

Noise Ordinance Task Force Meeting
January 11, 2022

Meeting of Noise Ordinance Task Force held via WebEx was called to order at 2:02p.m. by Facilitator Michael Shannon.

Roll Call by Michael Shannon. Those in attendance include:

Task Force Members

Gemma Kennedy
Colleen Waguespack
Sam Aguirre
John Doski
John Brenneman
Amin Tohmaz
Savita Rai

Non-Task Force Members

Michael Shannon
Michael Uresti
Jenny Ramirez
Xemina Copa-Wiggins
Alma Martinez Jimenez
Arturo Arredondo
Samantha Wickwire
Denise Hastings
Christine Hill
Kelly Bender
Leticia Mejia
Jim Dalglish
Jim Feuerstein
RB Blackstone
Fredrica Kushner
Cynthia Spielman

Mary Smith
Anisa Schell
Lisa Petrakis
Parker Dixon
Malak Silmi
Don Pavlin
Stacy Jones
Dale Russell
David Uhler

Alternates

Capt. Hightower
Cindy Dorantes
Sergio Acosta
Gina Eisenberg
Bianca Maldonado

Michael Shannon – We will be sharing the agenda and providing an update on the pilot program and reviewing at least one theme. First order of business is to approve the minutes from the last meeting. Gemma Kennedy recommended approval of minutes which was seconded by John Brenneman. All present voted “Aye”.

Starting with the pilot program, we have been doing this for three months and will continue for another three months. The data is through January 9, 2022. There were 257 calls this past weekend, code enforcement investigated 99 calls. Nine violations were found and referred to SAPD. Seven citations were issued, and Code was unable to safely assess two of the calls. The total number of calls received throughout the pilot program is 4,708. Code enforcement investigated

1,712 calls and found 214 in violation which were referred to SAPD. SAPD issued 115 citations and code was no able to safely assess 79 calls. During the pilot program, Code was able to get to a third of the calls called in to SAPD. This is with six Code officers working throughout the City. Of the 214 citations issued 64% were residential property, 31% were businesses and 5% were on the Riverwalk. The calls were further broken down by council district, business, residential and or Riverwalk, which is as follows:

Council District	Residential	Business	Riverwalk	Grand Total
1	17	35	10	62
2	5	2		7
3	4	1		5
4	4			4
5	21	2		23
6	2	1		3
7	2	1		3
8				0
9	4	1		5
10	3			3

Gemma Kennedy – Did we ever find out, when code was called, what they were seeing when the business or residence did not warrant a violation citation.

Michael Shannon – The calls are investigated by code enforcement. We got to 1,712 calls and only 214 were found to be in violation, which is about 15% of the calls we respond to from code enforcement standpoint. Jenny will answer the question of what we do with the other 85% of the calls.

Jenny Ramirez – We are emphasizing the noise meters. We are relying on the decibel readings to have something to document whether there is violation based on the location and based the requirements of the noise ordinance and the noise meter decibels. The 214 calls that were referred over to SAPD were the ones that busted the maximum requirements for the noise meter.

Gemma Kennedy – What is the time from when code gets the calls and when they show up at a property.

Jenny Ramirez – There is no full reporting of that. It just started being tracked, but we are averaging about twenty minutes to get to a call. This is pretty good because there are only six code officers covering the whole city.

John Brenneman – Council District 1 seems to be way out front of all the other districts, especially the business violators. What is the reason that District 1 is so far out there?

Jenny Ramirez – We did put in a request for a heat map and that is something that can be available at the next meeting, but for the most part it is very busy around the Broadway area. Some of the businesses on Broadway are receiving multiple calls, as well as the St. Mary's area.

Amin Tohmaz – Would just like to add that Code is not doing proactive inspections, it is all reactive. The police department is getting a lot more calls from District 1. We are doing about a third of the calls that come in the SAPD.

Bianca Maldonado – Loves the heat map idea but could DSD also overlay SAPD substations to show who is responsible for the calls. Some council districts can pull into several substations. Would like to know if one substation is being more inundated with calls than another.

Sergio Acosta – The data is showing that 64% of the violations are residential properties and only 31% are business properties. There seems to be a lot of time discussing businesses. As a business owner, the focus should be residences and not targeting businesses.

Bianca Maldonado – There is a lot to be said about repeat offenders. That data should be segregated out. We also need to look at the noise complaints regarding multi-family units. When you have a complex that SAPD is responding to that they themselves are not regulating a residential violation in a density situation. When you get into a density situation with a noise violation in a residential area, you are likely going to get multiple calls.

Michael Shannon – We need to start tracking how many of the calls are repeat offenders. It would be ideal to know out of the 67 business properties listed in

violation if it was actually 67 different businesses or 60 businesses and one business with seven calls.

Bianca Maldonado – It will be beneficial because this not about just issuing citations. This is also about potentially having a dialogue because you are talking about neighbors having to live next to each other with an on-going concern about a quality of life issue. This is also indicative of where SAPD is going. We want to ensure that police officers are available for emergencies and not attending to one of the lowest priority issues.

Michael Shannon – If most of the violations are one and done or if there are a lot of repeat offenders, we are going to have to add or change something in the ordinance.

A Summary for the first three month of the pilot program is as follows: Code Enforcement staff have worked twelve weekends from October 7, 2021, through January 9, 2022. Staff were assigned reactive calls received by police dispatch. There were questions about the training for code staff on the use of the decibel meters. We utilize the decibel meters and make sure we use the correctly according to the manufacturer's instructions. There was a request to release the list of locations documented to be in violation. There was some concern about the lack of warning notices issued. There was concern for the lack of coverage for the other nights of the week. There was some discussion on expanding the enforcement beyond noise meter violations and expand to other parts of the ordinance to include vibrations. Code officer safety is critical especially during inspection of house parties. Manual assignment by the code supervisor is a concern because it can create a bottleneck. We are tracking the busiest call volume for noise compliant and adjusting out shifts a little. The next question is what do we focus on next.

Colleen Waguespack – Given the high number of no citations (49%) by SAPD because there was no violation when officer arrived or the officer educated the public to comply with lowering the volume, in a sense we are using the decibel meters as out documentation those should be considered differently and those technically may be violations. Whether a citation was issued or not.

Gemma Kennedy – Agrees with Colleen. How many cases are there above that decibel level and yet what do we do with them. Many are a higher decibel level, but no citation was given. This will help what we plan for the future. Will there be a warning first and a citation after the second warning?

Capt. Hightower – When a police officer arrives at a location, what they discover many of the times is that they have not been made aware that there was a noise violation or problem by the code officer. The code officer chose not to contact the business owner or resident, so when the police officer arrives they will make contact and ask if they were made aware that there was a noise violation or a problem. Their answer is usually that they were not made aware, so the police officer has that discretion to ask them to turn the noise down. If they comply, the police officer can give the verbal warning and leave.

Don Pavlin - Calls the police a lot and when he sees them come out, a lot of the time they do not get out of their vehicles. As soon as the police leave they turn the music back up.

Michael Shannon – Asked the task for members to email their thoughts and suggestions to be discussed at the next meeting.

Amin Tohmaz - The next item on the agenda is to have questions and answers for the sound experts. Sound expert Don Pitts emailed some answers to questions and RB Blackstone is online. There were a few questions.

Gemma Kennedy – Currently we use decibel A levels and decibel B levels on the Riverwalk measuring high frequencies and lower frequencies. Wants to know if there is any benefit, when out in the community, to use decibel C levels.

RB Blackstone – Decibel readings correlate only a little to the way we hear. The Db meter is not a perfect arbiter of how loud something is. Db A correlates to how loud we hear things in terms of the way our ears work. Db C is used more for making measurements and loud speaker adjustments and shows base for measurement but not necessarily the way you perceive it. He would rely more on the A rating rather than the C rating.

Gemma Kennedy - A lot of the time the problem is hearing the base levels. The complaints in the neighborhoods are usually about the base they are hearing.

RB Blackstone- It is a good idea to have audio and visual recordings when doing a Db measurement so that there could be a way of showing what you are actually receiving. Base waves are ten to forty foot long.

Amin Tohmaz – Does Db C measure all kinds of low frequency or is it specific to certain frequencies.

RB Blackstone - It is relatively flat, meaning even across the entire spectrum, but that is not the way your ear hears it.

Gemma Kennedy – People are complaining about the vibrations. How do we capture that, how is it measured.?

RB Blackstone – Vibrations can be measured, but more likely you would look for vibrations through the ground or through a member to see if it is really vibration or things vibrating in response to air waves. If you are living in an apartment and the person above, you has the speakers on the floor it is very likely the speakers are moving the floor. The movement of the floor makes it much worse. If you lifted the speakers up on rubber and reduce the vibration going through the floor, then you could get some sleep.

Gemma Kennedy - Is there any correlation between decibel levels and vibration? Does the decibel level have to be at a certain level to cause a vibration?

RB Blackstone – If they are hearing the base through the air from a speaker then they would correlate almost directly. They are hearing base because it is carried through a structure, then that will be more problematic.

Gemma Kennedy - The other issue is about taking accurate measurements. We follow a guideline, but at the last meeting we heard that someone got a citation, but it was really the business across the street or that there was a lot of traffic noise. Should the measurements be where the sound is projected?

RB Blackstone – His opinion is if you are on a busy street, the measurements should be taken from the nearest private property line, not at the open door of a restaurant but maybe across the street. Most microphones on a sound level measuring device are omni-directional. Normally, you hold the unit upright and pointing at the sound but 90 degrees across the top of the capsule.

Gemma Kennedy – How does Austin handle decibel levels when commercial is adjacent to residential? We want to mitigate sound instead of giving citations. Are there any handouts or literature about picking speaker up off the ground?

RB Blackstone – Austin's sound ordinance has different decibel reading for commercial versus residential. As far as methods for mitigating noise, there are some basic techniques that could be put together in a packet or video. Keeping records of complainants and violators is a way for the city to see if someone is using the ordinance to harass someone or if there are really repeat offenders.

Michael Shannon – In answer to one of Gemma's questions, Austin does have different decibel levels and different times residential and commercial property. After this meeting we will send out the Austin decibel levels.

Amin Tohmaz – There were several other questions that were sent in that Don Pitts provided answers for and they are as follows:

- Microphones can be directional, so sound level meters can also? **No, they can't**
- Can procedures be established and documented to property record sound levels leaving a property that do not include traffic and significant sound levels entering the property from another source? **Yes, absolutely. If this is a problem, it should not be. It means you have inexperienced staff operating the sound meters...or the focus is solely on enforcement and writing a citation and not to regulate.**

Amin Tohmaz – We will take that into consideration and re-train staff to do a couple of the changes and make sure we are documenting everything appropriately. Since the last meeting, we talked to staff about the traffic, buses or other vehicles and about handling two bars next to each other to pay attention and make sure they know where the sound is coming from.

Bianca Maldonado - When you mentioned re-training the staff to take a measurement across the street, that is assuming that the complaint came from across the street. It negates a complaint that could have come from the adjacent property. She questions that from an enforceability and consistency standpoint. When you're dealing with outdoor amplification of noise, because of the way the ordinance is written, you have to take the measurement from the property line.

RB Blackstone – Was the one that mentioned taking readings from across the street and this was pertaining to one particular place. It should be the nearest private property line not necessarily measuring how loud somebody is in the street that could have a garbage truck or a bus on it. Would like to take the sting out of the “inexperienced staff” quote in Don Pitts answer. He is very experienced and has been faked out by the sound meter, particularly in the C rating. You can measure vibration and bass down below where your ears can perceive them. In some cases, you can be a quarter mile away and measuring noise level on 410.

Sergio Acosta – One thing to consider is how the readings are being taken and where they are being taken from.

Amin Tohmaz – Would like to correct the statement of re-training the staff. He did not mean that they would be re-trained to take measurements across the street. We still need to comply with today's ordinance. Today's ordinance talks about getting the reading from the property line. What he meant by re-training the staff is that if there is noise from another source or another bar, business or vehicles around to pay attention to get the best reading we can. Moving on to the next question:

- As already specified for the Riverwalk, is the use of dB C in addition to dB A effective in identifying where low frequency bass is at an elevated level that may resonate in nearby structures? **Yes, although it may be helpful from an enforcement standpoint, it really depends on which low frequencies are being used. In a lot of cases we have the sound engineer for the venue/festival swap out certain low frequencies for other that have better characteristics to mitigate the impact of bleed or completely eliminate vibration.**
- What is the more cost-effective mitigations to reduce low frequency bass sound levels? **I'm assuming they mean reduce the impact. Proper use of**

sound absorption and sound blocking in the venue/festival, learning what low frequencies are being used and substitute them for other less harmful frequencies. We've had great success with all of these and more approaches, although which method really depends on various factors as each situation is unique.

- What are the more cost-effective mitigations to reduce outdoor amplified sound levels? **Way too many to mention individually. Stage orientation is key, speaker placement is next. Flying speakers and angling them down is effective. Directional speakers are almost like magic (usually lowering 10 dB A at the property line).**

RB Blackstone – When he talks about directional speakers, he is probably talking about what is called a line array, but it could cost almost \$100,000.

Amin Tohmaz - There was one last comment that Don put in his answer and it is as follows:

- There is an essential approach that should be used when dealing with sound/noise control. This is to divide every issue into its basic components. Doing this is what is called THE SOURCE-PATH-RECEIVER CONCEPT. You can break every noise control hurdle down into three parts. The source of the noise is the first. A path conveying the sound waves is the second. The receiver that hears it is the third. From a regulatory standpoint you need policy that includes looking at all three. It's not as hard as one would imagine and doesn't take a lot of staff. We could get you all set up in no time.

Amin Tohmaz – The next question is addressed to the police department. Do they know what entertainment districts are in the city?

Capt. Hightower – With a little research, we discovered that there are only four entertainment districts throughout the entire city. Sea World, Morgan's Wonderland, Fiesta Texas are three of the four. We are not talking about districts where there is entertainment such as bars, restaurants or the Riverwalk. Those are classified as commercial businesses, so they do not get the additional decibel reading of up to 85. They still have to stay under 75. They have not received any calls for noise ordinance, loud music or any other calls related to any of the four entertainment locations.

Bianca Maldonado – When will this information be loaded in the police mobile cab. In prior conversations at this task force there was concerns with officers not issuing noise violations because they were stating it was an entertainment district. This was an explanation that SAPD was providing to the public. Is this going to be updated in their procedural manual and is it going to be updated in their system.

Eric Hightower – If you have a specific example to look at, the police officers can be educated and eliminate the confusion. The police officers are taking the cue from the code officers who are either present on the scene or has left mobile cab notes for the police officer so that when he arrives he knows that the business was over the legal limit and will issue the citation.

Gemma Kennedy – During the other days of the week, Monday, Tuesday and Wednesday, are the still going out and getting the decibel meters from their stations to do the noise calls.

Eric Hightower – Any call that comes in to the police is handled by the line level officer with the exception of those 24 hours each week with code is working 8:00 pm to 4:00 am, Thursday, Friday, Saturday. The police officers do not have the ability, nor will they take the time to go back to the substation for a noise meter. The police are not concerned with enforcement. They are concerned with compliance. If they can produce the compliance by talking to a citizen, then they have succeeded.

Michael Shannon – We are going to take some time to hear from some of the non-task force members online.

Don Pavlin – The police officers come out when he calls, but as soon as they leave the music is cranked back up. If they are cited aren't they more likely not to turn the music up again?

Michael Shannon – That is a big part of what the Task Force is doing and trying to figure out. This could be part of a repeat violator process.

RB Blackstone – If code can issue a ticket for grass being too high, why can't they issue at least a warning to somebody if the music is too loud. If they feel that an

armed officer is necessary because it is not a safe environment, that's understandable. Why not leave those as a separate call for the code officer.

Sergio Acosta – You have to realize that readings are being taken on the three busiest days when the most people are likely to be out.

Cindy Dorantes - Is from the Restaurant Association of Texas and appreciates what the task force is doing. Has received calls from businesses that are compliant and has also received calls from businesses that are constantly being complained on because someone doesn't like their business.

Cynthia Spielman – The majority of the complaints are about bad actors and it is enough to make life uncomfortable in communities that are adjacent to these bar areas. What is the end goal for the task force?

David Uhler – At the last meeting the sound expert, Don Pitts, said the City of Austin reduced the volume of complaints by 60%. Was that heard correctly? If the City of San Antonio can reduce their volume of complaints, it would be more manageable for the six code officers working. So maybe by hiring a sound expert would be money well spent.

Jim Dalglish – Would like to find a way to reduce complaint, but not by shutting people down, but by solving the problems. There needs to be communication between the residents and the businesses.

Leticia Mejia – Called in a disturbance complaint for loud noise this past weekend. Calls in about every weekend because she has to go to work at 5:00 am on Mondays. Hills and Dale's music is so loud, it bleeds across 1604 where she lives. Would like to know what good an incident reports for her when the officer does not issue a citation.

Michael Shannon- The city is compiling and will have ready for the next meeting more detailed information on the first three-month data, including heat maps of calls and where we found the violations. We will overlay SAPD information as well as. We will identify the number of violations we had, such as how many were duplicates or repeat offenders. Would like the task force member to send suggestions on tweaks or changes that should be made. There are more

questions about vibrations that need to be answered as well. The next meeting will be three weeks out via WebEx.

Meeting adjourned at 4:05 pm