

**ORDINANCE NO. 20151217-056**

**AN ORDINANCE WAIVING CERTAIN FEES AND REQUIREMENTS UNDER CITY CODE CHAPTER 14-8; WAIVING CERTAIN OTHER FEES, PAYMENTS, AND REQUIREMENTS; AUTHORIZING PAYMENT OF CERTAIN COSTS BY CITY DEPARTMENTS; AND WAIVING OR MODIFYING CERTAIN REQUIREMENTS OF CITY CODE SECTIONS 9-2-36, 9-2-38, 9-2-54, 13-2-336, 14-8-14, AND 25-10-158 FOR THE CITY CO-SPONSORED MARCH 11-21, 2016 SOUTH BY SOUTHWEST CONFERENCES AND FESTIVALS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. FINDINGS.**

- (1) The City of Austin (the "City") has been the host city for the South By Southwest Conferences and Festivals (the "SXSW Event") since the first SXSW Event in 1987;
- (2) The SXSW Event brings hallmark cultural value to the City by featuring creative talent, including musical performers, film producers, technology trailblazers, and speakers who are leaders in their respective industries;
- (3) The SXSW Event has grown into an internationally recognized event that attracts attendees and companies from all over the world to Austin, with an economic impact of over \$1 billion for the City of Austin over the past five years;
- (4) The SXSW Event is a City co-sponsored Event, providing a range of free public concerts and other popular cultural events attended by thousands of Austin residents annually;
- (5) City services provided during the SXSW Event protect and benefit everyone in downtown Austin, including local businesses, the Austin community, visitors, and SXSW Event attendees and participants;
- (6) Safety during the SXSW Event is the top priority for SXSW, LLC ("SXSW") and the City;
- (7) The 2016 SXSW Event will be held March 11-21, 2016 (the "2016 SXSW Event"); and
- (8) For the 2016 SXSW Event, SXSW will make payment to the City of approximately \$171,905 which will include payment of the following City fees:

- a. Event Day Fees for Vic Mathias Shores (Parks and Recreation) (\$15,000);
- b. Event Set Up Fees for Vic Mathias Shores (Parks and Recreation) (\$1,500);
- c. Event Take Down/Clean-up Day Fees for Vic Mathias Shores (Parks and Recreation) (\$1,000);
- d. Alcohol Permit Fee for Vic Mathias Shores (Parks and Recreation) (\$30);
- e. Sound Permit Fee for Vic Mathias Shores (Parks and Recreation) (\$30);
- f. Maintenance Fee for Vic Mathias Shores (Parks and Recreation) (\$12,000)
- g. Additional Street Closure Permit Fees (Austin Transportation) (\$40,400);
- h. Application Fee (Austin Transportation) (\$250);
- i. Parking Application Fee (Austin Transportation) (\$35);
- j. Sound amplification fees (Austin Transportation) (\$660);
- k. Safety Inspection Fee (Austin Transportation) (\$11,000);
- l. Lamp Post Banner Fees (Austin Transportation) (\$20,000);
- m. Standby Fees (Emergency Medical Services) (\$20,000); and
- n. Inspection and Permitting Fees for SXSW produced events (Austin Fire Department) (\$50,000).

**PART 2.** Council waives certain fees and requirements under City Code Chapter 14-8 (*Temporary Closure for Right of Way Event*), and certain other fees, payments, and requirements for free, City co-sponsored events that are open to the public in public areas during the 2016 SXSW Event. The amounts listed below are the maximum amounts waived or authorized under this ordinance.

**Fees Waived by City Departments**

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|----|---|-------|
| 1. | Utilities and Equipment Use Fees for Carver Museum (Parks and Recreation) | \$910 |
| 2. | Event Day Fees for Carver Museum (Parks and Recreation)                   | 1,400 |

3.	Parking Spaces Use Fee (Austin Transportation)	77,500
4.	Street Closure Permit Fee (Austin Transportation)	20,000
5.	Traffic Control Plan (Austin Transportation)	4,500
6.	Additional Street and Litter Control Services (Austin Resource Recovery)	<u>65,000</u>
<b>Total fees waived not to exceed</b>		<b>\$169,310</b>

**Payments Authorized by City Departments**

1.	Additional Dumpsters and Service (Austin Resource Recovery)	\$60,000
2.	Barricade Costs (Austin Transportation)	<u>80,000</u>
<b>Total payments authorized not to exceed</b>		<b>\$140,000</b>

**Total Estimated Fee Waivers and Payments                      \$309,310**

**Requirement Waived**

\$2,000 refundable security deposit requirement (Parks and Recreation Department)

**PART 3.** In addition to the right-of-way closures as requested by SXSW and in order to increase mobility while maintaining a clean and safe public environment for Austin's downtown entertainment districts during the 2016 SXSW Event, Council directs the City Manager to facilitate at City expense safety closures in the Downtown area for the general traveling public as the Manager deems necessary for public safety, and pursuant to the City of Austin's Traffic Control Plan, but no earlier than 3 a.m. and no later than 5 p.m. daily during the following dates (unless otherwise deemed necessary by the Manager or the Manager's designee), including the following streets:

1. 200 – 600 block of East 6<sup>th</sup> Street, March 11 – 20, 2016 ;
2. 500 – 900 Block of Red River, March 15 – March 20, 2016; and
3. 100 Block of Rainey Street, March 15 – March 20, 2016.

**PART 4.** Council waives the closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Section 14-8-14 (*Temporary Closure for Right of Way Event*) for the 2016 SXSW Event.

**PART 5.** Council directs the City Manager to facilitate Safety Closures in the right-of-way as requested by Austin's live music venues that are deemed necessary for public safety.

**PART 6.** Council directs the City Manager to create a comprehensive traffic control plan that incorporates all right-of-way closures in effect within the Central Business District during the 2016 SXSW Event. The comprehensive traffic control plan shall reflect 2016 SXSW Event official closures, pre-planned City safety closures, private third-party safety closures, and any additional street or lane closures deemed necessary.

**PART 7.** Council modifies the following City Code requirements and restrictions otherwise required of SXSW during the 2016 SXSW Event. Nothing in these modifications is intended to waive required City staff approvals.

- (1) With respect to events that are produced or represented by SXSW for the 2016 SXSW Event, the restriction on maximum number of days for a multi-day special events permit in City Code Sections 9-2-36 (*Types of Live Music Permits*) and 9-2-38(B) (*Multi-day Special Events Permit*) is modified to allow a multi-day permit for no more than ten (10) consecutive or non-consecutive days during a 30-day period.
- (2) With respect to events that are produced or represented by SXSW for the 2016 SXSW Event, the restriction in City Code Section 9-2-38(F) (*Multi-day Special Events Permits*) is modified to allow a permit to be issued for a site or property that is used as a parking lot even if the lot is not leased by an adjacent commercial structure.
- (3) With respect to events that are produced or represented by SXSW for the 2016 SXSW Event, the notice of application for multi-day permits in City Code Section 9-2-54 (*Notice of Application*) is modified to waive the notice requirement in Subsection 9-2-54(B).
- (4) With respect to events that are produced or represented by SXSW for the 2016 SXSW Event, City Code Section 25-10-158 (*Special Event Signs*) is modified as follows:
  - (b) Subsection 25-10-158(B)(1) is modified to allow a maximum of five (5) signs;
  - (c) Subsection 25-10-158(B)(2) is modified to allow projected signs that may not exceed the lesser of 75% of the area of a facade or 9000 square feet;
  - (d) Subsection 25-10-158(B)(3) is modified to allow advertising to appear on no more than 75 % of the sign area;

- (e) Subsection 25-10-158(C)(1) is modified to allow signs no larger than 360 square feet; and
- (f) Subsection 25-10-158(C)(2) is modified to allow advertising to appear on no more than 50% of the sign area
- (5) For events that are produced or represented by SXSW for the 2016 SXSW Event, City Code Subsection 25-10-158(C)(1) (*Special Event Signs*) is further modified to allow, subject to the director's approval, additional non-projected signs that provide direction to activities occurring at the 2016 SXSW Event. The Manager may disapprove a sign authorized by this paragraph if it is determined that the sign constitutes a threat to public health and safety or constitutes a traffic hazard.
- (6) City Code Section 13-2-336 (*Operating Authority Limitations*) is modified to authorize the Austin Transportation Department to issue operating authority to a maximum of twenty (20) low-speed vehicle services for use during the 2016 Spring Festival Season.

**PART 8.** The City Manager is further directed to attempt to negotiate agreements between the City and SXSW, and potentially other event organizers, for upcoming Spring Festival Seasons. Such agreements should help ensure a safe, clean, and pedestrian friendly downtown area during the Spring Festival Season, and such agreements should outline the roles and responsibilities of the parties, potentially for multiple years.

**PART 9.** This ordinance takes effect on December 28, 2015.

**PASSED AND APPROVED**

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December 17, 2015

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Steve Adler  
Mayor

**APPROVED:**

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Anne L. Morgan  
City Attorney

**ATTEST:**

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Jannette S. Goodall  
City Clerk