



AUSTIN MUSIC COMMISSION MINUTES
Special Called Meeting – Wednesday, January 18, 2012, 6:00 P.M.
Austin City Hall, 301 West 2nd Street, Austin, Texas 78701
Executive Sessions Room 1027

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

Staff in attendance: Don Pitts, Ashley Buchanan

A. CALL TO ORDER

Spies called the Commission meeting to order at 6:15 p.m.

B. APPROVAL OF MINUTES

The minutes from the Regular Meeting on December 5, 2011 were approved on Garza's motion, Reed's second, and a unanimous 5-0 vote. Note in the minutes that the Regular Meeting on January 9, 2012 was postponed to Special Called Meeting on January 18, 2012 via email.

C. CITIZEN COMMUNICATION

1. Bill Brice, Downtown Austin Alliance – Said he believes the sound ordinance has changed for the better and supports the enforcement on live music operators when necessary.
2. Leslie Pacholla, Hilton Austin – Stated that not all Hilton customers are live music fans and need to sleep. In 2007, the Hilton installed double pane glass windows for \$300,000 because the music was too loud and customers were often complaining. Pacholla said APD always responds fairly and supports the sound ordinance changes and enforcement. Spies asked what floors hold the most complaints. Pacholla said they are always the higher level floors because sound travels upward. Garza asked if it is just noise to guests or if it is amplified sound/live music. Pacholla stated it is usually amplified recordings. Spies asked if there were repeated bars customers complained about. Pacholla said yes and that APD responds fairly to repeated bars and new bars complained about.
3. Michael McGill, City of Austin, Downtown Austin Neighborhood Association – Said he supports the sound ordinance and enforcement when necessary.

D. NEW BUSINESS

Spies motioned to move item #2 to item #1 on the agenda; McArthur seconded the motion, on a unanimous 5-0 vote.

1. Music Venue Relocation Fund discussion and possible action

Before the discussion began, Spies introduced Joe Stallone to the Austin Music Commission. Stallone discussed his background to the commissioners and citizens in attendance.

Spies asked Don Pitts to inform the commissioners on staff findings of the Music Venue Relocation Fund. Pitts said there is roughly \$224,000 in the existing fund. Pitts said there was a payment of \$512,000 recovered in 2003 that was supposed to be put back in the fund, but was instead put in the general fund. Staff recommended to council to rename the fund to Music Venue Assistance Program. Pitts explained that the assistance program is designed to help venues by providing loans for proper installation of sound equipment and sound attenuation assistance. Pitts said this would help mitigate sound issues and allow venues to keep playing music through these improvements. McArthur asked who would decide which venues are able to apply for the loans. Pitts said any venue that requires an outdoor music venue permit is eligible. Stallone stated conducting a case study with would show if the assistance program was successful with the data received. Pitts said Cheer Up Charlie's installed a \$10,000 "Dan Stand" that significantly reduced the decibel level from just six feet away (16-22 dB). Pitts said this is an example of how expensive it is for a venue to install equipment that reduces the sound level. Spies asked which venue would be appropriate for the case study. Pitts suggested to refrain from recommending a venue and to select a venue based on the number of complaints. McArthur suggested looking at the top three venues with the highest number of complaints and selecting the venue that would allow for the most improvement. Spies suggested creating an advisory board to conduct the case study. Stallone noted that the case study will also show if venues will actually want to borrow the money. Spies said venues are closing and relocating and need their help to maintain a successful business. Spies recommended changing the name of the fund to the Music Venue Assistance Program, creating an advisory board, conducting a case study (up to \$40,000), measuring the success of the study, and petitioning for money to be put back into the fund. Spies said the commission will make a firm recommendation to council within 180 days. Stallone motioned to approve, Garza seconded the motion, on a unanimous 5-0 vote.

2. Presentation of Music Office programs for 2012 using funds from the dissolved Music Loan Program; discussion and possible action

Pitts read the resolution of the Creative Industry Loan Program and introduced members from each organization that would be implementing and running the programs. Spies asked what the balance of funding was. Pitts stated there is

roughly \$243,000 left. Spies asked to hear from each organization to understand their history and what their proposed program would go towards. Each organization member provided background knowledge of their organization and described how their proposed program would benefit the Austin music industry and community. See uploaded document titled Proposed Music Programs Using Funds from Dissolved Music Loan Program. Commissions declared their gratitude toward each organization and believe each program will greatly improve the local music industry and community. Garza motioned to approve the proposed programs; Reed seconded the motion, on a unanimous 5-0 vote.

3. Busking discussion

Garza asked why this was put on the agenda. Pitts stated that council asked the Austin Music Commission to look at the busking language in the ordinance and make recommendations accordingly. Pitts said the Music Office will research best practices and draft recommendations. Pitts said most buskers do not know the rules and would propose a pilot program be implemented that designated six locations for busking. Spies asked if businesses who wanted busking outside their venue should be designated zones for busking. Pitts said the Music Office will create an information packet for the commission that will include what the City of Austin is currently doing regarding busking and what other cities are doing. Garza motioned to table the discussion until the February meeting; McArthur seconded the motion, on a unanimous 5-0 vote.

4. Sound Ordinance Enforcement

Spies updated the commission on why venues were suddenly getting ticketed for things they have been doing for years. In August/September, APD changed their tactics on ticket issuing. It used to be complaint driven when a venue would receive more than two complaints on the same night. During the brief time of sound ordinance enforcement (Thursdays-Saturdays), APD had two officers enforcing for venues playing music over the decibel limit or playing past cut-off times. After commission spoke with APD, they sent out information to venues about the enforcement. Venues abided by the ordinance and the complaints went down. Spies said in the APD wrap up meeting, officers will not be out actively enforcing the ordinance. Garza said the big issue was venues receiving tickets rather than warnings. Pitts stated that APD said in their memo that this was a zero tolerance initiative. Pitts said the Music Office and Music Commission should determine some type of level for ambient noise. Spies said downtown is becoming denser due to the amount of people moving to the area. Pitts said venues should have a certain level of volume for ambient noise to allow for continuation of vibrant, successful businesses. Pitts said this is where the Music Venue Assistance Program will come into play and solve all of these problems. Spies suggested tabling the discussion for February meeting. Reed motioned to table the discussion; McArthur seconded the motion, on a unanimous 5-0 vote.

E. MEMBER UPDATES

1. Reed updated the commission on the Recording Academy.

F. STAFF BRIEFINGS

1. Pitts discussed the permitting application process for SXSW.

G. ITEMS FOR INFORMATION

Next meeting: February 6, 2012

H. ADJOURNMENT

The Commission adjourned at 8:30 p.m. on McArthur's motion, Reed's second, and a unanimous 5-0 vote.