

## Executive Summary

## Annotated Final Recommendations Summary Categories

*Each line contains thoroughly detailed recommendations later in this final report*

- A. ACE Administration
  - 1. Provide guidance to staff to prioritize events requesting their traditional date in scheduling conflicts
  - 2. Require ACE to issue a preliminary recommendation to approve and application within 10 business days for Tier 2 events
  - 3. Reduce the threshold for events seeking closure permits from events held for 10 years or more without violations or changes to the event to 5 years
- B. Amplified Sound
  - 1. Extend allowable hours for amplified sound by one hour on Independence Day
  - 2. Clarifies the 30 day period in which only four days of amplified sound are allowed
- C. Definitions
  - 1. Bring the definition of a special event into alignment with the International Fire Code ([Enacted by Council on 2/3/2022](#))
  - 2. Amend the definition of a Tier 2 events so that it is based only on attendance at one time, not per day ([Enacted by Council on 2/3/2022](#))
- D. Notifications
  - 1. Clarify notification deadlines for events less than 5 years old
  - 2. Clarify notification deadlines for events greater than 5 years old
- E. Staffing
  - 1. Authorize the Austin Police Department to enter into agreements with vendors for on-site event security annually, in perpetuity
  - 2. Remove barriers for the Austin Fire Department to enter into third-party agreements to supplement their work
- F. Reporting
  - 1. Require that ACE collect data and produce public reports on Tier 3 and 4 events

## Introduction

In 2018, City Council approved passage of the Special Events Ordinance. Included in this ordinance was a directive for the creation of the Special Event Task Force, a group of 11 voting members appointed by Mayor and Council and 11 ex officio members comprised of staff from City departments that participate in the Austin Center for Events. The Task Force was charged is to “assess the efficacy of this ordinance, associated rules and ACE processes”. The Task Force began work in April of 2019 and was tasked to return a report and recommended changes by March 31, 2020.

On December 6, 2019, Deputy City Manager Rivera-Vandermyde requested an extension to provide an opportunity for Task Force members to follow the events process in action during the spring festival season to better inform their recommendations.

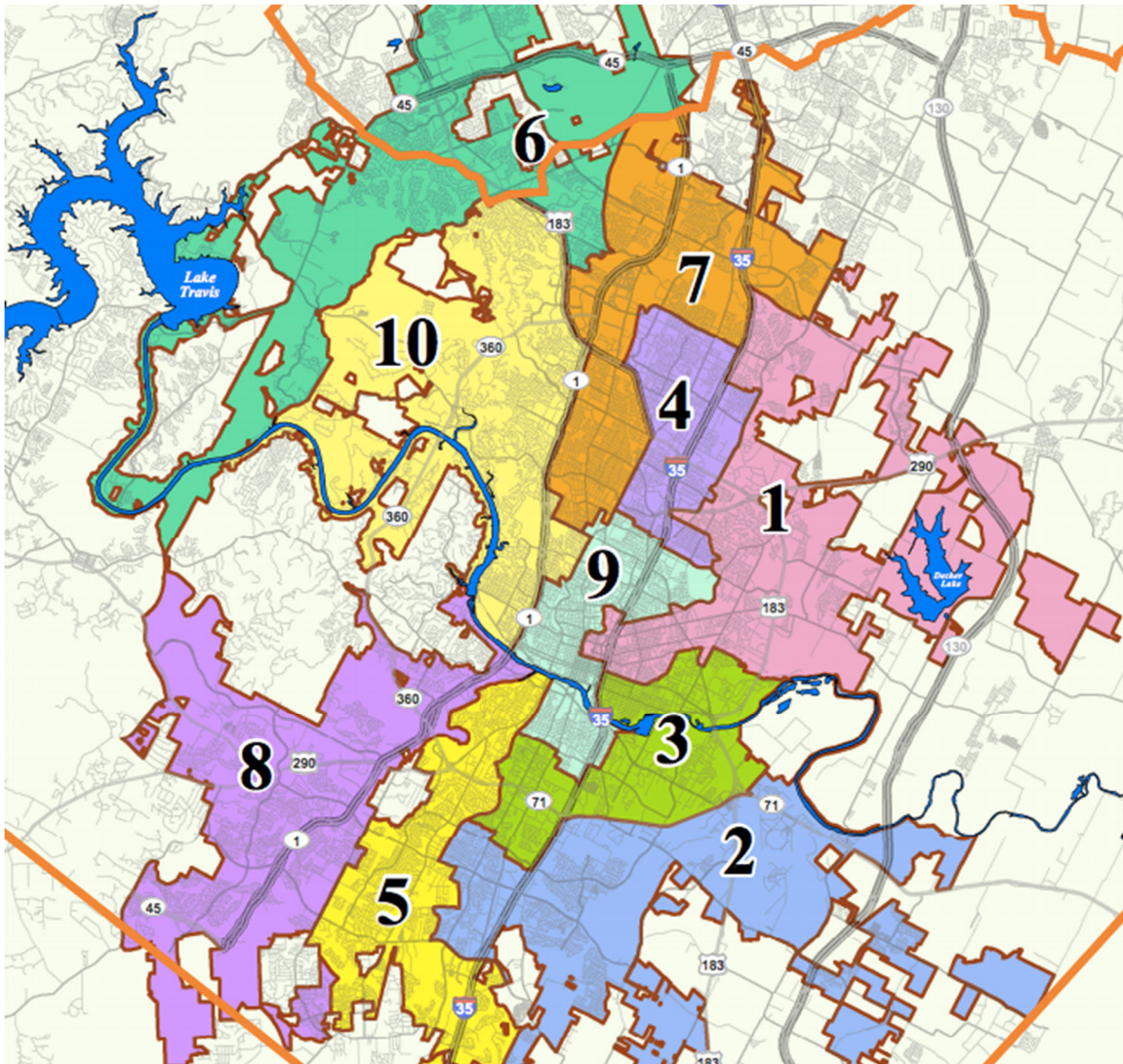
Due to the COVID-19 pandemic, the Task Force was not able to evaluate the Special Events Ordinance in spring festival season 2020 or 2021, as all special events were effectively cancelled until April 2021. In response, in August of 2021 Development Services Director Denise Lucas requested that Council allow another extension, so the work begin again. On September 2, 2021 in [Resolution No. 20210902-049](#) City Council re-authorized the work of the Task Force and re-appointed the original members. The Task Force was charged with submittal its final report by October 31, 2022.

The Task Force received regular support from the following City of Austin Departments:

- Development Services Department
- Austin Police Department
- Austin Fire Department
- Austin – Travis County Emergency Medical Services
- Parks and Recreation Department
- Austin Transportation Department
- Austin Resource Recovery
- Austin Code Department
- Law Department
- Austin Public Health

## Membership

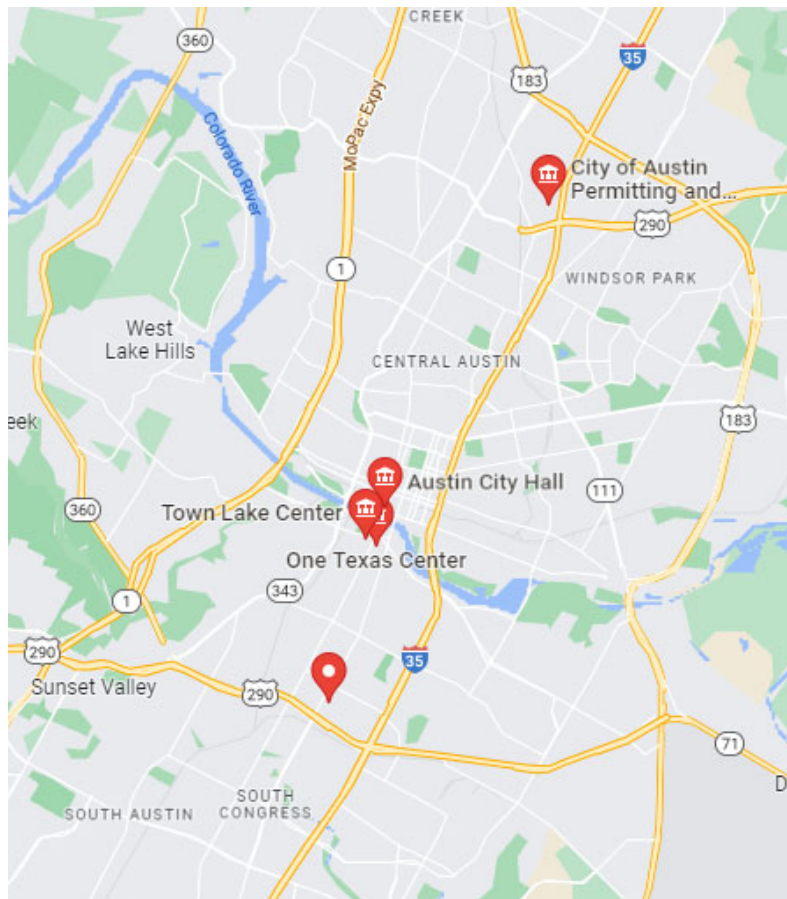
Task Force Members	Appointed By:
James Russell, Co-Chair	Mayor Adler
Jeff Smith, Co-Chair	CM Kitchen, District 5
Cindy Lo	CM Houstin, District 1
Bobby Garza	CM Garza, District 2
Laurel White	CM Renteria, District 3
Shelley Phillips	CM Casar, District 4
Heath Riddles	CM Flannigan, District 6
Mandi Thomas	CM Pool, District 7
Dan Carroll	CM Troxclair, District 8
Ingrid Weigand	MPT Tovo, District 9
Frances Thompson	CM Alter, District 10



## Meeting Details

Range of Meeting Dates:	Pre-Pandemic: June 2019 – February 2020 After Re-Authorization: October 2021 – October 2022
Number of Public Meetings:	Pre-Pandemic: 8 meetings held After Re-Authorization: 9 meetings held
Volunteer and Staff Time:	640+ hours
Meeting Locations:	City Hall - 301 W 2 <sup>nd</sup> St., 78701 One Texas Center – 505 Barton Springs Rd., 78704 211 E. Alpine Rd, Suite 400, 78704 Town Lake Center – 721 Barton Springs Rd., 78704 Permitting and Development Center, 6310 Wilhelmina Delco Dr., 78752

The Special Events Task Force was subject to the provisions of the Texas Open Meetings Act, and all meetings were open to the public and included opportunities for public comment.



Red Dots = Meeting Locations

## Final Recommendations by Focus Area

Interactive Menu: Select a BLUE link to directly navigate to a specific final recommendation section.

- A ACE Administration
- B Amplified Sound
- C Definitions
- D Notifications
- E Staffing
- F Reporting

Task Force Adoption of Final Report: October 19, 2022: Motion to approve by \_\_\_ seconded by \_\_\_ , votes.

(Could also do a final vote to approve all recommendations)

## ACE Administration

The following are recommendations related to special event application processing

1)

The Task Force recommends the following amendment to the Special Events Ordinance.

4-20-32 (C)

Except as otherwise provided, when multiple Tier 3 and Tier 4 events are requested for the same day and location, ACE will prioritize applications based on the number of years a special event has been conducted in the City. When two or more special events have been conducted for the same number of years, ~~applications will be reviewed on a first come, first serve basis.~~ **the event that is requesting its traditional date will have first priority on that date.**

Rationale:

Although rare, ACE occasionally receives applications from Tier 3 and Tier 4 events that wish to use the same location or may be in competition for each other for City resources for a particular date. While some of these events may have been held for several years, or in some cases are considered Legacy Events due to operating for at least 20 years, they may have changed the dates or time of year the event has been held. This change gives priority to events that have maintained their traditional dates and provides greater clarity for staff on how to resolve scheduling conflicts.

2)

The Task Force recommends the following amendment to the Special Events Ordinance.

4-20-32 (A)

For a **Tier 2**, Tier 3, or Tier 4 event, ACE will issue, within 10 business days of receiving a complete application, a preliminary recommendation to approve the application provided that the following conditions are met:

**(5) For a Tier 2 event, the submitted site plan meets criteria for AFD to preliminarily review and agree the land, structure, and capacities are acceptable for proposed use.**

Rationale:

The Task Force feels that Tier 2 events lack assurance of preliminary approval that is helpful for event organizers. Currently, City staff are only required to take final action to approve or deny Tier 2 applications no later than 30 days after the application is deemed complete, although the application

deadline for applicants is also 30 days from the event date. This change brings Tier 2 application processing into alignment with Tiers 3 and 4.

3)

The Task Force recommends the following amendment to the Special Events Ordinance.

4-8-28 (E)

A special event that has been held for ~~10~~ 5 or more years and has not received a violation or changed its character, nature, location, or route shall be approved under Subsection (A).

Rationale:

A special event that has been held for 5 years without violations or changes is as sufficiently institutionalized within the City and its affected areas as events held for 10 years or more. The notification requirements for the initial 5 years provide ample opportunity for feedback from the community.



## Amplified Sound

The following are recommendations related to restrictions on amplified sound at special events.

1)

The Task Force recommends the following amendment to the Special Events Ordinance.

4-20-43 (G)

(G) Unless Subsections (F) or (G) apply, ACE may approve the use of sound equipment between 10:00 a.m. and:

- (1) 10:30 p.m. Sunday through Wednesday; or
- (2) 11:00 p.m. on Thursday **or Independence Day if it falls on a Sunday, Monday Tuesday or Wednesday;** or
- (3) 12:00 midnight on:
  - a. Friday
  - b. Saturday, or
  - c. The night before New Year's Day, Memorial Day, Independence Day, or Labor Day.

Rationale:

This change allows outdoor amplified sound up to 11pm when Independence Day falls on a Sunday through Wednesday instead of the standard end time for those days of the week, which is 10:30pm. Independence Day is a little different from the other major holidays since the

community celebrations are often focused on nighttime activities and fireworks that only happen after dark. The change acknowledges and accommodates this and gives event organizers up to 30 minutes of extra time to wrap up nighttime activities when it is needed and if the location is compatible with the 11pm end time.

2)

The Task Force recommends amending Section 4-20-43 (J) and removing 4-20-43 (K) of the Special Events Ordinance. All subsequent subsections of 4-20-43 should be re-titled K-N.

4-20-43 (J)

(J) ACE may approve the use of sound equipment for no more than four consecutive days or non-consecutive days during a 30-day period. **The initial 30-day period begins on the 1<sup>st</sup> day approved for the use of sound equipment associated with the premises and the next 30-day period begins 31 days later.**

~~(K) A premises may be the subject of only one approval to use sound equipment at a special event during a 30-day period, which begins the day after the approval associated with the premises expires.~~

Rationale:

The current code limits outdoor amplified sound to no more than four days during a 30-day period and also limits the number of applications for a premises to only one during the 30-day period. This change maintains the limit on outdoor amplified sound to no more than four days during a 30-day period, but allows event organizers to submit more than one application to achieve the four days of sound if needed.

### Definitions

The following are recommendations related to what is defined as a special event. [These recommendations were submitted to Mayor and Council in November 2021 and were amended by ordinance on February 3, 2022, prior to Spring Festival Season.](#)

1)

The following section of the Special Events Ordinance has been amended as shown.

4-20-1 (14) SPECIAL EVENT means as event that

- (a) Has ~~100 or more attendees per day~~ 50 or more attendees at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center.
- (b) Impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closures*): or
- (c) Is temporary, involves ~~100 or more attendees per day~~ 50 or more attendees ~~per day at any time~~; and
  - (i.) Is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
  - (ii.) Includes one of the following: set up of temporary structures, including, but not limited to, tents, stages, or fences; use of sound equipment in an area described in Section 4-20-43(A); or provision of food or beverages, including alcohol.

Rationale:

This change brings the Special Events definition into alignment with the International Fire Code definition of an event. This expands allowances in Chapter 4-20 for applicants with event attendance from 50-99.

2)

The following section of the Special Events Ordinance has been amended as shown.

#### 4-20-21 CATEGORIES OF SPECIAL EVENTS

(B) A Tier 2 event is a special event that:

- (1) Is an assembly lasting at a city facility that estimates attendance at less than 2,500 attendees ~~per day; or at one time.~~
- (2) is an assembly ~~lasting four days or less,~~ that is primarily on private property, and that estimates attendances at less than 2,500 attendees ~~per day; at one time;~~ or
- (3) is stationary and impacts up to two blocks of a street, sidewalk, or city right-of-way

Rationale:

The administrative difference between an event lasting 4 days versus 5 days or more is the application deadline. In instances where the only difference is the number of days, ACE has been waiving the application deadline down to 30 days if requested. This would not increase amplified sound usage as that can only be permitted for 4 consecutive days in a 30-day period.

## Notifications

The following is a recommendation clarifying notification deadlines.

1)

The Task Force recommends amending Section 4-20-33 of the Special Events Ordinance to modify subsection (C) and create a new subsection (D). The current subsection D would be re-titled subsection (E)

4-20-33 (C)

In addition to the notice required under Subsection (A), ~~for an event that has been held for 4 years or less, organizer shall provide notice to interested persons and neighborhood associations within 10 calendar days after ACE issues a preliminary recommendation if a special event; no later than 120 days prior to the event start date of a special event:~~

4-20-33 (D)

~~D – If an event has been held for 5 or more years and has not received a violation or changed its character, nature, location, or route shall provide notice to interested persons and neighborhood associations no later than 30 days in advance of the event.~~

4-20-33 ~~(D)~~ E

An event organizer may provide the notice required in Subsections (A) and (C) in one document.

Rationale:

Events that are over five years and have not received violations or changed significantly have different requirements and process than events less than five years old. This language differentiates the requirements between the two event types and updates the Ordinance language to reflect how notification requirements are currently administered by the Austin Transportation Department.

## Staffing

The following are recommendations related to City staffing for special events. [These recommendations were submitted to Mayor and Council in May, 2022.](#)

1)

The Task Force recommends Mayor and Council consider the following:

Authorize the Austin Police Department to enter agreements, such as what was authorized by City Council in [Item #56 on their February 17, 2022 Meeting– File#22-1375](#) annually, as needed, in perpetuity.

Rationale:

The Special Events Task Force would like APD to be able to enter into these agreements annually, if needed, without requiring Council approval each year.

2)

Encourage City Council to remove any barriers in the contract with the Austin Fire Department to enter into third-party agreements to help supplement their work.

Rationale:

The Collective Bargaining Agreement between the City of Austin and Austin Firefighters Association Local 975 states that only Fire Fighters can perform fire prevention duties, not civilians. As such, it is unclear what, if any, responsibilities could be performed by third-party vendors to support or supplement the work of AFD.

3)

The Special Event Task Force encourages City Council and ACE departments to increase funding, as needed, for positions that support special event permit application reviews and on-site staffing for special events.

Rationale:

In addition to an increase in special event applications in 2022 as the industry emerges from the pandemic, the City of Austin has added new high-capacity venues that regularly program large events. As the City enters the budget cycle, the Task Force stresses the importance of ACE departments to identify where there are gaps in staffing, communicate their needs to the Budget Office, and for Council to fund these positions. Special event permit applicants benefit from timely reviews that allow for preliminary approval, and adequate review and on-site staffing ensures events can take place on their desired date and be successful.

## Reporting

The following recommendation is related to creating a new reporting requirement for ACE.

1)

The Task Force recommends amended the Special Events Ordinance to create a new section, "4-20-37 Post-Event Reporting". The following is the recommended language.

### 4-20-37 Post-Event Reporting

- (A) ACE will collect data on Tier 3 and Tier 4 events for the purposes of reporting.
- (B) Information about these events will be made available to the public within 60 days of the final day of the event.
- (C) The implementation of this reporting requirement shall take place before 2026.
- (D) Information that will be collected and reported includes:
  - a. Event history, including years in existence.
  - b. If the event has taken place multiple years, the first year it was established
  - c. Name of the event producer and/or production company
  - d. The number of attendees per even day and in total
  - e. Time of the event, including which days and times of the day
  - f. Length of the event in days and hours
  - g. Length of time for the set-up/take down
  - h. Whether or not neighborhood barricades were required.
  - i. Information on any road closures that took place in connection to the event.
  - j. Length of time that road closures and barricades were in place, including set-up/take down time.
  - k. Whether or not the event was free or required a ticket purchase.
  - l. Whether or not the event had amplified sound.
  - m. Whether or not a parking plan was required.
  - n. Whether or not alcohol was served
  - o. Which of the following City resources were needed: Police, Fire, EMS, Solid Waste Services, Parks and Recreation Department, Entertainment Services Division.
  - p. Complaints received via 311
  - q. Whether or not ACE departments would recommend approving the event again under the same application, including any comments or changes that are recommended or required.

### Rationale:

The Task Force believes that post-event reporting is necessary to promote transparency, accountability, continuity, and a reliable basis for future decisions on events. The reporting should be consolidated and accessible to interested members of the public. Recognizing that such reporting places an additional burden on staff, the task force recommends that the necessary additional resources be provided to implement this important task.

### Additional Commentary from the Special Events Task Force

The following are topics that the Task Force discussed but declined to move forward recommendations. However, these are perceived as ongoing concerns for ACE that the warrant Mayor and Council's attention.

#### High-Capacity Venues

ACE has seen special events increase steadily since 2019 and expects to receive more applications in 2022 than any year in City history. In addition, within the last year, three new high-capacity venues began operation and are consistently programming events that further strain public safety departments. They are: The Moody Amphitheatre at Waterloo Park, the Moody Center at UT-Austin, and the Q2 Stadium at McKalla Place. These new staffing obligations, vacancies within ACE public safety partner departments, and the approaching busy seasons of Fall 2022 and Spring Festival Season 2023 raise concerns about the City's ability to provide adequate on-site public safety for events in upcoming years.

Under current City Code, these venues are not required to submit special event applications as their activities are in alignment with the designated use type for the properties, assembly. The venues have an informal agreement with ACE to submit one application per year, per event type (i.e. concert or game) and then notify the City of upcoming events so City staffing needs can be scheduled.

Some ideas to address this problem include:

- Placing a moratorium on special event permits for dates where City staffing is not sufficient
- Regulating high-capacity venues under City Code Chapter 14-8 (Temporary Closures for Special Events and Block Parties) by denying road closures to venues that do not adequately provide notice to the City for upcoming events.
- Entering into agreements with high-capacity venue operators to fund positions in public safety departments that can be dedicated for providing services at their events.
- Provide applicants with a list of event security resources that can be hired in addition to the Austin Police Department.
- Support third party contracting for public safety functions as identified in the recommendations in the 'Staffing' section of this report.

Appendix

References

Special Events Ordinance

Special Events Task Force Website

Meeting Dates and Locations

Meeting Agenda and Approved Meeting Minutes

Back-Up Documents

City of Austin Officials