 224 Catalonia Avenue. Listen, we would love to help in any way that we can in terms of the dialogue. I get a feeling that the ordinance is a little outdated as it references phonographs, so maybe that's an opportunity here.

Commissioner Keon: Those are coming back. Did you know that?

Mr. Trowbridge: I did.

Commissioner Slesnick: Well, I guess it's on its way back.

Mr. Trowbridge: I had my phonograph on very loud this weekend, but it was reasonable. But, I want to pick up on something the Vice Mayor said, and that is, when you live downtown, I think you move in there with an understanding that you are in a much more, at least in my estimation, urban suburban core, so there are going to be activities and other expectations. We also are certainly, you know, part of the process too, because the Chamber has events, and so I think we have an understanding from our own perspective, but also from those that we work with. We work with Fred on the Special Events Committee. They ask a lot of these questions. What we're seeing, I think, is a proliferation of events, because that's how people want to gather, that's how they want to network, that's how they want to, you know, spend their social time, and you see a lot of that popping up. I think, you know, if you look at what Fritz and Franz has done, they sort

of evolve from doing Oktoberfest and Bluesfest to now having events almost every single month. They have a beautiful space to do that.

Commissioner Lago: Let me ask you a question, just in talking about the actual schedules. Fred, how often does Fritz and Franz request a special events permit?

Parks and Recreation Director Couceyro: There's about six this past year. It's usually around five or six. They have the Paellafest, the Bluesfest, a Ribfest. They do...

Commissioner Lago: So, would you say we're averaging maybe one a month?

Parks and Recreation Director Couceyro: No.

Interim Police Chief Hudak: St. Patty's.

Commissioner Slesnick: St. Patty's.

Parks and Recreation Director Couceyro: If you do the Friday night music, then they do that a lot. So then it's going to go more than that. Yeah.

Interim Police Chief Hudak: And it could go a Friday and a Saturday, and part of the issues were Friday night, they had the music; and then Saturday, they would have a special event. So it was...

Commissioner Lago: It was back to back.

Interim Police Chief Hudak: It was doubled up, and that was some of the concerns that I heard from the residents.

Commissioner Slesnick: Fred, have they ever had three weeks in a row? Was this last year?

Commissioner Lago: Well, I think the three in a row, and Fred correct me if I'm wrong, I think the three weeks in a row is dealing with the fact that they didn't want to apply multiple times.

Commissioner Slesnick: No, no, that's fine.

Commissioner Lago: No, I want to clarify myself, because I don't want to have...

Commissioner Slesnick: He used it three weeks, but I looked up the schedule for the soccer matches, and they are like every other day, and there's more than one a day. So we're talking about one in the afternoon and one in the evening.

Parks and Recreation Director Couceyro: Well, all the games are done from what I recall...

Commissioner Slesnick: Later.

Parks and Recreation Director Couceyro:...by 8 o'clock.

Commissioner Slesnick: They're finished by 8 o'clock.

Parks and Recreation Director Couceyro: Yes, they're finished by 8 o'clock. We had the World Cup it was the same thing a few years ago where that was several games throughout the day, and the only big...

[Multiple Speakers]

Parks and Recreation Director Couceyro: Yes, because depending on where the games are. So they're usually internationally, so the times are a little different, and we don't go into the late night. The only one that had been that time frame is when you do the soccer, when you do World Cup, a UEFA Cup or this Copa America.

Commissioner Slesnick: OK. So that was a long time last year too when we had the World Cup.

Parks and Recreation Director Couceyro: The UEFA Cup, yes. But what we find and what Fritz and Franz also finds is it's only particular games where they get more than a hand full of people. You know, the marquee...in this case, Copa America, the Colombia, Brazil, Venezuela, those are the ones. Not Venezuela; Colombia and Brazil and Argentina.

City Manager Swanson-Rivenbark: Mr. Mayor, if I can. In many instances, this is a policy issue of what do you want to see, but it's also a relationship issue. We have found, I think the Chief has done an excellent job explaining to Fritz and Franz and bringing the adjacent building together so that they can work out a compromise that makes it work for both. For either one to think that they control what will happen is a misdirection, so I really would encourage you to allow that continued dialogue so that they both are coming to the table with compromise.

City Attorney Leen: And also, I need to say something, too, though. I want to be perfectly clear. This is a 2006, 2007 noise ordinance and I know that there's been some talk, that you think that it's too vague. But I have to tell you, it's an ordinance that's very similar to ones I've seen in other cities, and it's fairly specific. And the plainly audible standard is a standard that's been upheld. So, I do think we should look at the City of Miami when as requested and we will, and perhaps we can improve it. But I want to be perfectly clear, my opinion, this is a constitutional noise ordinance and it's enforceable. And please feel free to contact my office if there's an issue as to its enforceability or where you want to apply it.

Vice Mayor Quesada: Craig, the issue isn't enforceability. The issue is, is it practical? Is it easy to administer? Is it easy to carry out?

City Attorney Leen: I understand.

Vice Mayor Quesada: And I think that's where we shouldn't have to go into someone's bedroom to find out if someone's complying.

City Attorney Leen: But I don't think we have to. It's a hundred feet...

[Multiple Speakers]

Commissioner Lago: We could like what Vice Mayor stated, we could use a tactics that the City of Miami uses in reference to being 15 feet away from where the noise is coming from, instead of having to be a hundred feet away or having to go into someone's home or residence to deal with the issue.

Commissioner Keon: Can I ask one question? Wasn't there a period of time where there was something else that was operating in the ground floor of Ten Aragon or something that was creating noise, vibration or something. It wasn't Fritz and Franz. Wasn't there some other...?

Interim Police Chief Hudak: There was. Some of the issues that we get...

Commissioner Keon: Right. That was the one I heard much more about, and that is no longer there; is that right?

Interim Police Chief Hudak: If they bring in an 18 wheeler refrigerated truck, let's say it's for the beer for the weekend, that runs 24/7, so that has been some of the issues. Not so much a noise ordinance, but a nuisance-type thing. I believe, going back to, and I've heard this, and to the Commissioner's response is, I don't know if just us doing the noise levels is going to be able to do it. I think we're going to have to look at how the noise travels. As I stated, when Fritz and Franz started this, there was no 55 Merrick, there was no Ten Aragon, and that all came after the fact. So we do need to look at the tunnel effect, because I know for a fact, because I've been up there. It may be OK. down below, but when you go to the roof, you can hear people talking down below. And I think that's where we really have to do a very comprehensive look in this specific area of exactly what the noise issues are. Because we may stand there and say it's at 85 decibels, and that's...

Commissioner Lago: Chief, in reference to this Resolution, and I want to see how my colleagues feel. I want to make sure that one of the items in the Resolution, it says, “All viewing events will be scheduled to end by 8 p.m.” Does that mean that a lot of music went by 8 p.m.?

Interim Police Chief Hudak: That's the viewing events...unless it's spelled out, I think the ...

Commissioner Lago: Because, for example, on a Saturday, I have no issue with their being music to a certain time frame past 8 p.m.; it's fine. There's very few people that work on a Sunday. Now, on a Thursday, I think after 8, 9 o'clock, I think you're kind of pushing the limit, especially people who have children; that's my only concern. But then I also agree with Vice Mayor Quesada when he states, you move into this area knowing that our downtown is going to be a vibrant downtown, and the last thing we want to do is, you know, put the handcuffs on a business, which is what feeds this economy. So, I think we need to kind of play with it a little bit and find out, really define how we're going to figure out what the actual noise, the permissible noise is going to be or how we're going to rate it, but I think more important, we also need to find out what are the time frames that we're going to allow this. Because I think past 8 p.m., 9 p.m. on the weekday, I think it's a little difficult. I don't know how...

Commissioner Keon: They were saying Thursday nights is the first day of the weekend, depending on how old you are.

Commissioner Slesnick: Commissioner Lago.

Commissioner Lago: Maybe, I don't know. I put my kids to sleep at 8:30, so.

Commissioner Slesnick: Commissioner Lago, there was one person that I talked to this morning at 7 o'clock who was under 40, and he said he moved here because he wanted the vibrancy of downtown. But the noise issue is not the only reason why I brought this up. In my packet, there was nothing to substantiate any follow-up on this application, so I think it's out of order to bring it up here and ask us to vote on this when it was not in the packet, nor were any of the other guidelines that went with this. Yes.

Commissioner Lago: But, let me tell you the good thing about the fact of why you brought it up. We're having a good healthy discussion, which is also bringing up other issues, because I think we're using a broad stroke to say, OK, across the board seven days a week. It's going to end and I'm just saying a number, at 11 o'clock.

Vice Mayor Quesada: Let me understand something, and maybe your packet looks different than mine. I mean, I had the actual application in my packet.

Commissioner Slesnick: For the Ribfest?

Vice Mayor Quesada: For the Ribfest.

Commissioner Slesnick: I didn't get one for the second one. It was all on Ribfest.

Commissioner Keon: It is for the Ribfest. It's not for the other. It's not for the Copa. It's almost that they are copied. It's they sort of presented the same application for each item, and then kind of crossed out and marked up the second one. So, it's not its own application. Yeah. You need a separate application for that event before you present it.

Vice Mayor Quesada: What is standard practice do you do, typically do a separate application or not. I mean, you are the one who handles the procedural aspect of it.

Commissioner Keon: Right.

Unidentified Speaker: Yes. In the past, we haven't. It was two we told them we would present them as to here. This copy is my original of me, you know, kind of working through the meeting. So we could present a clean copy, if you want, that doesn't have any scratch up.

Vice Mayor Quesada: If you told them it was OK to have one for the two events, then I have no problem with the way it's presented.

Commissioner Keon: I think the issue is, if you look at it, Frank, on the bottom of both of the applications the Copa America is crossed out.

Commissioner Slesnick: Yes.

Commissioner Keon: On both of them and one actually applies to the Ribfest and one applies to the Copa.

Vice Mayor Quesada: Fred is the one that did that not Harold.

Commissioner Keon: Maybe it should have been cleaned up.

Commissioner Slesnick: If this were a grant application, I sit on lots of grant committees...If this were a grant application, it would not be approved, because it's not officially submitted.

Commissioner Keon: Maybe just be more careful in the future.

Commissioner Slesnick: So that's my technical point of view. The other thing is, too, that do we charge any...I mean, this is coming under for the second time a nonprofit, and I support the nonprofit. But, is Fritz and Franz basically bringing these festivals as a business venture and supporting the nonprofits in order to expand their business, which is fine. I lived in Germany. I love Fritz and Franz. I love their schnitzels. But, do we charge for using the plaza? Do we...I mean, we have to have extra police and so forth there. Do we charge the City for using the plazas, like other nonprofits are charged throughout town for using Gables' facilities?

Parks and Recreation Director Couceyro: We charge them the special event permit fee like we do with any event, and they have to pay for police.

Commissioner Slesnick: OK. But, I notice in here that the permit fee is based on three days, and there's nothing in here for extending it beyond three days on, over on your fee schedule. So I'm just asking, are they charged for three weeks for having that equipment set up there?

Parks and Recreation Director Couceyro: They're charged for a multi-day event.

Commissioner Slesnick: But, it says in here, if it's over three days, the fees don't cover over three days.

Parks and Recreation Director Couceyro: There's two. There's a multi-day event right ahead of it.

Commissioner Slesnick: For more than 2,500 people.

Parks and Recreation Director Couceyro: Yes.

Commissioner Slesnick: So, they could come in under the \$600 fee for tying up the plaza for three weeks?

Parks and Recreation Director Couceyro: Yes.

Commissioner Slesnick: I just think we should look into that.

Parks and Recreation Director Couceyro: Sure.

Vice Mayor Quesada: I think we have got to be careful...you mentioned something earlier, which I think is where you're going with this, is what if we increase that fee and offset the amount that the residents are paying at Ten Aragon. Is that where you were headed with that?

Commissioner Slesnick: No. I'm just saying because of this, I've heard a lot from the Ten Aragon residents, and that's why I notice this coming up, and I had been in conversation with

them since last week, and that's why they also mentioned the constant noise in the back. Everyone that mentioned the fees being charged for the...and also, the price I got, a City staff person told me it was like \$70 for the impact fees for each condo owner, and they told me it was like 6 or \$7,000 over a 10-year period.

Mayor Cason: Yes, but that's a separate issue from what we're talking about now.

Commissioner Slesnick: And again, I don't want to bring that up, but because of that, I have heard from a lot of homers this weekend. And also, Chief, I just want to mention, one of them told me this morning that they have a problem on the roof of the parking garage where kids are drinking and it could be because it's the end of the school year, but they said they were there last night again, and they're concerned about young people drinking under age and being at heights.

Interim Police Chief Hudak: There was an e-mail that went out last night, I believe. That has been identified by us, as well the Parking director. We're working collectively through the Manager's Office. We're trying to come up with ideas of actually how to either block it off, surveil it. We have had a watch order from the Police Department using both bikes. What we found already is that since they're sitting up on the ledge and they see the bicycle officer come up, they usual scurry out and they're coming down the stairs. It is a safety issue for all of us. We've been working with the Parking Director as well to come up with ideas of how we're going to gate that. We have a similar situation in the 200 Block, when we get calls from the top of that parking garage; where they can get out, so it is on our radar. We do continue to go up there on a regular basis. Again, last night and I have not had a chance to check our officer was probably there within the hour. I believe the Parking director had conversations this morning; missed him by like 15 minutes because he was in the City yesterday. So we are, and we don't want the tragedy to happen. And you know, we have to look at how we're going to address the top floor.

Commissioner Slesnick: And especially over the summer when there's live music downstairs, I think it needs to be patrolled as often as possible.

Interim Police Chief Hudak: Correct.

Mayor Cason: Fred, to summarize this. These events, the viewing events will end at 8 o'clock. In other words, the events out in the plaza, the noise generated will be only up until 8 o'clock? From your perspective, are they paying the correct fees?

Parks and Recreation Director Couceyro: Yes.

Mayor Cason: All right. I think our next Commission meeting is June 16, so we have to vote on this today.

Commissioner Keon: Yes.

Mayor Cason: Do we have a Resolution?

Commissioner Keon: But, is it that they're going to continue the music after the event is done on the other nights?

Mayor Cason: Inside.

Commissioner Keon: No. It's only on Friday night that they're having the music, is that right, in conjunction with whatever viewing there is? And then, after, on the subsequent nights, there isn't music to follow the event, is that right? It's only the viewing of the soccer matches?

Parks and Recreation Director Couceyro: Correct.

Commissioner Keon: And then it's done.

Parks and Recreation Director Couceyro: Right, there's only a soccer match.

Commissioner Keon: OK.

Mayor Cason: So the outdoor noise ends at 8 o'clock?

Commissioner Slesnick: If you stop it at 8 o'clock and don't allow music, piped out music to be...

Commissioner Keon: Well, that's what he's saying, is that there isn't music to follow the... That's what I asked. There is no music to follow the soccer game; except on Friday night, there is some music that's, generally, they do every Friday night. And so the other nights, the additional nights, there's no music. It ends when the soccer game ends.

City Manager Swanson-Rivenbark: But there's alcohol sale until 10. So I think we need to be clear in the expectations in terms of sound.

Commissioner Keon: But it's a bar.

City Manager Swanson-Rivenbark: Excuse me?

Commissioner Keon: It's a bar.

Commissioner Slesnick: They're selling outside.

City Manager Swason-Rivenbark: No, no, no. This is for C.-4 and we appreciate the good dialogue but, they're asking for permission to sell alcohol outside until 10. So the idea that everything closes up at 8 and there will be no music, no noise because the soccer is over, I don't think is a realistic expectation.

Commissioner Keon: No, but there's not noise other than the sort of discussion, talk, ambient noise when people gathering because...

Mayor Cason: And they could go until 11 o'clock under our rules, our stopping at 10; is that correct?

Commissioner Keon: But it's because it's on the plaza, whatever, so maybe...I don't have a problem with that. I would like in the future maybe you would --

Parks and Recreation Director Couceyro: Absolutely.

Commissioner Keon: Describe the event a little better. Thank you. I'll move.

Commissioner Slesnick: Yes, and in the future, I would just like to see that the residents in the neighborhood, since they are the taxpayers and the voters and not the people coming in to use the plaza, per se, get some consideration on their needs for having outdoor music events. I love outdoor music events and I love festivals and so forth, but this seems excessive for three weeks.

Mayor Cason: OK, do we have a motion on C.-4?

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion.

Commissioner Keon: I'll second.

Mayor Cason: Commissioner Keon seconds. City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: No.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 4-1)