



AUSTIN MUSIC COMMISSION MINUTES

Regular Meeting – Monday, May 6, 2013, 12:00 P.M.
Austin City Hall, 301 West 2nd Street, Austin, Texas 78701
City Council Chambers

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

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

A. CALL TO ORDER

Spies called the Commission meeting to order at 12:17 p.m.

B. APPROVAL OF MINUTES

The minutes from the Regular Meeting on April 1, 2013 were approved on Wagner Reed's motion, McArthur's second, and a unanimous 7-0 vote.

C. CITIZEN COMMUNICATION

1. Kelly Goldstein – Update on Austin Music Foundation's Latin Music panel, May 27 at the Soundcheck Building.
2. Steven Bacon – Presented information and proposal to change the current busking ordinance, presented the model currently used in Cambridge Massachusetts.
3. Colin Kendrick – Talked about new organization, Black Fret, a 501c3 charity that provides grants to local musicians in increments of \$25,000. Membership based model, launched in January, 40 members so far, intent by the end of the year is to have 100 members. Spies suggest that Kendrick return next month for a deeper dive in to Black Fret next month.

D. NEW BUSINESS

1. Introduction to Austin Police Department (APD) Sound Officers

- i. Introduction of officers Patrick Nelsen and Bobby Leal, who will act as a liaison between the police department and the public who have concerns about music in Austin. Some items of note that have been identified include how the city code translates and permitting processes. Spearman asks if the plan is to continue to have the public call in to 911 for sound complaints, Nelsen replies saying that it is an issue they will continue to look in to and that the best protocol for this will be identified. Spies asks if the venues and business owners they officers have spoken to are aware of the ordinances and guidelines currently are, Nelsen responds saying that most owners are aware of the rules and regulations are and that the education and outreach process will continue. Garza asks if the officers have a gauge of whether the sound complaints are steered toward live music or amplified recorded sound. Nelsen replies that it is generally an even distribution of complaints, about 50/50. Garza notes that it would seem that if we can tighten up curfew regulations, we will be able to get out in front of a lot of the issues. Nelsen concurs, saying that most citizens want to make sure that curfews are enforced. Garza asks if there are any very well informed citizens who are noting curfew



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violations are one minute past the curfew time, Nelsen says yes, and that if these individuals are affected negatively by sound, they are well within their rights to complain. Spies asks if the officers are housed within the Austin Center for Events, and what their hours typically are. Nelsen responds saying that the hours are varied, as they are working closely with the music office, but generally working as needed. Spies also asks about the venue toolbox initiative, and how the venue education component will look, Nelsen states that some of the education begins with venues during their permit renewal process. Murray notes that quarterly meetings are planned, work with sound engineers, venue owners etc, to make sure that these individuals have the most up to date information. Murray notes the new policy of having anyone coming in for a new or renewed OMV application come in and meet with the Special Events Center staff.

2. Musicians Working Group Survey Results and Recommendations

- i. See attached PowerPoint.
- ii. Garza asks how many people were on the musicians working group, Gould states that there were 4 musicians who were actively participating. Garza asks how many survey respondents there were, Gould says there were about 200 respondents. Spies states that there are three options for action, recommending one or multiple items mentioned to council now, potentially including items in venue toolbox, or to implement some of these items in the Fair Trade Music efforts. Garza states that this is a good start, and that there are a lot of common themes, but there is not any new information that is credible enough to go before council now. States that commission needs to be very tactical about any decisions that need to be made. Stallone agrees that we'd be doing ourselves a disservice by making any recommendations today. Wagner-Reed notes that part of the fair trade music program will address a lot of the concerns of musicians per the survey.
- iii. Garza states if there are items that the working group feels particularly passionate about, he'd encourage the group to put those in to practice, and to use that to generate momentum. Spearman goes on to say that it could benefit the commission to have a musician on the commission. Garza notes that he's seen two musicians come and go on the commission, and having been on the commission for 5 years, there are better issues to deal with than the makeup of the Commission's body. Spearman notes that the recommendation can be addressed now, and that it is troublesome to use the two former musician commissioners as the representative for the musicians that they represent. Garza notes that there is no conspiracy to keep musicians off of the commission. Stallone notes that all of the commissioners care about musicians, and that he's



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noticed that in the past year, musicians have become more involved. Wagner-Reed encourages any musicians who wish to participate with the commission make themselves as active and as vocal as possible.

- iv. Spies notes the three items that will require action at some point, number one being parking – asks staff to investigate the ramifications of allotting 40-50 parking spots per week to musicians. Garza adds that this is an item that was addressed in the live music task force report and would love a point of view from the city about whether parking is driven by venues. Pitts wants to clarify that the commission is asking for suggestions to alleviate the parking issues within 60 days. Pitts states that coming up with a couple of basic ideas would be more realistic, notes that there are a lot of stakeholders.
- v. Garza notes that more than anything, the busking element of the presentation seems to be the greatest opportunity of all of the recommendations. Suggests that a brainstorming session on busking should go on the next meeting's agenda followed by a public hearing to discuss things that have worked and things that have not worked. Notes that Pitts has done a lot of work to provide clarification on this matter. Pitts notes that staff should be prepared to provide some information on general busking concepts in the next month.
- vi. Pitts notes that staff can address all recommendations and come back with some results next month.
- vii. Spearman notes that encouraging a musician to be on the commission is not too much to ask, motions that the music commission recommend to council that a musician be a part of the music commission. Wagner-Reed mentions that the language should include the term "continued diversity", seconds motion, motion passes 7-0.
- viii. Spearman motions for a staff response and overview on all of the recommendations presented in the musicians working group findings, Wagner-Reed seconds, and motion passes 7-0.

3. Discussion and possible action on the recommendations from Rainey Street Working group of the Downtown Commission

- i. Representative of the Downtown Commission Working Group - suggests that the appropriate way to present these recommendations would be to go through each recommendation individually.
- ii. Recommendation 1 – neighborhood associations should have standing to appeal the issuance of the OMV permit issuance.
- iii. Recommendation 2 – Multi-family residents, renters and owners within 600 feet should receive notice of issuance of OMV permit.



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- iv. Recommendation 3 – reducing the decibel levels to 70db in accordance with restaurant use.
- v. Recommendation 4 – application fee for an OMV permit should be increased to \$1500 or an amount sufficient to cover the costs of the next recommendation.
- vi. Recommendation 5 – The City of Austin – Music Division performs a sound assessment of the venue and affected properties prior to the issuance of an OMV permit and recommends sound mitigation improvements as necessary.
- vii. Recommendation 6 – Support the music office initiative for improving musician welfare.
- viii. Recommendation 7 – for every citation for violation of OMV permits, the cost of a permit should increase.
- ix. Recommendation 8 – measurement techniques to pay particular attention to bass frequencies.
- x. Recommendation 9 - encourage future development to invest in design that considers sound mitigation building techniques.
- xi. Recommendation 10 - Working group was going to ask the music office for a report about the enforcements of OMV permits in particular the Rainey Neighborhood with the intent to highlight that enforcement has been an issue.
- xii. Recommendation 11 - Similar to the funds that venues can access for investing in sound mitigation techniques, private residences should also have access to this fund for sound mitigation adjustments in their dwelling.
- xiii. Spearman notes that the big issue is that a lot of the issues come down to zoning. Would like to ensure that we out people on equal footing. Main concerns are that venues don't have the same type of protections, OMV permit holders don't have the same type of appeal options for new residences being built around their establishments. Right now, the way that Rainey Street is zoned, it is conducive to being a location for OMV permit holders. Not sure if changing the fee is an incentive or disincentive to a OMV permit requester. Working group representative notes that if the permit cost can be used to provide a more thorough sound assessment, it would be desirable to both the residents and the permit holder. The current challenge is that the music office has limited resources to do this assessment at this time. Spearman feels that the recommendation is very one sided. Spies suggests that the cost of sound assessment could be shared with the building, asks if he is aware of the Music Commission's conversation from December of last year about laminated glass, advocated that the design and construction of new residential properties downtown should have sound mitigation techniques, noted that this recommendation was shot down. Pitts notes that it's the staffs understanding that this



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measure will go to council at the same time as the Venue Assistance Program.

- xiv. Spearman notes that he thinks it is premature to recommend an overhaul on the entire Rainey Street neighborhood but that maybe the recommendation should be more in line with Rainey Street becoming a the prime case study in the effectiveness of the venue toolbox.
- xv. Garza asks if the issue is the OMV permits that are in effect now or the permits that will come in the future. Representative notes that it would be appropriate to say that the issue is with the current permits that are issued. Goes on to note that there is so much development going on in that location, not sure if that is the best location for a case study.
- xvi. Spies notes that there are three items are going to help alleviate the situation, one being the 75db limit, having two dedicated APD sound officers, and the venue toolbox will all help in discovering best practices for the Rainey Street area. Notes that having a better relationship with the music office, improved notification processes, application fee, 70db request are open for discussion, and the music commission is taking a proactive approach toward best practices for this area.
- xvii. Garza says that based on the sound enforcement team and the change to the decibel code, this issue is not being ignored. There are things happening, some of these things can be integrated and collaborated on by the entire community.
- xviii. Spearman notes the ideal scenario would be with the two apd officers, with the lowered decibel levels and the installment of good neighbor/bad actor, those things address the issues. Too early to know if this will work. Recommend that the Downtown Commission table this initiative to allow the music division to monitor the effectiveness of the items that have already been put in place.
- xix. Representative of the working group suggests that the Downtown Commission working group move forward with making their recommendations to their respective commission. Allowing the downtown commission can proceed in a way that they feel is appropriate. Notes that there are tremendous changes being made in the Rainey Street area, but in the downtown area in general. Some of which are in conflict with each other. Downtown development, along with this high density development to accommodate a broad spectrum of people, along with still wanting to be the live music capital of the world. By and large, the development of bars and restaurants are a positive thing, want to continue to grow in a way that is mutually satisfactory for all.
- xx. Chair of Mexican American Cultural Center, Juan Oyervides – would like for the MACC to be included in Rainey Street discussions, as they are a stakeholder in these efforts as well. Also believes that the



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MACC should be included in the downtown commission, as they are also stakeholders here. Spoke with officers from the sound office, who told him the nature of the sound complaints were never over the decibel limit. Wants to clear up any perception that the MACC is a problematic facility. Hopes that the MACC board will be included as a stakeholder moving forward.

4. Discussion and possible action on a proposed bylaw amendment relating to the establishment of committees

- i. Spearman motions to allow five minutes of discussion time for items 4-7 remaining on the agenda. Motion passes 6-1 (Spies opposes).
- ii. Pitts notes that bylaws do not currently allow the music commission to have a committee. If the Music Commission were to ask for this, members can go to the city clerk's office, file the proper paperwork for this action and go back to the music office with that information.
- iii. Spearman asks if Stallone and Garza feel that it would be beneficial to go that route. Garza responds, saying he feels there is a lot of advocacy happening on behalf of musicians. Stallone goes on to say that he's not ready to make a decision on that today. Spearman notes that there should be a definitive desire to do so, and that at this time the desire is not there.
- iv. McArthur wonders if there is a medium between the formal committee and the working group that is the best mechanism for accomplishing goals. Pitts states that there are differences between a subcommittee and a working group. Spies encourages the Musicians working group to continue to come to the Music Commission meetings.

5. Reschedule of regular meeting

- i. Continuance of regularly scheduled meeting planned for the following week, pending the confirmation of a location.

E. MEMBER UPDATES

- ii. Commissioner Spies encourages all to attend Pachanga Festival at Fiesta Gardens
- iii. Commissioner Spearman commends the staff at Austin Psych Fest for a successful event

F. STAFF BRIEFINGS

G. ADJOURNMENT

The Commission adjourned on Spies motion, Garza's second, with a unanimous 7-0 vote.