



**AUSTIN MUSIC COMMISSION MINUTES**  
**Regular Meeting – Monday, August 6, 2012, 6:00 P.M.**  
Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas 78701  
Board and Commission Room 1101

Commissioners in attendance: Joah Spearman, Eve McArthur, Brad Spies, Joe Stallone, Michael Feferman, Heather Wagner Reed

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

**A. CALL TO ORDER**

Spies called the Commission meeting to order at 6:11 p.m.

**B. APPROVAL OF MINUTES**

The minutes from the Regular Meeting of May 7, 2012 were approved on Spearman's motion, Stallone's second, and a unanimous 6-0 vote.

**C. CITIZEN COMMUNICATION**

1. Clay Shorkey, Texas Music Museum – museum update, expansion plans, photo distribution, plans to adopt the Austin History Center process for sharing photos.
2. Silas Lowe, Austin Musician – expressed concern for Austin Music working and living conditions. Strongly urged the Music Commission to begin focusing on needs and concerns of Musicians.
3. Anna Lisa Farenthold, Co-Chair of the Austin, Early Childhood Commission – Interested in Austin continuing to be a place that supports the creative class.
4. Julie Fitch, Downtown Austin Alliance – stated plans to encourage City Council and Commission to pursue a different way to approach sound mitigation policies
5. Alissa McCain, Austin Creative Alliance/Texas Accountants and Lawyers for the Arts/Capital View Arts - update on each of these organizations including 'How to form and Arts Non-Profit', a 4-part Series on Music Business Essentials (both co-presented by ACA and TALA), Volunteer Orientation for attorneys (hosted by TALA), and Capital View Arts plans for attendance at the Cutting Edge Music Festival in New Orleans.

**D. NEW BUSINESS**

1. Building Standards Presentation
  - i. Leon Barba - Assistant Director, Planning and Development Review Department, Building Official, City of Austin, Dan McNabb – Division Manager, Building Inspection Group, Jose Roig – Supervisor of Building Inspectors.
  - ii. Barba Mentioned that last meeting, wanted to look at providing a way of measuring performance. Three stakeholder meetings took place, where it was ultimately decided that the prescribed method was the best approach. The approach is not to tell people how to build things.
  - iii. See Attached Sound Mitigation PowerPoint.
  - iv. Feferman asks if the new building standards would have made a significant change in mitigating some of the problems that have been identified in the past year. Murray says that these policies would have made a difference, depending on how close you are to an entertainment district. Pitts explains



that the sound complaints will never be eliminated, but that these policies are a step in the right direction

- v. Feferman asked what cost implications would be to recommend an even higher STC rating. Roig stated that research was done, but that any different glass assembly would reduce the energy benefit, per counsel with Austin Energy.
  - vi. Feferman asked why building standards felt this is only relevant or needed for buildings five stories or higher. McNabb replied saying smart housing representation was present at stakeholders meeting and that individuals from this camp determined that five stories is a standard they could cooperate with. Barba went on to mention neighborhood housing determines what does or does not have an impact on affordability. By keeping the standard at the 5 story level, they do not feel there will be an interference from affordable housing, as most of this housing is listed at 5 stories or less.
  - vii. Spearman states that with the current scenario has downtown occupancy going up via higher rise developments 5 stories and above, this is a more direct hit at high residency, high occupancy spaces.
  - viii. Spies ask what the reasoning is between requiring mitigation adjustments for residential and commercial buildings versus just residential and where people stay overnight. McNabb stated that it was safety related and with regard to consistency within the code.
  - ix. Spearman moved for the Music Commission to support the recommendation from the building standards staff as it moves through the boards and commissions process so that other boards and commissions see that building standards have the support of the Music Commission. Spies concur, adding that the STC, safety and energy concerns are sufficient enough for support. Wagner seconds, motion passes unanimously, 6-0
2. Music Venue Assistance Program
- i. See Attached MVA PowerPoint.
  - ii. Spies identifies that the overall recommendations and finding suggest that sound mitigation practices are functional and that a loan program should be considered.
  - iii. Feferman ask what the difference is between a loan program and the matching funds function within case study. Pitts explains that the intentions were always for a loan program and that the matching funds action was utilized particularly for the case study.
  - iv. Spies asked where the loan money would come from, Pitts answers saying the Downtown Development fund that was set aside in the resolution
  - v. Spies asks how much money is in that current fund, Pitts responds with approximately \$240,000 and that this fund would be tipped off annually until the total reached \$750,000
  - vi. McArthur asked when renewal would occur, Pitts says the fund will be revisited on October 1.
  - vii. Stallone asks for clarification between the summary and the report, where applicants must demonstrate a financial need, Pitts clarifies that the need should be based on complaints.
  - viii. Spearman asks to revisit recommendation number one and suggest that for new music venues in the first two years, successive growth versus



successive profits should be considered. Pitts clarifies, saying growth is the bigger concern.

- ix. Spies ask for clarification on who can apply for a loan, as the property owner is the person who must apply for a loan. Pitts responds saying that each case will be considered separately
- x. Spearman asks that a couple of definitions be included in the report, for example, what would qualify a small business
- xi. Feferman thanks staff for detailed reporting, asks if a venue has issues with neighbors regarding sound issues, how said venue would survive for two years. Pitts explains there are plenty of examples of venues that have been around for much longer. Feferman asks why a venue would create problems for two years before the Music office decided to help. Pitts says that staff will continue to look in to it and that plans for venues currently under construction are already considering adjustments to accommodate sound mitigation issues.
- xii. Spies recognizes that the music office walks most venues through the permitting process and tries to identify sound mitigation issues before they become a problem
- xiii. Spearman says that he would have an issue with granting money to venues for a part of their business planning process, thinks that the loan program should be in effect for existing and established venues.
- xiv. Feferman identifies that this loan program would incentivize individuals to do the right thing from the beginning and take a proactive approach.
- xv. Spearman suggests that the money in the account is used to help venues that already exist in an effort to avoid having business owners include city loans in their intended business plans.
- xvi. Wagner includes that steps should be taken to encourage venue owners to rise to the occasion from the beginning of the development process
- xvii. Murray explains that the two year requirement standard was to ensure repayment on loans.
- xviii. McArthur concurs that two years should be the minimum for Loan consideration, including that there are too many bars and venues that go under in two years.
- xix. Stallone agrees with Feferman, saying that if the concern is not getting paid back, there are processes for ensuring repayment via loan documents.
- xx. Spearman acknowledges that funds should be used conservatively, that the program over time will service future projects but the best help it can offer is to serve as a resource for existing venues. Pitts concurs, saying as the city grows, it is important to do more outreach and education on sound mitigation.
- xxi. Spearman notes the presentation, saying based on the number of respondents surveyed; the fund for the loan program would be depleted.
- xxii. Spies notes that sound baffling is the cheapest option, and asks the music office anticipates for the demand
- xxiii. Murray responds saying the report is not exclusive to outdoor venues alone, and there are quite a few complaints about indoor venues as well
- xxiv. Spies asks if the goal would be to use the entire fund through 2013
- xxv. Pitts says that the plan would be to have nearly maxed out through the end of the year. The goal would be to have the loan revolve so that the loans would be repaid sufficiently.



- xxvi. Spearman asks what would happen if there are no respondents who feel the need to utilize these loans
- xxvii. McArthur says that it would be good to revisit the loan program after a few years of implementation and feels that if you are new venue, you should go in with the knowledge of sound mitigation.
- xxviii. Wagner sees this as a great way to educate the music community at large and that is raises the bar on this issue.
- xxix. Feferman agrees thinks that is a great opportunity for a learning experience and that established venues should be first served, followed by considering newly established venues based on stability and viability. Goes on to note that the survey that was done to figure out what level of demand might be and how likely people are to respond, leaves him without a lot of confidence about how many people need what and what would call them to action. States that he doesn't feel there is an incentive for venues to improve their sound mitigation efforts. Pitt's responds saying there are a large number of venues who are at risk of losing or not acquiring their live music venue permit, listing costs as a factor. Introduces Tamera Hoover, owner of Cheer-up Charlie's, who took out a personal loan based on city recommendations in an effort to mitigate sound issues, the venue has benefitted greatly from this action. Pitts goes on to explain the unique situation that the city Music office is in assisting in approving permits. He says that the music division will continue to provide recommendations for music venues for sound mitigation.
- xxx. Spies say that it provides an incentive for venue owners, using the loan program as a "carrot" for those who act well.
- xxxi. Feferman asked for the difference between the loan program and the venue acquiring a bank loan. Pitts responds that acquiring this loan would be easier than acquiring from a lending institution
- xxxii. Spies invite Tamera Hoover to speak.
- xxxiii. Hoover states that the process for paying for a band shell within their venue was to have their bank account go to zero, and that the incentive was to make it easy for artists and musicians perform at their 49 capacity interior bar. The barrier was an indicator to the neighbors that they cared about them, and that they cared about quality performance opportunities.
- xxxiv. Spies asked if Hoover would have used the loan program had been it in place. Hoover says probably, that it would have been nice to have the cushion. She went on to say they knew they'd make the money back with the acquisition of a live music venue permit. Hoover went on to say that they are trying to follow the rules, despite the fact that they are more strict than that of an entertainment district.
- xxxv. Spearman asked Hoover if Cheer-Up Charlie's would still be interested in acquiring a loan if she were asked to match the amount loaned. Hoover says they would have been able to help immediately, and that the person who built the band shell allowed it to be made off in payments.
- xxxvi. Spearman and Feferman agree that a match program is a great idea.
- xxxvii. Hoover goes on to say that her venue would not survive without live music, and that what the music division is offering is very helpful.
- xxxviii. Stallone looks at the benefit of a loan program, agreeing that a match program is beneficial, but that a loan program has its advantages as well



- xxxix. Feferman commends the music division again on the case study, goes on to say that the commission backs the recommendations of the music division and notes that if this program does effectively benefit the intended, that revisions be considered and made accordingly.
- xl. Pitts says that the goal of the loan program is to have the amount be maxed out and to be able to ask for more loan money, that the intention is not to create a loan program that is not utilized. The goal is to solve problems.
- xli. Spearman moves to approve staff recommendation on taking case study to create a loan program, asks to see financial specifics, suggests building in a review process
- xlii. Spies ask if it is possible to recommend that a pilot program be made in to a long term program while saying that some specific details are still pending.
- xliii. Pitts says that there will be another chance to revise the specifications of this program
- xliv. MacArthur seconds Spearman, motion carries unanimously, 6-0.
- 3. Special Event Permitting Process
  - i. See Attached PowerPoint
  - ii. Pitts gives an update that the Music Division will move in to the office of special events at the end of September. Cities included in this research included: San Diego, San Francisco, Seattle, Indianapolis, Arlington, Miami, Memphis.
  - iii. Spearman asks if there could be other cities researched that have events across their downtown areas and if there can be any examples that are last minute events, including major funeral processions, political events and events that do not allow 45 day notice.
  - iv. Spies notes that no action is needed, but that the process for this item will be continued
- 4. Appointment of Music Commission representative to the Create Austin Accountability Working Group
  - i. Pitts notes that the first meeting for this took place on this date, and that the music division has been asked to nominate a commissioner to participate in these meetings
  - ii. Spearman recommends that because the group is of cultural and creative implications, it would be one the commissioners who would joined the Arts commission working group, Commissioners Reed, Stallone and Spearman
  - iii. Spearman moves to appoint Commissioner Reed to this position, Commissioner Stallone seconds, motion passes unanimously, 6-0
- 5. Arts Commission and Music Commission Working Group – discussion and possible action
  - i. Spearman update: the Arts Commission has appointed three individuals for this working group, dates are being worked on for meetings.
  - ii. Spearman motions to appoint himself, Commissioners Reed and Stallone to this working group, Feferman seconds, motion passes unanimously, 6-0
- 6. Digital Publishing Initiative – discussion and possible action
  - i. Feferman moves that this discussion be moved to the next meeting, seconded by Stallone, motion passes unanimously, 6-0
- 7. Discuss September 2012 Special Called Meeting date



**E. MEMBER UPDATES**

1. Spearman – reported on last downtown commission meeting, where there was a presentation from the Seaholm development team, there was a desire to have a music venue in that space, encourages commissioners to engage any interested parties they may know of.

**F. STAFF BRIEFINGS**

1. Pitts mentions work with Circuit of The Americas and upcoming event announcements

**G. ADJOURNMENT**

The Commission adjourned at 8:48p.m. Stallone's motion, Feferman's second, on a unanimous 6-0 vote.