

12-04-2024 - Reno City Council Meeting - Item # J.1 Public Comment

[illegible]



City Council Comment received from Amanda Gil

From Mikki Huntsman <HuntsmanM@reno.gov>

Date Wed 12/4/2024 7:25 AM

To Public Comment - CC <PublicComment@reno.gov>

Contact Info:

Name:

Amanda Gil

Commenting on behalf of:

Ward #:

Sparks

Email Address:

Phone Number:

Address:

A new comment has been submitted for the Reno City Council Meeting held on: 2024-12-04.

Section:

General Opening Session Comment (unassociated to an agenda item)

Item:

public comment.

Position:

No position stated - Concerned or Neutral

Are they speaking in person?

No, I am submitting a written comment only.

If no, enter comments below:

I am writing to express my opinion on the spending of ARPA funds. I am concerned that the city wants to use these funds to increase "security" around downtown instead of helping groups that directly help our unhoused populations, like Family Soup Mutual Aid. They have been doing the on the ground work of caring for our neighbors, especially as winter sets in and the weather turns deadly. Please focus on using this money for the good of the people, instead of contracting more useless security firms who often make the problem worse.

ACKNOWLEDGEMENTS:

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential manner, or subsequently exempted from public inspection.

Yes

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No



City Council Comment received from Catherine Herlihy

From Mikki Huntsman <HuntsmanM@reno.gov>

Date Wed 12/4/2024 7:31 AM

To Public Comment - CC <PublicComment@reno.gov>

Contact Info:

Name:

Catherine Herlihy

Commenting on behalf of:

Ward #:

Ward 5

Email Address:

catherine.herlihy@patagonia.com

Phone Number:

Address:

A new comment has been submitted for the Reno City Council Meeting held on: 2024-12-04.

Section:

General Opening Session Comment (unassociated to an agenda item)

Item:

American Rescue Plan Funding.

Position:

In opposition

Are they speaking in person?

No, I am submitting a written comment only.

If no, enter comments below:

I have concerns about the distribution of ARPA funding in downtown Reno. Instead of funds going to increased security, a better utilization of the money would be to support existing mutual aid groups in our city. Directly meeting the needs and basic human rights (such as feeding the unhoused and providing life-saving community services) would go a lot further in protecting the community than criminalizing underserved populations. Mutual Aid is a proactive form of security that involves care and support rather than force or enforcement.

ACKNOWLEDGEMENTS:

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Yes



City Council Comment received from Emily Cady

From Mikki Huntsman <HuntsmanM@reno.gov>

Date Tue 12/3/2024 4:08 PM

To Public Comment - CC <PublicComment@reno.gov>

Contact Info:

Name:

Emily Cady

Commenting on behalf of:

Ward #:

Unsure/Other

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ecady36@gmail.com

Phone Number:

7756907084

Address:

1205 High Chaparral Dr Reno NV 89521

A new comment has been submitted for the Reno City Council Meeting held on: 2024-12-04.

Section:

General Opening Session Comment (unassociated to an agenda item)

Item:

General Comment.

Position:

No position stated - Concerned or Neutral

Are they speaking in person?

No, I am submitting a written comment only.

If no, enter comments below:

Hello Council Members- I am reaching out to please ask Reno City Council fund the remaining 30k for the South Reno fencing project to improve community safety in this area. I appreciate Council's previous support and funding for measures to protect our community and the Virginia Range horses & other wildlife in this area. We are SO close. Our community & local advocacy groups have stepped up to provide additional funds needed. I am asking City Council please fund the remaining amount. This fence will be a solution to public safety concerns in our community and improve overall wellbeing of human & animal residents. Thank you for your time and for taking my opinions as a Nevada Native & South Reno resident into consideration.

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No



Fencing out wild horses from wash show Lake area

From Gary johnson <gjpa1@att.net>

Date Tue 12/3/2024 5:30 PM

To Public Comment - CC <PublicComment@reno.gov>

Is a very concerned citizen for many of our elected officials who should be standing up to protect the long standing history of our wild horses in northern and all of Nevada yet developments seem to be nonstop with a lack of concern or consideration for a wild horses, and or our wildlife Build build build money, money money it's all that appears to be thought of

Have you no conscience?

I'm not sure who the city Council member is in this area, but you need to be standing up and slamming your fist on the table and demanding that these developers and whoever is wanting to block the access to the water they've been drinking from for 100 years with no alternatives

I'd like to put you out in that field and in the same position, you feel do the right thing get it done

Sent from my iPhone



City Council of Reno, Nev.

Testimony in Favor of Amendments to Reno Municipal Code Title 18

December 4, 2024

Dear Mayor Schieve and Members of the Reno City Council,

My name is Jennifer McDonald and I direct the Cities Work initiative at the Institute for Justice (IJ). I write to support the proposed changes to the Reno Municipal Code (RMC) Title 18.

IJ has advocated in support of entrepreneurs for over 30 years. Through our Cities Work initiative, we partner with cities to make it cheaper, faster, and simpler to start a small business—all free of charge. We approach our work from the entrepreneur's perspective and break down the step-by-step process to starting a business in cities, including analyzing city municipal codes and untangling the different hoops and obstacles entrepreneurs must navigate to start their business. We have been working with Reno small business owners for the past year to understand their regulatory challenges with the goal of helping the city better support entrepreneurs and promote economic development.

The proposed amendments to RMC 18.02 and 18.05, addressing signage in the Gaming Overlay and various downtown districts, simplify the code and clarify allowance of signage in different parts of the city. The proposed amendments strike maximum letter height [note 13], overly-specific prescriptions for signage dependent on frontage on or off arterials [note 18], and limitations on sign height based on speed limit [note 10]. The proposed changes also clarify a 40 sq. ft. sign minimum for businesses, regardless of business frontage.

IJ supports changes that make it easier for entrepreneurs to start and maintain their business, including allowing entrepreneurs to express their speech about their business through reasonable signage.

However, the expensive and time-intensive process for a major site plan review provides cause for concern. Under the proposed code changes, all animated signs in urban districts not on North Virginia Street, South Virginia Street, West 4th Street, East 4th Street, or Mill Street will require a major site plan review. This review requires a staggering \$4,383 fee, hydrology and geotechnical reports, notification to the community, a public hearing, and Zoning Commission approval.

These requirements appear punitive in nature, designed to essentially forbid animated signs in certain areas. While hydrology and geotechnical reports may make sense for certain major construction projects, it is difficult to identify a legitimate health and safety concern posed by signs that would justify such requirements. We urge the council to consider alternative ways to permit animated signs that better balance the needs of small businesses, the community, and true health and safety concerns—particularly in areas that are already densely populated.

Thank you for your time and attention on this important issue. Cities Work and IJ stand ready to work with the City of Reno to make it cheaper, faster, and simpler to start and grow a small business.

Jennifer McDonald

Cities Work Director
Institute for Justice
901 N. Glebe Road, Suite 900
Arlington, VA 22203
(703) 682-9349
jmcdonald@ij.org



City Council Comment received from John Hara

From Mikki Huntsman <HuntsmanM@reno.gov>

Date Wed 12/4/2024 12:41 AM

To Public Comment - CC <PublicComment@reno.gov>

Contact Info:

Name:

John Hara

Commenting on behalf of:

Self

Ward #:

Unsure/Other

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Phone Number:

7758300751

Address:

18124 Wedge Parkway, 980

A new comment has been submitted for the Reno City Council Meeting held on: 2024-12-04.

Section:

E Items - Ordinance Introductions

Item:

D1.

Position:

In opposition

Are they speaking in person?

No, I am submitting a written comment only.

If no, enter comments below:

I am opposed to Reno Planning's proposal to allow unlimited signage for non-gaming businesses in Reno's downtown Mixed-Use Entertainment District. Planning's forced interpretation of sign code history is a pretense for who knows what reason. It ignores common sense, years of consultant and community input for Master Planning, and current opposition to opening much of downtown to the prospect of virtually no sign controls for everybody within an arbitrary boundary. Historically, the sign code intended to allow only gaming to have unlimited signage in Reno. The single condition was 1500 nits brightness which is brighter than most high beams on car headlights. This was a made-up limit that the Reno City Council agreed to after ignoring study data and testimony from one of the

foremost experts on digital sign brightness and driver safety. Planning should address that ongoing issue rather than advocating for a slippery slope sign code for all businesses in the MD-ED that simply says, Reno's downtown sign code is there are no codes. Gaming is already inflicting more and more stories tall and wide digital video signs on our community whether we like it or not. This is gaming's urban plan - signs without limits. More giant video screens hard-selling us at every turn. The concept of unlimited signage is ludicrous and beneficial to a few - not the community. I urge you to visit Presidio Tunnel Top National Park in San Francisco. It opened in 2022 and is an outstanding example of what is possible when diverse groups of community stakeholders design a space for their community focused on community well-being versus individual profit. Tunnel Tops is a destination alive with tourists and families gathering to enjoy spectacular vistas of San Francisco icons and scenery. Signs aren't visible or needed to ensure a vibrant space. Please question Reno Planning's version of our future, our city needs more vision and less video.

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No



Comment on Item D.5 - City Council Meeting for December 4, 2024, subject of Excessive Vehicular Noise from Illegally Modified motor vehicles in Reno

From Peter Neumann <pcn@att.net>

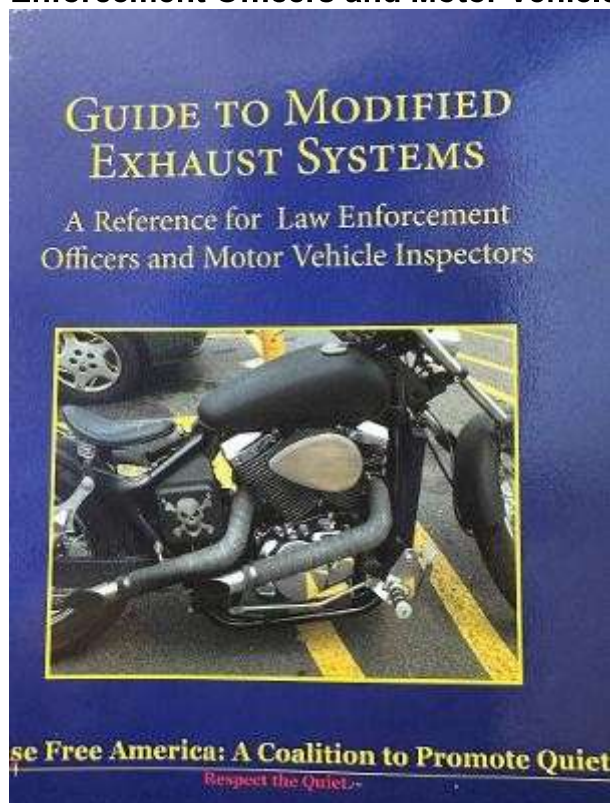
Date Tue 12/3/2024 7:38 PM

To Public Comment - CC <PublicComment@reno.gov>

Cc Karl Hall <HallK@reno.gov>

Thank you for allowing my comment. I hope to attend in person, but in any event please know that as a 55-year resident of the Downtown Reno neighborhood, I am very concerned about excessive vehicular noise, as well as other excessive and unlawful noise, such as that emitted by the "Bass Camp" performances in Wingfield Park last July, and earlier on Virginia Street under the Reno Arch. I personally measured with several decibel measurement devices, the volume of the deafening sounds generated by refrigerator sized amplified loud speakers, of that commercial organization, and even from hundreds of feet away, I recorded decibel readings in excess of 100 dBA, which were in violation of Reno Ordinance law for permitted sound amplification. The noise was totally unreasonable, unusual and excessive.

As for motor vehicle noise, I have read the Staff Report of Chief Nance, and thank her for her relevant comments. About 3 months ago I delivered several copies of a small book authored by a 31-year veteran law enforcement officer Ricky Holtsclaw (retired) of the Houston Police Department, titled: **"Guide To Modified Exhaust Systems - A Reference for Law Enforcement Officers and Motor Vehicle Inspectors,**



Officer Holtsclaw was in charge of the Houston Police Department "noise enforcement initiative." In the Foreword of his Guide Book, he wrote:

"Excessive noise is a serious threat to public health. High noise levels are associated with sleep deprivation, hearing loss, heart disease, chronic fatigue, aggressive behavior, and ringing of the ears. Excessive noise denies individuals the right to peacefully enjoy their own home and property. Noise damages communities and reduces property values. The Census Bureau reports that noise is Americans' #1 complaint about their neighborhood and the #1 reason they wish to move."

Officer Holtsclaw's Guide was written to serve as a reference manual for law enforcement officers in performing their duty to enforce noise laws much more easily, especially as to illegally modified motorcycles. It provides photos of the most common modifications to allow officers to quickly identify illegally modified vehicles -- without the need to use a decibel meter.

While I have no objection to the City Council promulgating additional provisions to add to the Reno Municipal Code in order to address the problem of excessive vehicular noise, I wish to respectfully point out that the RMC already contains the legal basis for issuing citations to scofflaws who are violating existing law.

For example, see Reno Mun. Code 18.12.020 "**Disturbing The Peace**," which makes it unlawful for any person to commit a breach of the peace, and then gives four (4) examples, any or all of which constitute a violation of law. The fourth example (subsection "d" of the ordinance) clearly states that a violation of law occurs whenever a person:

"d. Willfully and unreasonably subjects a person or neighborhood to any noise which is likely to disturb the peace of persons of reasonable and ordinary sensibilities."

It is my legal opinion, as a courtroom trial and appeal lawyer for the last 60 years, that Section "d" of RMC 18.12.020 provides a perfectly adequate legal basis for a law enforcement officer who has a reasonable suspicion ("probable cause") to believe that an operator of a motor vehicle which the officer has just "observed" (visually or audibly) either in motion or static, is likely in violation of either RMC 18.12.020, the Disturbing the Peace Reno ordinance **OR** that the vehicle itself is in violation of the State of Nevada requirement, found at Nevada Revised Statutes 484D.415 which requires all motor vehicles in Nevada to be:

"at all times equipped with a muffler in good working order and in constant operation" . . .

and/or in violation of the second part of NRS 484D.415 which makes it illegal and unlawful for any person to:

"use a muffler cutout, bypass or similar device upon a motor vehicle."

There is no legal reason why a Reno law enforcement officer who has formed a reasonable suspicion, or "probable cause" to believe that she has just observed (either visually, audibly or both) a vehicle which is emitting an exhaust noise that is likely to be in probable violation of either the RMC Ordinance 18.12.020 prohibiting persons from Disturbing the Peace, or in probable violation of NRS 484D.415 requiring every motor vehicle operated on a Nevada highway (including streets) to be equipped with a muffler in good working order and constant operation, and which has not been modified with a muffler cutout, bypass or similar device, should not investigate by requiring the driver to submit to a visual and/or an audible "search" (inspection) of the vehicle.

Even if the officer did not get a license plate id, but only saw the make and color of the vehicle, or the color and type of the clothing worn by the operator, if the officer forms a good faith, reasonable suspicion that one or more of the above ordinances or statutes has just been violated, the officer has the perfect right (indeed, duty) to pull that motorist over and inspect the vehicle. And to issue a citation if inspection confirms the officer's belief of probable cause.

And the decisional case law of courts around the country, called upon to interpret noise ordinances and statutes which are remarkably similar to those of Reno and the State of Nevada, routinely hold that such an action by a law enforcement officer is proper and does not violate constitutional rights. As the Court of Appeals of the State of California expressed, in a case involving the Los Angeles Mun. Code (Section 116.01) which makes it:

"unlawful for any person to wilfully make ... any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood,"

the Los Angeles P.D. officer making the arrest of a garage band musical performer who the officer suspected was in violation, did not need a "scientific instrument" or "decibel meter" in order to base his probable cause belief that the suspect was in violation of the Los Angeles noise ordinance. The California Court of Appeals, in approving of the law enforcement officer's arrest, stated:

"A determination as to what constitutes a "loud, unnecessary and unusual noise" requires common sense, not a decibel meter. *In any event ... Officer Hoefel needed only reasonable cause to believe that a violation of the sound ordinance had taken place before he was authorized to arrest Darien. Reasonable cause does not require certainty beyond doubt, but only that a person of ordinary care and prudence would be led to believe and conscientiously entertain an honest and strong suspicion that the accused is guilty of a crime."*

The case citation is: Mann v. Mack, 202 Cal.Rptr. 296, 155 Cal.App.3d 666 (Cal. App. 1984). There are literally dozens of other similar decisions from courts in various jurisdictions, which I will submit in a separate written legal opinion. These decisions support my opinion that law enforcement officers already have the legal authority to issue a citation for violation of RMC 18.12.020 and/or NRS 484D.415, upon forming a good faith opinion of probable cause that a motor vehicle or its driver is in violation of law.

In fact, even if the law officer does not visually observe the violation, but only audibly perceives it by hearing, for example, an excessive or unusually loud exhaust noise of a passenger car which is around the corner and not in actual view, the officer would be acting properly and constitutionally by rapidly going to the place from which the loud noise appears to be emitting. (Much the same as the case where an officer hears -- but does not actually see - a gunshot. Because it is unlawful to discharge a firearm within the city limits of Reno, the officer is within his or her authority to immediately investigate by traveling to the place where the officer believes the gunshot sound originated. If the officer then sees a person who appears to be agitated or acting suspiciously -- even without visually seeing a firearm -- no one would argue that the officer is acting improperly by ordering the person to stop and be questioned or submit to an immediate search for a weapon.

Gunshots are only one form of excessive or unusual noise. Modified exhaust systems on powerful motor vehicles are another form of the same.

Excessive noise from modified exhaust systems of motor vehicle of all kinds, has become a serious problem in Reno. As Officer Holtsclaw writes in **Guide to Modified Exhaust Systems**, "Vehicular noise enforcement, to be effective, must be proactive in nature, not reactive. The general public, having been victimized by illegal vehicular noise for many decades, erroneously believes that certain motor vehicles (especially motorcycles) are designed to be loud. This (is a) false perception."

Respectfully submitted,

Peter Chase Neumann, Lawyer
Box 747
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