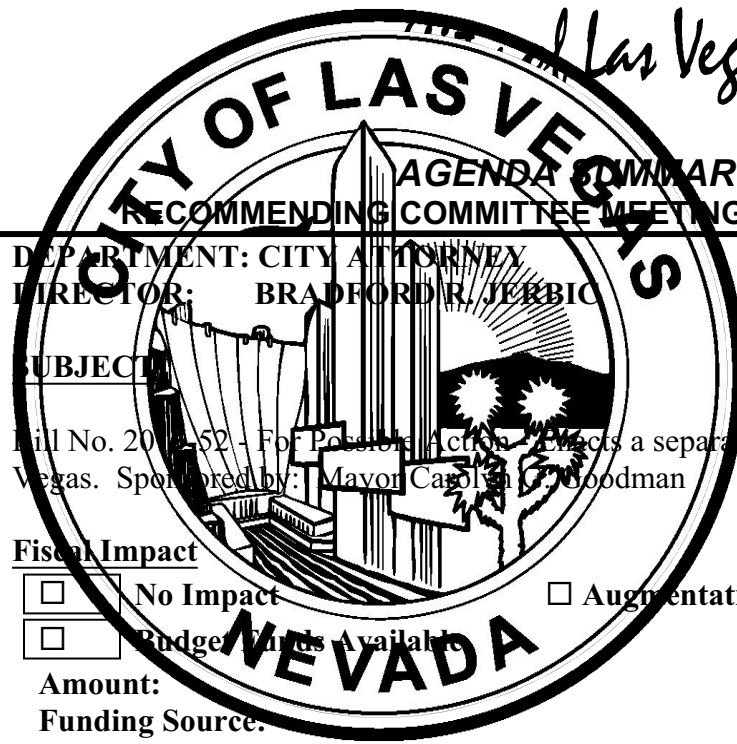




Las Vegas

Agenda Item No.: 9.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 17, 2013

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-52 - For Possible Action - Effects a separate curfew specific to downtown Las Vegas. Sponsored by: Mayor Carolyn Goodman

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This ordinance will act to add a new curfew specific to downtown Las Vegas in an area bounded by Eastern Avenue, US 93/95/I-15, I-15 and Sahara Avenue from nine p.m. to five a.m. on Fridays, Saturdays and legal holidays. The ordinance provides an exemption for certain special events within the special curfew area and for other relevant exceptions. This bill will be fast-tracked for consideration at the September 18 City Council meeting.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-52
2. Submitted after Final Agenda First Amendment by Val Steed and Support eMail by Miles Ohye
3. Submitted at Meeting Two Boundary Maps and Boyd Gaming Group Support Letter by Dimitrios Karapanagiotis

Motion made by BOB COFFIN to Hold in abeyance to 10/15/2013

Passed For: 2; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0
BOB COFFIN, RICKI Y. BARLOW; (Against-STAVROS S. ANTHONY); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

DEPUTY CITY ATTORNEY JAMES LEWIS stated this proposed bill proposes a 9:00 p.m. curfew, with exclusions for minors accompanied by parents or if they are going home from school.

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CHIEF PUBLIC SAFETY OFFICER KAREN COYNE referred to the updated map in the backup documentation with expanded boundaries and submitted as backup documentation two other maps depicting uses within the suggested boundaries. She explained this proposed bill is the result of meetings held with the Downtown Coordination Team, which has been instrumental in making changes to the area. Subsequently, a smaller group was formed that identified the issue with minors in a certain area of downtown, and is the reason for proposing this ordinance to impose a curfew in certain areas of the City. The curfew applies to young minors and will not impact youth on the property where they reside.

CAPTAIN SEAN ANDERSON, Downtown Area Command, commented that the downtown area has a growing concern with crimes despite all the positive measures implemented, and he cited some crime statistics. Young people are becoming involved in situations that surely parents do not want their children to be involved in. The curfew at the County has been very effective, and he recommended it for the City, because it will allow the Las Vegas Metropolitan Police Department (Metro) to intervene and talk to children early and prevent trouble situations. He recommended approval.

TODD FARLOW, Las Vegas resident, expressed concerns with this proposed ordinance because Fremont Street is considered a state park and minors should not be banned. He opposed the curfew being imposed for his neighborhood. He stated that as a long time citizen attending the Council meetings, he has witnessed how many times businesses have had to answer to the Council for selling liquor to minors, so he did not understand how minors are obtaining alcohol. He objected to the adoption of an ordinance he alleged is being driven by Metro, because the Council should be doing that. Too many nonsense laws are making all kinds of citizens criminals. He countered that the laws already allow police officers to advise minors, and this ordinance could be used as a tool to harass youth.

ASSEMBLYWOMAN DINA NEAL, representing Hispanic and Black youth, had issue with the scope of the language in this proposed ordinance. She went over some of the conflicting language, pointing out that in one section it states a child found anywhere in the City, yet representations were made that the curfew only applies to a specific area, which should be clearly stated in the ordinance. She requested the definition of idling and strolling be clarified and better defined.

ASSEMBLYWOMAN NEAL conceded there are exceptions, but regarded this ordinance as opening the door for racial profiling. Therefore, she expressed her opposition, noting children could be cited and have a record in a 24-hour town where there is diversity of people and work shifts, which makes it difficult for parents to monitor their children at all times.

TOD STORY, Executive Director of the American Civil Liberties Union (ACLU) of Nevada, echoed the Assemblywoman's comments and suggested defining the boundaries by problems as demonstrated. This ordinance creates the potential for stereotyping. The fines and punishment proposed are excessive, pointing out there are homeless and at-risk youth seeking assistance/services within the recommended boundaries. He suggested a re-draft of the bill to more accurately address the real issue.

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HOWARD WATTS III, representing the Progressive Leadership Alliance of Nevada, commented that he lives and works within the proposed boundaries and attended the Las Vegas Arts Academy, which is close to the proposed boundaries. He went over the sections of the proposed ordinance he found fault with and suggested changes. 1) Section 3 (A), stating a child age 12-18 could be taken to Juvenile Hall and a child under 12 brought to parents unless the parents cannot be found, should be amended to also bring children ages 12-18 home to the parents. 2) Section 3 places a preference on citing the child rather than finding the parents, and he felt the language should include that the child be brought to the parents and issued a warning if it is the first offense. 3) Section 7, which broadly allows punishment of parents, should be narrowed to parents with severe difficulties in raising their children.

Lastly, MR. WATTS suggested reducing the proposed boundaries to where the activity is occurring, and that law enforcement should track down providers of packaged liquor to minors.

TERRY MURPHY, 516 South 6th Street, representing the Downtown Alliance, stated that in the haste of many people and groups trying to make positive changes, outreach has not been made to the community being affected. Although she supports a curfew ordinance, she felt valid issues have been raised and there are remaining situations that need to be better understood for better resolution and assistance to Metro. She pointed out that despite the increased number of police officers at events, there are still not enough to enforce the laws.

DEMITRIOS KARAPANAGIOTIS, representing Boyd Gaming, supported the proposed ordinance and submitted a support letter for STEVE THOMPSON of Boyd Gaming.

COUNCILMAN COFFIN remarked that he attended a meeting where concerns were expressed, but this was the first time he had seen a map, which he felt includes boundaries that are too broad. He believes the resolution should be applied to the problem area.

COUNCILMAN COFFIN discussed with CAPTAIN ANDERSON that Metro is understaffed. The Councilman advised him that the curfew should be applied to Fremont Street, maybe within a block or two in each direction, which are the problem areas identified. CAPTAIN ANDERSON explained that the suggested boundaries are the result of concerns from police officers and the business community, and they are the areas mostly impacted. The intent was to broaden the boundaries to prevent youth from coming into more problem areas.

COUNCILMAN COFFIN was in favor of a curfew ordinance, but one without such burdensome penalties for parents. CAPTAIN ANDERSON commented that the penalties could open the door to counseling opportunities for problem children before they have bigger issues.

COUNCILMAN ANTHONY observed that the boundaries identified include areas that are changing to include restaurants that serve alcohol, adding that persons under 18 have no business being in the identified boundaries after 9:00 p.m. A big group of people has come together to craft this ordinance, and the curfew on the Strip has worked well. He stressed that what bothers him about this issue is that it has turned into a conversation accusing police officers of inappropriate behavior. If this ordinance passes, he is confident the public will be educated and that Metro will use the tools in place to follow a positive process for enforcing the law, noting

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that CAPTAIN ANDERSON does not have sufficient personnel to take everyone to Juvenile Hall. He supported the recommended curfew and boundaries.

COUNCILMAN BARLOW stated he was surprised about the broad boundaries being defined without his knowledge, given that it affects the ward he represents. He emphasized that he has yet to see statistics on the crimes alleged to have caused the need for crafting this bill. The concerns should have been brought to the attention of the Council members in order to try and find a solution that fits the scope of the problem.

COUNCILMAN BARLOW then went over the areas he has issue with and cited the reasons why he cannot support this bill. Regarding the language in Section 1 about children under 18 standing on sidewalks, streets, parking lots and driveways, he could not support it because, as a youth growing up in Las Vegas, he and his brothers were tossing a ball from one yard to another in their driveway and the police approached them and told them they had no business doing this and wanted to take them to juvenile hall. He asked that the definition of idling be clarified. He could not support the penalties, fines or possible imprisonment language in Section 6, noting it is too egregious.

COUNCILMAN BARLOW pointed out the Fremont Street Experience was created as a park and kids frequented it to enjoy what it had to offer. Recently, the City approved a container park in the same area, which should be great for downtown, but it is contradictory to this proposed ordinance. He has enjoyed bringing his teenage son to First Friday events, but had this ordinance been in place, allowing his son to wander off with his friends until after midnight could have created a big problem. He emphasized that the City Council needs to determine how downtown will evolve and will have to work closely with all the concerned groups to make positive change. He recalled when he was a liaison for Ward 5 and worked closely with Metro to rid downtown of prostitutes and gangs, and that he would frequent Fremont Street as a responsible teenager. He felt this ordinance makes youth guilty until proven innocent.

In summary, COUNCILMAN BARLOW felt the ordinance needs a lot of work. He thanked staff and Metro for making an effort to address some of the issues brought forward, and reiterated his concurrence with COUNCILMAN COFFIN that the scope of the area is too broad.

COUNCILMAN COFFIN suggested this matter be held in abeyance for amendments, rather than recommending denial. He discussed with CAPTAIN ANDERSON that the Strip curfew just applies to Las Vegas Boulevard; however, CAPTAIN BRIAN O'CALLAHAN of Metro interjected that the curfew runs approximately six miles on either side of the Strip, but could not answer for COUNCILMAN BARLOW how many residential areas within the boundaries are affected.

COUNCILMAN BARLOW confirmed with CHIEF PUBLIC SAFETY OFFICER COYNE that 6,509 people reside within the suggested curfew boundaries for the City. Of those people, 705 are under the age of 15.

DEPUTY CITY MANAGER ORLANDO SANCHEZ recommended a 30-day abeyance.

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CHIEF DEPUTY CITY ATTORNEY VAL STEED reminded the Council members that the ordinance language in brackets is being deleted.

See Item 10 for related discussion.

COUNCILMAN BARLOW declared the Public Hearing closed.