



## **AUSTIN MUSIC COMMISSION MINUTES**

**Special Called Meeting – Monday, October 8, 2012, 10:30 A.M.**

Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas 78701

Council Chambers Room 1001

Commissioners in attendance: Brad Spies, Joah Spearman, Rich Garza, Heather Wagner Reed, Eve McArthur, Joe Stallone

Staff in attendance: Don Pitts, David Murray, Ashley Buchanan, Stephanie Bergara

### **A. CALL TO ORDER**

Spearman called the Commission meeting to order at 10:38 a.m.

### **B. APPROVAL OF MINUTES**

The minutes from the Regular Meeting of August 6, 2012 were approved on Spearman's motion, Stallone's second, and a unanimous 6-0 vote.

### **C. CITIZEN COMMUNICATION**

1. Jennifer Houlihan, Austin Music People – Highlights from economic impact presentation: 100% reason people come to Austin has something to do with night life, live music, local artists; \$1.7 billion economic impact. Issues facing music industry: changes in industry, recording artists, and performance opportunities. Stated there is a regulatory environment of a growing city and two possible incentives are: as live music continues to increase in a particular venue, TABC fees could be reduced; tax deduction or resumption on gear (sound, lighting) for music venues (definition of a live music venue would need to be confirmed). Next steps: follow up with Casey Monohan and the commission.
2. Lauren Gould – Active participant in Austin's economy of music, music education and business; makes a living by teaching private lessons. Proposes the commission find a meeting time that is more convenient for local musicians, between 10am and 4pm. Would like to see commission work to designate more friendly busking areas; states busking areas would attract more pedestrian activity, adding revenue for musicians and more customers to local businesses. Asks the commission about the Red River Live Music Heritage District.
3. Ryan Gould – Full-time musicians since 1999; valued member of jazz genre who works 6-7 nights every week. Has mentored children and adults and helped build local community projects, yet has never made more than \$15k a year in exchange for his devotion to music and sharing it with the community.
4. Silas Low – Musician; discusses the obstacles there are for working musicians, including: there is little time to make a successful advocacy campaign, some people are not comfortable moving through bureaucracy, and there is less access to lawyers to assist in creating a clearly outlined strategy to reach specific goals. States the City should be committed to facilitating artists' communication into the process so the musicians have a voice and an outlet.
5. Phillip Gibbs – Singer/songwriter who has played over 1000 shows in Austin. States issue of supply and demand; many musicians are moving here from other music cities who will play for less money.



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6. Greg Vendettie – Discusses that we should involve our assets in tech, film, gaming and other creative industries, because there is opportunity for creating business solutions and tax incentives.
7. Jeremy Staub – Event producer/DJ; started out at Cheer Up Charlies and other east side venues who open the door for new talent. States his events gained popularity and opportunities at venues including The W. Would like to see East Sixth as an entertainment district, with changes in decibel levels and subsidized low-interest loans offered for sound proofing.

### **D. NEW BUSINESS**

1. Election of Officers
  - i. Spearman nominates Spies to continue as Chair, Garza seconds, with a unanimous 6-0 vote.
  - ii. Stallone nominates Spearman to continue as Vice Chair, Garza seconds, with a unanimous 6-0 vote.
2. Musicians Initiative Working Group
  - i. Spies states that some commissioners have had stakeholder meetings with musicians about the possibility of creating a working group that would work together to identify 5-10 initiatives, such as music industry infrastructure, affordable housing, and small business loans. The group would also need to identify assets that are already in place and how to tweak them in order to gain more utilization.
  - ii. Garza suggests the Creative Media Center as the venue for ongoing presence to gain more traction.
  - iii. Spearman would like to have a presence of music organizations on the working group.
  - iv. Pitts says three commissioners are allowed to be on the group and once the task is completed, the group is dissolved.
  - v. Garza asks for commissioners to review the Live Music Taskforce and have musicians give input on that.
  - vi. Spies motions for Garza and Stallone to create a proposal for a Musicians Initiative Working Group that includes a mission statement, goals, etc., Spearman's second, with a 6-0 vote.
3. Discussion of Cheer Up Charlie's OMV permit
  - i. Murray discusses PowerPoint presentation; see attached.
  - ii. Spearman says there is a lot of grey area with the 600 ft. rule and the four factors that are required in order to receive approval of later cutoff times for amplified sound.
  - iii. Pitts states there is no grey area and that Cheer Up Charlies needs the first two factors in order to get approval for later hours. States there are three appeals to council that will most likely be on the agenda in November.
  - iv. Murray states there have been meetings with CUC and residents about the venue playing later than their allowed cutoff times.



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- v. Tamara Hoover – Cheer Up Charlies; says she has had neighbors sign their permit showing support of the venue, they have created a neighborhood association called Neighbors and Artists Together, but still want to reach out to other neighborhoods to gain approved for later hours. Says CUC gives 100% of door proceeds to musicians and would like to have later cutoff times to offer this to musicians. Hopes to convey to council during the appeal that they are trying to make friendships and think they can comply with the rules.
  - vi. Carroll Gibbs – Neighborhood Advisor; describes the process for establishing a neighborhood association.
  - vii. Spies asks Hoover about playing passed cutoff times.
  - viii. Hoover says they made mistakes and they are not having outdoor shows right now, but now they are getting sound complaints about inside shows. States CUC is willing to not have any shows during the week if they could have later cutoff times Thursday, Friday and Saturday. Says the appeal is on Thursday, November 1<sup>st</sup>.
  - ix. Spies states that getting the neighbors on board with later hours for a certain period of time should be discussed.
  - x. Spearman would like to make a motion that the commission supports the compromised proposal by CUC.
  - xi. Spies adds for CUC to work with all the neighborhood associations and residents involved on agreements.
  - xii. Spearman motions to recommend the CUC proposal during the appeal process, Garza seconds, with a 6-0 vote.
4. Presentation from North University neighborhood association
- i. Michael and 3 other individuals, representing NUNA; discusses that there is a dramatic increase in sound.
  - ii. Linda Team – former president of Hyde Park Neighborhood Association; states there is an increasing number of rooftop venues that has created new and worse levels of sound traveling up north. Recommends: to revise sound ordinance, to end long distance sound transposing, apply outdoor and indoor venue requirements separately, pursue establishment of a rotating loan fund, pursue penalties for offending venues, require a public hearing before issuing any music venue permits.
  - iii. Spies asked who the main offenders were.
  - iv. Team says Stubbs and the Blind Pig.
  - v. Robert Taylor; Presents graph of 52 offenses this year. Second graph is the Waller Creek Basin, with Blind Pig and Stubbs creating sound. From 14,000 feet away, music can be heard from the Blind Pig Pub.
  - vi. Mary Engel – NUNA resident; has been working with a professional sound engineer; hasn't used specific measurements, has done temperature conditions that can cause sounds to increase. Sound travels faster in warmer air, and it doesn't always travel in straight lines. Low frequencies are not by obstructions. What seems is the way the low



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frequencies are measured. DBA system subtracts out energy from low frequency.

- vii. Spies asks if the Blind Pig is the main problem.
  - viii. Pitts says the Blind Pig has made adjustments to remedy the situation. Recently, music has been stopping at 10:30am
  - ix. Spearman suggests gathering more information.
  - x. Spies says he believes that for all permits.
  - xi. Pitts says that staff could prepare a presentation to address sound complaints and concerns.
  - xii. McArthur asks if the Waller Creek redevelopment could be asked to consider transmission of noise and if adjustments could be made to remedy noise.
  - xiii. Spearman says they'd need to hear from acoustic engineer. Motions to suspend dialogue on this issue until the November meeting. Spies seconds, with a 6-0 vote.
5. Presentation of music events during F1 race weekend
- i. Ridge Rees – Event Coordinator, COTA – bringing in a handful of artists for Austin Fan Fest weekend including: Aerosmith, CheapTrick, Flo Rida, Cobra Starship, Enrique Inglesias, Nelly, Juanes, Lupe Fiasco, Ghostland Observatory, Fitz and The Tantrums, and several more.
  - ii. James Russell – 7<sup>th</sup> Street to 11<sup>th</sup> Street – Formula 1 Rocks Austin festival; music staff booking all local talent
6. Discussion of special event permitting process proposal
- i. Spies motions to move item to the November agenda, Spearman seconds, with a 6-0 vote.
7. Discussion and Possible Action Items:
- i. Update on Arts Commission and Music Commission Working Group
    - i. Spearman motions to table Arts Commission and Music Commission working group discussion, Garza seconds, with a 6-0 vote.
  - ii. Appoint a music commissioner to the Downtown Commission
    - i. Garza nominates Spearman to continue serving on Downtown Commission, Spies seconds, with a 6-0 vote.
  - iii. Approve staff-recommended list of 2012 Austin Music Memorial inductees
    - i. Bergara presents the list of recommended nominees for 2012 Austin Music Memorial. Spearman motions to approve, Garza seconds, with a 6-0 vote.

## **E. MEMBER UPDATES**

- 1. Spearman mentions he is a part of events featuring local music happening during F1 and encourages commissioners to attend.



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2. Garza congratulates HAAM on HAAM Benefit Day and mentions SIMS For Fems event.

#### **F. STAFF BRIEFINGS**

#### **F. ADJOURNMENT**

The Commission adjourned at 12:15 p.m. Spies motion, Spearman seconds, with a unanimous 6-0 vote.