I. Call to Order – Roll Call

Chairman Darrell Clifton called the meeting to order and requested a roll call.

Committee members present: Chairman Darrell Clifton, Vice Chairman Jeff Siri, Deputy Chief Mac Venzon, Lieutenant Joe Robinson, Chief Marshall Greg Deighton, Joe Bickett, Steve Foster, Jim Gallaway, Guy Hyder

Also present: Sergeant Dan Bond, Sergeant Laura Conklin, Assistant City Attorney Rob Bony, Assistant City Attorney Brian Sooudi, Councilmember Paul McKenzie, Jeff Limpert

Absent: Fady Mehanna, Par Tolles

Chairman Clifton verified that there was a quorum. This was confirmed.

II. Public Comment (This item is for either public comment on any action item or for any general public comment.)

Chairman Clifton requested any Public Comment. There was none.

III. Approval of Agenda (For Possible Action)

Chairman Clifton requested a motion to approve today’s agenda. Lieutenant Joe Robinson made the motion. Joe Bickett seconded. There being no opposition, the agenda was approved.

IV. Approval of Minutes (For Possible Action) – January 17, 2018 and February 21, 2018.

Chairman Clifton requested a motion to approve the minutes and then asked why they were approving both sets of minutes. Assistant City Attorney Rob Bony explained that the January 17 minutes were approved contingent on an amendment that showed Deputy Chief Venzon had
arrived late. However Deputy Chief Venzon was not present at the January 17 meeting so we just need to approve those minutes as they are. Chairman Clifton said they would then take a motion to approve the minutes as they were originally distributed for January and they would approve the minutes separately. Lieutenant Joe Robinson made the motion to approve the January 17, 2018 minutes. Jim Gallaway seconded. There being no opposition, the minutes were approved. Chairman Clifton requested a motion to approve the February 21 minutes. Lieutenant Joe Robinson made the motion. Steve Foster Seconded. There being no opposition, the minutes were approved.

The agenda was taken out of order and the following item was discussed.

VIII. New Business

1. Discussion regarding enactment of a city ordinance that prohibits loitering within a specific Distance from the entrance to a business.

Assistant City Attorney Brian Sooudi said they had been working on these issues within the downtown corridor regarding the vagrant population. After researching the laws drafting proposals for City Council some ordinances will move forward, some will die and some action they cannot take at all. He explained that City Council had heard a presentation and after that presentation there were about seven different versions of ordinances that were proposed. Two of those ordinances moved forward. One was no standing on traffic medians. But this has nothing to do with what that person was doing while standing on the traffic median it is about the fact that traffic medians are not designed for pedestrian use. There is also a limiting exception to being on a traffic media and that would be if they were caught trying to cross the road and got trapped either due to the light cycle or because of traffic. Setting up shop on a traffic media and staying there for hours on end will be against the law. This went through its first read on March 14 and the second reading will be on March 28. If that passed then it will become a law in the books in about a week. The second ordinance that was read was a no climbing ordinance and this is defined in law specifically towards buildings, street lights, signs, art work, bridges, anything that was not designed to be climbed on. The reading for this was also on March 14 and the second reading will be on March 28. Other laws were proposed and all of them died at the proposal level. The issue brought up from this board was the term loitering. There is no loitering ordinance in the City of Reno and will never be while under his watch due to this bringing on a Civil Rights lawsuit. We are in the 9th Circuit which is the most liberal Circuit in America and our Circuit affords the rights to an individual and not to government. He said the homeless and or vagrant population has been bringing a lot of action against LA. Vice Chairman Jeff Siri said he had asked that this item be added to the agenda and then explained that his question was mainly about people who stand on the sidewalk and just scare customers away from businesses. They might even be conducting drug transaction as well while they are standing there. If they get close enough to the building they tell them to get away but this is what he was trying to eliminate. Assistant City Attorney Brian Sooudi said he did some research on this and looked at how Metro and the casinos handled Las Vegas Blvd. He said you will see a lot of first amendment Disney typed characters asking for money. On the public right of ways, like the bridges that are owned by the county, you will see people sitting there with their signs. For government a sidewalk is a
public forum and you can only very limitedly regulate the activity that occurs on a sidewalk. But what he did find out about Las Vegas is the county does not own the sidewalk, the property does. So the property owners can control the sidewalk and trespass people off their property and even off their sidewalks. But they cannot chase off the character dressed people because they are exercising their first amendment rights. He said he then did some research and found out that the majority of the sidewalks downtown are not owned by the City of Reno, even though the City of Reno maintains them, they are actually owned by the property owners. So they can regulate who is on their sidewalk. A lawsuit was initiated by Harrah’s back in 2003 and part of the settlement agreement on this was the City of Reno would deed over the sidewalks with the public right of way easement on there. He did go back and look at the maps for this lawsuit and brought the entire settlement along with the maps to this meeting. He said he could not give them legal advice but suggested they consult with their legal team to figure out what type of activity they will allow to occur and then they could have some removed for conducting activity they do not allow. Vice Chairman Jeff Siri said they have attempted this in the past but when the person refused to leave claiming it was city property they contacted RPD and they said they would not come and enforce this for them. Deputy Chief Mac Venzon said this was the first he’s hearing about this. Chairman Darrell Clifton said when he researched this back in 2006 they were facing a potential labor strike and they were going to ask what they could do about possible pickets on the sidewalks and the City Attorney at that time advised them that there was an easement there so they had the right of way there and could not be trespassed so he was just looking for some clarification on this. Deputy City Attorney Sooudi said that was probably more about protecting speech and their first amendment. But if PD arrived to remove those protesters then they would sue the City of Reno because they were not allowed to participate in exercising their first amendment rights. However if someone is doing nothing and not exercising their first amendment that is where it becomes challenging as to figuring out what that person is doing on your property that you do not like. This is also difficult for Law Enforcement when responding to these calls. He said the businesses own the sidewalks but the City maintains them so he feels it would be better for the businesses to approach the city and look at this settlement agreement together. They will however need to provide a public easement through their sidewalks. Deputy Chief Mac Venzon said from an enforcement stand point he will sit with Deputy City Attorney Sooudi and see what they can do, what they cannot do and what they should not do based on liability issues. Deputy City Attorney Bony suggested they each contact their own attorneys to see what actions could possibly be brought against them because the sidewalk was considered a public forum. Deputy City Attorney Sooudi said loitering was a very broad term and the two ordinances that just passed were very specific and very detailed in what they were targeting and why there were targeting it and this is what the 9th Circuit wants. The settlement records and maps he brought with him were part of Public Record and were filed within the District Court. It is titled Harrah’s Operating Company vs. City of Reno and the settlement agreement was filed on May 12, 2003, Case #CV97-08817.

Chairman Clifton brought the meeting back in order to item V.

V. Members and Staff Reports (Items for general announcements and informational items only. No deliberation or action will be taken on these items.)
A. Chairman Report – Chairman Darrell Clifton  
There was no Chairman report.

B. Regional Alliance for Downtown (RAD) Report – Par Tolles  
- Update on the progress of the Regional Alliance for Downtown (RAD).

Par Tolles was not present.

C. Business Improvement District (BID) – Jeff Limpert  
- Update on the progress of the Business Improvement District (BID) as it applies to the Downtown Police Special Assessment District.

Jeff Limpert said on February 28 Council passed the resolution to the ordinance creating the BID. March 28 will be the repealing of the Maintenance and Police SAD and April 11 will be the adoption of that ordinance. His understanding is with the repealing of that section of the Municipal code it will terminate this board as well as the Maintenance board. He said also on March 28 will be the actual appointment of the DMO as the non-profit agency overseeing this BID. The next step he said was PUMA will come back out and they will help get them to the next stage of actually setting up the Clean and Safe programs. This contract will actually be held by the DMO. Secondly he said they will look at what other kind of advisory committees should be put in place. He said effective July 1st the two committees will be rescinded. Chairman Clifton asked when and how the DMO will get the base funding. Jeff Limpert said they were looking at two different ways to begin collecting money but more than likely the City will take in the donation money and they will enter into a contract with the DMO for fourteen months. They will then pay them out of the 2.35 million dollars that they expect to raise from the assessments and divide that out over the fourteen months and give them flat rate payments. Jim Gallaway asked what was happening with the makeup of the board. Jeff Limpert said the Mayor will be on the board, but as non-voting member, so that will free up a spot that he thought would be filled by another resident so there will be two residents. It will consist of fifteen members made up of the top three rate payers, the City, the County, the various different regions, the entertainment district, the northwest district, river walk district, and non-profit and arts and culture. They extended filling the seats past the March 15 expectation date.

D. Police Report – Deputy Chief Mac Venzon, Lieutenant Joe Robinson, Sergeant Tony Elges, Sergeant Daniel Bond and Sergeant Laura Conklin  
- Update on solutions and on-going enforcement at special assessment district locations.  
- Update on the expansion or creation of enforcement programs within the special assessment district.  
- Review, explanation, and discussion of three-month downtown area comparison statistics.  
- Identification of future Police Report agenda items.

Sgt Bond said it was a steady month and the Leprechaun Crawl was actually quite busy with about 10,000 people downtown. Deputy Chief Venzon said they had seen the Leprechaun Crawl growing over the previous years plus it was on a Saturday so they increased the number of Officers by six over what would normally have been on duty that night. Based on the feedback they got from Special Events they will probably continue to staff the crawls in the future this way.
Sgt Conklin said effective April 13 they will have a new Walking Team Officer and he will be here at the next meeting.

Jim Gallaway asked the status of the Bar Car. Deputy Chief said it was still operating on Friday and Saturday nights, except during special events.

Jim Gallaway said someone from the Montage had been beaten up and had nine ribs broken shortly after the last SAD meeting. Chairman Clifton said it was a Montage resident and he heard the police had responded to this. Jim Gallaway said they got the video from the Montage and the police arrested the subject. Sgt Bond and Sgt Conklin said they were not aware of this incident or arrest. Sgt Conklin said she would look into it for them.

Deputy Chief Venzon said by July 1st according to state statute they will be required to have Body Camera’s in place on the Officers. There will be a certain criteria that will need to be met for the requirement of the body camera. During the Council meeting on February 28 there was a reading for approval of an agreement between RPD and a vendor for body cameras. They will start training as soon as they get the Council’s approval on the agreement. He said what they will see is every Officer that responds will have a body camera on them and they are required to run it on during their interactions with the public, even inside of their facilities. Jim Gallaway asked what rights do individuals captured by those cameras have to view the footage. Deputy Chief Venzon said they should think of body cameras the way they do about any other public document. Individual rights as they apply to documents will be the same for the footage, but anything that has to be redacted from a standard document or a police report also has to be redacted from the video before they can release it. Jim Gallaway asked if he were talking to someone on the street and several months later they disagreed on what was said during their discussion could he ask for a copy of this video. Deputy Chief Venzon explained that the release of the video depends on the nature of their discussion, whether it was it a crime, the type of crime and the retention of the video is dictated by law as well. Deputy Chief Bony said general activity cannot be recorded so a Law Enforcement Officer cannot just be walking down the street with a body camera on. It is for Law Enforcement purposes only.

- Review, explanation, and discussion of financial reports and tracking of additional revenues due to the expansion as they apply to the Downtown Police Special Assessment District.

Vicki VanBuren was not present.

F. Special Events Report – Alexis Hill
- Review, explanation, and discussion of previous and upcoming special events as they apply to the Downtown Police Special Assessment District.

Alexis Hill was not present.

Chairman Clifton asked if there were any special events coming up that they would need to know about. Deputy Chief Venzon said Saturday the 24th was the March for Life at the Believe Plaza. So far about 800 people would be in attendance and 1700 more were interested according to social media. He said they would have extra Officers on duty for that event as well and this march comes from the Florida school shooting. Sgt Conklin said 800 cities were participating in this March.
Sgt Bond said he forgot to introduce Off Sanchez to them. He was a new member of the Bike team.

VI. Comments and Announcements from Council Liaison – Councilmember Paul McKenzie (This item may be taken out of order.)

Councilmember McKenzie said the BID was coming up but he did not see any problems with it moving forward except for the funding that was an issue. They had an upcoming meeting with the stakeholders for the crawls to see what they were going to do and how they would be moving forward with them. They may treat them more like special events because of the expense and additional Officers needed and they currently did not cover any of this. It is costing them more to have these crawls.

VII. Old Business

None.

VIII. New Business

1. Discussion regarding enactment of a city ordinance that prohibits loitering within a specific Distance from the entrance to a business.

Discussed earlier in the meeting.

IX. Other Business

1. Identification of items to be placed on a future agenda of the Downtown Police Special Assessment District Advisory Committee. (For Discussion and/or Potential Action).

Chairman Clifton said they did need to talk about the Chairperson and Vice Chairperson elections for the duration of this committee. Deputy City Attorney Bony said according to the Bylaws the nominations will be in April and the voting will be in May. Chairman Clifton said to add this to the agenda for the April meeting and they will vote in May and have their last meeting in June.

Deputy City Attorney Bony said there were also vacancies coming up on the board and they will be putting those names on the April agenda as well.

X. Next Regular Meeting Date and Location

Wednesday, April 18, 2018 • 12:00 PM, Reno City Hall, 1 East First Street, 7th Floor, Caucus Room, Reno, NV 89501.

Chairman Clifton informed the group of the next meeting date and time.

XI. Public Comment (This item is for either public comment on any action item or for any general public comment.)
Chairman Clifton requested Public Comment. There was none.

XII. Adjournment (For possible Action)

Chairman Clifton requested a motion to adjourn. Jim Gallaway made the motion. Guy Hyder seconded. There being no opposition, the meeting was adjourned.