



## **AUSTIN MUSIC COMMISSION MINUTES**

**Special Called Meeting – Wednesday, May 14, 2013, 6:30 P.M.**

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

City Hall Bullpen

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

Staff in attendance: Don Pitts, David Murray

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

Spies called the Commission meeting to order at 6:37 p.m.

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

No Minutes to Approve at this time

### **C. CITIZEN COMMUNICATION**

No Citizen Communication at this time

### **D. NEW BUSINESS**

#### **1. Discussion and possible action on the Music Venue Assistance (MVA) Micro Loan Program.**

- i. See attached powerpoint presentation – Music Venue Assistance Program (Commissioner Garza joins the meeting at this time as well)
- ii. Wagner Reed asks if there is still a matching element, as mentioned in earlier discussions, Pitts responds, saying it is not required, but the higher the amount borrowed, the more the venue should have some “skin in the game”
- iii. Garza goes on to say that this sounds like an awesome tool. This is when the neighborhood groups and venue owners are working together to find an amendable solution. Spies says this with the good neighbor program, makes for longer hours more revenue, a better situation for all. Pitts says the fundamental reasoning behind this is to allow the venue to get what they need from within their footprint.
- iv. MacArthur asks who the loan review committee will be, Pitts says that it will obviously be the Music office, along with a representative of the Economic Growth and Redevelopment Services Office, city employees. Spearman notes it’s a step for governance sake so that an individual cannot be influenced in any way.
- v. Spies asks if the music commission will be responsible for advising on approval, Garza clarifies saying that the presentation to the music commission will serve more as a public hearing. Spearman notes that it is not required for venue assistance applicants to present to the Music Commission. Spearman notes that he’ll be very surprised if eight venues apply, Garza says that there is everything to gain and \$35,000 to lose. Continues on that it is a low rather low risk tool that can potentially fix a

lot of problems. Pitts states that in an advisory role, part of the Commission being part of the community allows them to potentially know more about a venue or hear chatter around the community. Garza notes that another unintended consequence is that the more interaction individuals have with the music commission, the more incentive they will have to follow the rules and do things the right way. Spearman states that if you are a venue in the area, Rainey Street for example, and you have already seen the DBA levels go from 85 to 75 in a matter of a few months and you're looking at this being the barrier for the extra 5 decibels, the proactive approach would be to look in to other resolutions.

- vi. Spies notes there was nothing in the criteria about being a live music venue as opposed to being a bar that plays an iPod. Garza says that he doesn't feel that that particular element needs to be carved out yet. Pitts agrees, says that from a staff perspective, the goal is to help all venues make this problem go away. Spearman says that he'd like to see how it goes after year one, believes that years two and three will be highly prolific for this program.
- vii. Spies asks if the City of Austin Music Division is more sensitive to those venues not playing live music, in essence "dragging down" the live music venues or would you want to incentivize venues to play live music. Garza says he thinks the intention of this program is not to create more venues, the intention is to make the existing venues healthier. Spearman reiterates that he'd like to see what the program has done after a year, wants to look in to who received those funds and what they were used for.
- viii. Spies asks if saying that the program will give priority to venues that play live music handcuffs the commission, Garza says that he doesn't think there is any reason to classify the program that harshly. Feels that the greatest marketing tool for this program will be the Music Division reacting to sound complaints.
- ix. Spies asks if it is a lump sum payment, Pitts responds saying that it will depend on what the loan is for, it is at the discretion of the Music Division. Spies goes on to suggest, in the portion of the presentation that includes what the money can potentially be spent on, there should be note that specifies that any additional accoutrements may be utilized, at the discretion of the Music Division, to provide wiggle room for new technologies or other relevant renovations.
- x. Spies asks about the area where a personal guarantee is accepted, would a commercial guarantee from the business be acceptable. Pitts states that a personal guarantee will be what the Music Division is looking for.
- xi. Spies asks about the portion of the presentation stating that the venue being up to date with city fees also include a line about code compliance
- xii. Wagner Reed asks if there is a financial institution attached to this program. Pitts says that this is city money.
- xiii. Stallone asks what the criteria are for venues that are in need of a loan. Asks for clarification on physical and/or financial need of a loan.
- xiv. Citizen question, Michael Klein, Texas Bar and Nightclub Alliance, suggest tying the responsibility of the loan to the lease owner. Murray responds that that requirement only applies to built in adjustments. Pitts states that this language is consistent with past city loan programs, and that if the adjustment is not permanent, the lease owner will be the responsible party.

- xv. Spearman states that if the venue is at 85 db at their property loan, there is no incentive to make any sound adjustments.

## **2. Discussion and possible action on the Good Neighbor Program.**

- i. See attached Language
- ii. Spies notes a fundamental issue, notes that the language states that these items are required, thought that these items were going to be suggested as part of the effort to be a good actor. Spearman notes that the language should say "preferred". Garza notes that 50 feet is a pretty small radius. Pitts states that this list is a condition of the permit, and if the venue is not following these standard procedures, sound would apparently not be a major concern for them either. Garza states that the list is conditional and that different rules will apply to different venues.
- iii. Stallone states that, to Spies point, this is not a good neighbor program; this is a list of requirements for acquiring an OMV. Garza states that this is more of a united front, that every venue in Austin is following these guidelines, does not think this is a bad thing. Pitts states that is industry standard best practice.
- iv. Spies asks if there are aspects of the venue toolbox requiring an ordinance change, says that a line about this could potentially be included in the ordinance, Garza goes on to say that in theory that is a good idea, but with the current constraints of city legal, the rules are the rules and it has taken a substantial amount of time to get to point where we are now. Spearman requests that the language include the term "in close proximity", Spies asks the number 8 to be moved to number 1. Klein notes that most venues want to be good neighbors.
- v. Spearman asks if the language about restrooms can be changed to "reasonably maintained"
- vi. Garza suggests that this portion be taken out, because it is the hardest to police, and that it is not necessarily part of a venue being a good neighbor or not. Wagner Reed notes that the restroom clause is an important factor. Spies requests an informal motion for who would like to keep the restroom clause in, Wagner Reed notes that the language can be as simple as keeping the restrooms clean, Garza states that the inside restroom has nothing to do with being a good neighbor.
- vii. Pitts says that this is not the last version of this document.
- viii. Garza and Spearman suggest striking item 2 along with items 5 and 6. Commission asks Pitts if an addition to this document can be made to say any additions must be submitted to the Austin Music commission for public comment. Pitts says that most departments have items like these go to commission for public opinion.

## **3. Discussion and possible action on the Bad Actor Program.**

- i. See attached language
- ii. Pitts states as you get in to notification, there is a process that must be followed, certified mail or signature of receipt.
- iii. Pitts: revocation of a permit, based on previous experience, most bad actors have committed 4 violations within 45 days
- iv. Pitts: We cannot revoke a permit unless it has been suspended
- v. Spies motion to put a resolution forward to council, advocating for the Music Venue Assistance Program, Good Neighbor policy, pending

revisions, and the Bad Actor Policy, per the venue toolbox.  
Spearman seconds, motion passes unanimously.

## **MEMBER UPDATES**

### **E. STAFF BRIEFINGS**

### **F. ADJOURNMENT**

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