

MOTION SHEET: IMPLEMENTATION DATE

I move to amend the implementation date in the ordinance to April 1, 2019.

MOTION SHEET: STREET CLOSURES AND REQUESTS FOR COUNCIL CONSIDERATION

I move to amend the ordinance to incorporate a process that will allow event organizers and community stakeholders to request council consideration of a staff decision for events that include street closures. This motion requires the following changes:

PART 3 OF THE ORDINANCE

- modify § 14-8-22 (*Restrictions on Approval of Closure Permit*) to add a new paragraph to read as follows:

§ 14-8-22 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.

The director may not approve a closure permit for a special event:

- (1) that would exceed the maximum number of special events, as established by Council, for which a particular public right-of-way may be closed during a calendar year; or
 - (2) for which the applicant has not paid the required fees; or
 - (3) that requires council action under Section 14-8-28 (*Approval of Permit*).
- modify § 14-8-28 (*Approval of Permit*) to amend and re-letter subsections and add new subsections to read as follows:

§ 14-8-28 APPROVAL OF PERMIT.

- (A) Except as provided in Subsection (B), the director shall approve a closure permit if the director determines that the application complies with this chapter, rules adopted under this chapter, and Chapter 4-20 (*Special Events*).
- (B) The director must request council action on a request for a closure permit if, within 14 calendar days from the date notice is provided, Austin Center for Events receives objections from:
 - (1) 20 percent or more of the interested persons who were provided notice; or
 - (2) a neighborhood association.
- (C) Before council considers a request for a closure permit, the director must prepare a report that:
 - (1) summarizes the objections received;
 - (2) describes any application modifications Austin Center for Events will require to address the objections; and
 - (3) states the director's recommendation, which must be based upon whether the application complies with this chapter, rules adopted under this chapter, and Chapter 4-19 (*Special Events*).

- (D) In considering a closure permit, council shall consider the director's report and apply the same criteria used by the Austin Center for Events in Section 4-20-34 (*Approval or Denial of a Special Event Application*).
- (E) A special event that has been held for 10 or more years and has not received a violation or changed its character, nature, location, or route shall be approved under Subsection (A).
- (F ~~[B]~~) A closure permit is not effective unless the Austin Center for Events approves the companion special event permit.

- modify § 14-8-29 (*Appeal of Denial of Application*) to read as follows:

§ 14-8-29 APPEAL OF DENIAL OF APPLICATION

- (A) If an application for a closure permit is denied, the applicant may deliver an appeal that complies with the requirements established in Section 4-20-35 (*Appeal of Special Event Application Denial*).
- (B) Except as provided in Subsection (D), an appeal under this section shall be processed in the same manner as an appeal described in Section 4-20-35 (*Appeal of Special Event Application Denial*).
- (C) In considering an appeal, the appeal team shall apply the criteria described in Section 14-8-28(A) (*Approval of Permit*).
- (D) If the appeal team upholds the director's denial, ACE shall notify the applicant in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.
- (E) The applicant may submit a written request for council action no later than 10 business days after ACE notifies the applicant as required in Subsection (C). The request must be submitted to the director.
- (F) Before council considers the applicant's request, the director must prepare a report that describes why the application does not comply with the requirements in Section 14-8-28(A) (*Approval of Permit*).
- (G) The council shall consider the applicant's request at the next available scheduled meeting.
- (H) In considering the applicant's request, council shall consider the director's report and apply the same requirements used by the director in Section 14-8-28(A) (*Approval of Permit*).

PART 2 OF THE DRAFT ORDINANCE

- modify § 4-20-1 (*Definitions*) to add two new definitions and to renumber the remaining definitions as necessary.

§ 4-20-1 DEFINITIONS.

- (7) INTERESTED PERSON means the property owner, property management, or tenant of each property that fronts a portion of the proposed right-of-way closure area.
- (9) NEIGHBORHOOD ASSOCIATION means a neighborhood association registered with the City whose boundaries include all or part of a right-of-way closure area.

- modify § 4-20-32 (*Special Event Application Review*) to amend Subsection (D) to read as follows:

§ 4-20-32 SPECIAL EVENT APPLICATION REVIEW.

- (D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny an application no later than 30 days before the first day of the special event if the application does not include a request for a closure permit that requires council action under Section 14-8-22(3) (*Restrictions on Approval of Closure Permit*).

- modify § 4-20-33 (*Notification of a Special Event Application*) to add new subsections (C) and (D) to read as follows:

§ 4-20-33 NOTIFICATION OF A SPECIAL EVENT APPLICATION.

- (C) In addition to the notice required under Subsection (A), an event organizer shall provide notice to interested persons and neighborhood associations within 10 calendar days after ACE issues a preliminary recommendation if the special event:
 - (1) is a Tier 3 or 4 special event; and
 - (2) requires a closure permit under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*).
- (D) An event organizer may provide the notice required in Subsections (A) and (C) in one document.

- modify § 4-20-34 (*Approval or Denial of a Special Event Application*) to amend subsections, re-letter subsections, and add new subsections to read as follows:

§ 4-20-34 APPROVAL OR DENIAL OF A SPECIAL EVENT APPLICATION.

- (A) If ACE determines that none of the conditions specified in Subsections (B), (C), or (D) apply, ACE shall approve a special event application.
- (D) ACE shall approve an application that requires council action under Section 14-8-22(3) if
- (1) none of the conditions in Subsections (B) or (C) apply; and
 - (2) the council approves the closure permit.
- (G [D])If ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.

MOTION SHEET: SCALABILITY WITHIN THE TIER STRUCTURE

I move to amend the ordinance to add a new part that directs the City Manager to ensure that the rules and fee schedule provide for scalability within the tiers. This motion renumbers the last part of the ordinance and adds the following language:

Part __. When preparing the rules and any proposed fee schedule changes, the Council directs the City Manager to incorporate scalability within the tier structure, to the extent feasible.

MOTION SHEET: STAKEHOLDER ENGAGEMENT

I move to amend the ordinance to add a new part that directs the City Manager to provide for stakeholder engagement while the rules are being developed. This motion renumbers the last part of the ordinance and adds the following language:

Part ____. The Council directs the City Manager to incorporate stakeholder engagement into the rules development process. A component of the stakeholder engagement must include presentations to City boards and commissions with advisory responsibilities over the topics for which rules are being developed. The Council encourages the City Manager to designate a senior member of City staff to serve as a single point of contact during the stakeholder process.

MOTION SHEET: TASK FORCE

I move to amend the ordinance to add a new part that creates a task force related to this ordinance. This motion renumbers the last part of the ordinance and adds the following language:

Part _____. The City Council creates a task force to assess the efficacy of this ordinance, the associated rules, and ACE processes. The task force will be referred to as “Special Events Task Force.”

The task force will consist of 11 voting members and 11 ex officio members comprised of the city departments that participate in the Austin Center for Events. The Mayor and each Council Member will appoint one voting member to the task force. The members appointed by the Mayor and City Council will, at a minimum, consist of two members of each of the following stakeholders:

- neighborhood residents;
- individuals who own or operate music venues;
- individuals who own or operate small businesses; and
- individuals who work for or own event production companies.

The task force shall comply with Texas Government Code Chapter 551 (Open Meetings Act). Six task force members constitute a quorum. All members necessary to provide a quorum must be physically present at a meeting to conduct business.

The task force will begin its work on April 1, 2020. The task force is required to provide the Council with a report and any recommended changes by March 31, 2020. The task force expires on April 1, 2020.