

RESOLUTION NO. 20191205-062

WHEREAS, the Austin City Council is committed to continuing to combat and undo racist and discriminatory actions and policies, and;

WHEREAS, The 1928 City of Austin Master Plan created a “negro district”, which compelled Black Americans in Austin to move to the segregated eastside of Austin or be denied basic resources and public amenities, and;

WHEREAS, the 1928 Master Plan and federal redlining of East Austin neighborhoods in the early 20th Century have created multidimensional, systemic inequities that the City of Austin and Austin City Council still deal with today, and;

WHEREAS, The City of Austin and the Austin City Council have taken incremental, preliminary steps to address and undo institutional racism and systemic inequity, and;

WHEREAS, in 2012, Austin City Council was restructured by referendum from 6 at-large city council members to 10 council members elected by smaller districts, which gave districts with high populations of low-income and nonwhite Austinites a larger stake in their local election while increasing the number of nonwhite council members, and;

WHEREAS, Austin City Council passed Resolution No. 20150507-027 in 2015, which directed the City Manager to evaluate the impact of existing City policies and

practices on racial equity and develop an Equity Assessment Tool that can be used across City departments during the budget process. The Equity Office was created in 2016 to focus on advancing equity in all aspects of City operations, and;

WHEREAS, in 2016 Mayor Steve Adler announced the formation of a task force comprised of several local representatives from business, education, and criminal justice to address institutional racism and systemic inequity in Austin. The report issued recommendations in the key areas of: Education; Real Estate & Housing; Health; Finance, Banking, & Industry; and Civil & Criminal Justice, and;

WHEREAS, the City of Austin and Austin City Council still have significant work to do to understand the roots of its local ordinances, policies, and actions as they are intertwined with its unfortunate racist history, and;

WHEREAS, relevant sections of Chapter 4-9 of the Austin City Code establish seven Designated Areas where public consumption of alcohol is prohibited, and;

WHEREAS, in Designated Areas 1, 3, and 4, open container consumption that is approximate to or within a “central business district”, as defined in section (d) of the Texas Alcoholic Beverage Code § 109.35, an entertainment district, parkland and environmentally sensitive areas, or a university, where there is a concentration of minors is prohibited, and;

WHEREAS, in Designated Areas 2, 5, and 6, open container consumption is prohibited in single-family residential areas and areas that have been historically inhabited by low-income individuals and Black, Hispanic, and other nonwhite populations, and;

WHEREAS, the fact that one can freely and responsibly publicly consume and be in possession of an open container or alcohol beverage in certain single-family residential areas and not others presents an equity and fairness issue, and;

WHEREAS, while presumably relevant sections of Chapter 4-9 were enacted to promote and assist in ensuring public health and safety, investigating the history and impacts of these provisions on the residents of the City is consistent with the City's efforts to undo and combat racism and inequity; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager, City Clerk, and Municipal Court Clerk to prepare a report about the City's restrictions on consuming alcoholic beverages on public streets or sidewalks within certain areas. The report should address the following:

- the number of citations given and arrests made for violations of Chapter 4-9-1 in the past 10 years per Designated Area. This information must also include the ethnicity and age bracket of those ticketed and/or arrested when available, and;

- the municipal history of no-public consumption ordinances in Austin, Texas that explicates who enacted these ordinances, why they were enacted, what, if any, public safety function they serve, and;
- recommendations on whether the areas of the City where public consumption of alcoholic beverages is prohibited should be amended or reduced, recognizing that the applicable sections of Chapter 4-9 must comply with section 109.35 of the Texas Alcoholic Beverage Code.

BE IT FURTHER RESOLVED:

The City Council directs the Public Safety Commission to review the report and make recommendations to the Council.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide an update on the progress of this report by February 20, 2020.

ADOPTED: December 5, 2019

ATTEST:



Jannette S. Goodall
City Clerk