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|---------------|-----------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.1 | | |

Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Upheld</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item G.6.1

4/8

JA 1316

COR-00802

STAFF REPORT

Date: October 24, 2012
To: Mayor and City Council
Thru: Andrew Clinger, City Manager
Subject: Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.
From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: The attached ordinance amends Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Previous Council Action:

October 10, 2012 The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: None Absent: Cashell

Recommendation: Staff recommends Council adoption of Ordinance No. ____.

Proposed Motion: I move to adopt Ordinance No. ____.

Links:

Referenced By: 1522 : Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising

Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

RENO CITY COUNCIL

Request to Speak/Public Comment Form

(ALL FORMS MUST BE FILLED OUT COMPLETELY)

DATE: 10/24/12

Digital BB Ord.
AGENDA ITEM: G.6.1+2

DO YOU WISH TO SPEAK? Yes ☒

No

IN FAVOR: _____

IN OPPOSITION: ☒

NAME: LORI WRAY

ADDRESS: 333 FLINT ST.

IF YOU ARE REPRESENTING SOMEONE OTHER THAN YOURSELF PLEASE INDICATE WHOM:

Scenic Nevada

COMMENTS: _____

Do you live within the Reno City Limits? ☒ Yes ☐ No

Do you own property in the City of Reno? ☒ Yes ☐ No

SIGNATURE: Lori Wray

WE ARE CONDUCTING AN INTERNAL SURVEY - HOW DID YOU HEAR ABOUT THIS ITEM?

TELEVISION _____
RADIO _____

NEIGHBORS _____
MAILED NOTICE _____

NEWSPAPER _____
OTHER ☒

THE MAYOR AND CITY COUNCIL WOULD LIKE TO REQUEST THAT ALL CONCERNS ARE EXPRESSED IN A COURTEOUS MANNER, AND THANK YOU FOR YOUR COOPERATION AND PARTICIPATION.

PLEASE LIMIT COMMENTS TO 3 MINUTES OR LESS. 15 MINUTES PER SIDE ON ISSUES WITH OPPOSITION WILL BE ALLOWED. PLEASE AVOID REPETITIVE REMARKS.

THANK YOU

JA 1319

COR-00805

Lynnette R. Jones
City Clerk
(775) 334-2030
JonesL@reno.gov

Beverly Beaty-Benadom
Deputy City Clerk
(775) 334-2030
Beaty-BenadomB@reno.gov



Office of the City Clerk
Central Cashiering (775) 334-2032
Parking Tickets (775) 334-2293

FILED THIS DATE
10 / 30 / 12
BY: BBB
CITY CLERK

October 30, 2012

Claudia Hanson, Planning & Engineering Manager
Community Development Department
P.O. Box 1900
Reno, NV 89505

RE: Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) - **NOTICE OF FINAL ACTION, DECISION OR ORDER**

Dear Claudia:

At a regular meeting held October 24, 2012, the City Council passed and adopted Ordinance No. 6258, approving the above referenced text amendment.

The ordinance will become effective January 24, 2013.

Sincerely,


Lynnette R. Jones
City Clerk

LRI:bbb

xc: Community Development
Lori Wray, Scenic Nevada
Mark Wray, Scenic Nevada

One East First Street, Second Floor*P.O. Box 7, Reno, NV 89504
www.reno.gov

JA 1320

COR-00806

| | | | |
|---------------|---------------------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.2 ORDINANCE, ADOPTION | | |

Bill No. 6824 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Adopt #6258</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | <i>Change in Adjective Date to Jan 24, 2013</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

ITEM G.6.2

13/26

STAFF REPORT

Date: October 24, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: The attached ordinance amends Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Previous Council Action:

October 10, 2012 The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: None **Absent:** Cashell

Recommendation: Staff recommends Council adoption of Ordinance No. ____.

Proposed Motion: I move to adopt Ordinance No. ____.

Links:

Referenced By: 1522 : Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising



Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.



EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. 6824

ORDINANCE NO.

ORDINANCE AMENDING THE RENO MUNICIPAL CODE TITLE 18, "ANNEXATION AND LAND DEVELOPMENT", BY ADDING CERTAIN WORDING TO AND DELETING CERTAIN WORDING FROM CHAPTER 18.16, "SIGNS", OFF-PREMISE ADVERTISING DISPLAYS, AND SECTION 18.24.203.4570 (DEFINITION OF SIGN) TO ESTABLISH ADDITIONAL STANDARDS REGARDING DIGITAL OFF-PREMISES ADVERTISING DISPLAYS, INCLUDING LIGHT-EMITTING DIODE (LED), TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

SPONSORED BY: RENO CITY PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

SECTION 1. Chapter 18.16 of the Reno Municipal Code is hereby amended by adding certain wording to and deleting certain wording from Chapter 18.16, the same to read as follows:

OFF-PREMISE ADVERTISING DISPLAYS

Section 18.16.901. Purpose and Intent.

- (a) Recognizing that the City of Reno is a unique city in which public safety, maintenance, and enhancement of the city's esthetic qualities are important and effective in promoting quality of life for its inhabitants and the City of Reno's 24-hour gaming/ entertainment/ recreation/ tourism economy; recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of this article is to establish a comprehensive system for the regulation of the commercial use of off-premises advertising displays. It is intended that these regulations impose reasonable standards on the number, size, height, and location of off-premises advertising displays to prevent and alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the city's inhabitants and to promote the maintenance and enhancement of the city's esthetic qualities and improve the character of our city. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important

Ordinance

Meeting of October 24, 2012

aspect of the economy of the city which is instrumental in attracting those who come to visit, vacation, live, and trade and to permit noncommercial speech on any otherwise permissible sign.

(Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 1, 10-10-00; Ord. No. 5208, § 1, 11-14-00; Ord. No. 5215, § 1, 1-23-01; Ord. No. 5295, § 1, 1-22-02)

Section 18.16.902. Restrictions on Permanent Off-Premises Advertising Displays.

- (a) The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General Election, Question R_1 - The results were certified by the city council on November 14, 2000).
- (b) In no event shall the number of off-premises advertising displays exceed the number of existing off-premises advertising displays located within the city on November 14, 2000. ~~This number shall include all applications for off-premises advertising displays approved in final action by the city on or before November 14, 2000 but unbuilt as well as those applications approved by a court of competent jurisdiction. In the event the city annexes property in another governing body's jurisdiction on or after November 14, 2000, the number of off-premises advertising displays located on such annexed property shall be included in the calculation of the number of existing off-premises advertising displays provided they were legal and existing in the governing body's jurisdiction when annexed to the city. For purposes of annexation, an application for a permanent off-premises advertising display approved in final action by the governing body, although unbuilt, shall be included in the calculation of the number of existing off-premises advertising displays as of November 14, 2000.~~

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.903. Continued Use of Permanent Off-Premises Advertising Displays.

- (a) All existing, legally established, permanent off-premises advertising displays, whether identified as conforming or nonconforming, are deemed conforming and may be continued and maintained at their current location.
- (b) An existing, legally established, off-premises display[s] may be replaced in its original position with a new structure provided the area of the display surface is not increased and all requirements of Section 18.16.905(a)-(d) and (f)-(h) are met.
- (c) For purposes of the chapter, an application for a permanent off-premises advertising display approved in final action by the city council, although unbuilt, is an existing permanent off-premises advertising display.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.904. Permanent Off-Premises Advertising Displays—Permitted and Prohibited Locations.

- (a) Permitted Locations.

- Packets: 4 008/2
COR-008/2

~~Section 18.16.920(b) shall be amended to read:~~

~~228.~~ This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.

- (6) No permanent off-premises advertising displays shall be located within 200 feet of the right-of-way of McCarran Boulevard except within the following locations:
- Talbot Lane east to Mill Street.
 - Northtowne Lane west to Sutro Street.
 - This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (7) The number of permanent off-premises advertising displays within 300 feet of the centerline of U.S. 395 from Patriot Boulevard to ~~the intersection of U.S. 395 and the intersection of~~ shall not exceed seven permanent off-premises advertising displays. This subsection neither prohibits relocation of existing permanent off-premises displays within the above location nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (8) The number of permanent off-premises advertising displays located within the following cooperative planning areas of the City of Reno that are regulated by Washoe County specific plans shall not exceed the number of legally existing off-premises permanent advertising displays as of their respective effective dates of annexation, as set forth in Section 18.16.920(b):
- If permanent off-premises advertising displays are not specifically listed as an allowed use in the pertinent specific plan, permanent off-premises advertising displays shall be prohibited.
 - Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.

~~229. No permanent off-premises advertising display or part thereof shall be located within a Historic or Conservation District.~~

~~230. No permanent off-premises digital advertising display or part thereof shall be located within 100 feet of the right-of-way of~~

~~231. The Reno-Sparks Convention Center.~~

~~232. Interstate 40 west of Carson Drive to the east-west city limit.~~

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5595, §1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 6155, § 1, 7-7-10)

Section 18.16.905. General Standards for Permanent Off-Premises Advertising Displays.

- (a) The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.
- (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than 672 square feet.
- (c) A cut-out shall not exceed ten percent of the primary surface area of the off-premises display.
- (d) No off-premises advertising display shall exceed 35 feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display. If the off-premises advertising display is oriented to more than one road grade, the lowest road grade shall be the reference point.
- (e) No off-premises advertising display shall be located closer than 750 feet to the next off-premises advertising display on either side of the same street. No ~~permanent controlled display~~ off-premises advertising display shall be located closer than 1,000 feet to the next ~~permanent controlled display~~ off-premises advertising on either side of the same street.
- (f) All off-premises advertising displays shall be maintained in a clean and workmanlike condition. Surface shall be neatly painted. Property immediately surrounding off-premises advertising displays shall be maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in RMC Section 8.22.100 shall be enforced as provided for in RMC Chapter 1.05.
- (g) The permit number, as assigned by the administrator or the identity of the owners and his address shall be displayed on every permanent off-premises advertising display.
- (h) The reverse side of a cut-out shall be dull and non-reflective.
- (i) The reverse side of a single-face off-premises advertising display shall be dull and non-reflective.
- (j) No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements of Sections 18.16.904 and 18.16.905, a variance to the spacing requirements

Ordinance

Meeting of October 24, 2012

may be requested. If the variance to the spacing requirements is denied as a final action, the tree may removed. If the variance to spacing requirements is approved, the tree may not be removed.

(k) Off-premises advertising displays shall be of monopole design.

(l) ~~Existing off-premises digital advertising displays~~ All lighting shall be directed toward the off-premises advertising display

(m) An off-premises advertising display may not contain more than two faces and one face may not be angled from the other face by more than 20 degrees as measured from the back of the structure supporting the face.

~~(n) In addition to the other standards indicated in Chapter 12.01, the following standards shall apply to off-premises digital advertising displays:~~

~~1. Each message or copy shall remain in the foreground of the display.~~

~~2. Maximum time allowed for transition between messages shall be one second.~~

~~3. Displays shall not be presented in a way that appears to be a human or animal.~~

~~4. Illumination shall not change during a display period.~~

~~5. Displays shall not flash or move during a display period.~~

~~6. Displays shall not imitate or resemble any official traffic signal, traffic sign or other official warning sign.~~

~~7. Displays shall contain a default design that will not be illuminated in any position or display solid black for a minimum of one second.~~

~~8. No audio shall be permitted.~~

~~9. No display shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or obstructs or interferes with the driver's view of the surrounding traffic situation.~~

~~10. No display shall emit sounds, projections, or odors.~~

~~11. The face of each digital off-premises advertising display shall contain a legible message or graphic at all times, except during periods of maintenance or the following: occur repairs, replacement of parts, cleaning, or maintenance associated with the display, or other display or equipment.~~

~~12. Displays shall conform to the requirements for other off-premises advertising displays as established in Chapter 12.01, and there shall be no conflict between standards contained in other portions of Chapter 12.01 and this section. The more restrictive shall prevail.~~

~~13. Illuminance. Display shall have a light sensor device that will adjust the brightness of the display as ambient light conditions change. Each application for a digital off-premises advertising display shall include a photometric plan. The photometric plan shall demonstrate the digital display's maximum light intensity.~~

§ 1. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

| Area | Distance from which to be Measured |
|---------------------------|------------------------------------|
| Area 1: 1,000 square feet | 150 feet |
| Area 2: 2,000 square feet | 200 feet |
| Area 3: 3,000 square feet | 250 feet |

§ 2. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 3. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 4. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 5. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 6. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 7. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 8. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

§ 9. The Board of Ordinance shall have the authority to amend, repeal, or modify any ordinance that is inconsistent with the provisions of this ordinance.

for Digital Off-Premises Advertising Display Special Exceptions. The City Council shall decide all Digital Off-Premises Advertising Display Special Exceptions and the City Council shall be processed under the following procedure:

1. Purpose: Digital Off-Premises Advertising Display Special Exceptions are exceptions to compliance with standards outlined with Part 18.06.004(b)(4-F) or 18.06.905 of the City Code. Digital Off-Premises Advertising Display Special Exceptions are intended to address exceptional, practical difficulties or undue hardship arising from the strict application of the provisions of this section. These Digital Off-Premises Advertising Display Special Exceptions address unusual situations that were not caused by the applicant's act or omission.

2. Initiation: Digital Off-Premises Advertising Display Special Exceptions shall be initiated by application of the off-premise display owner.

3. Application Requirements: Applications shall include a minimum of:

- 1.** Provisions of this section that are being requested to be exempted and an explanation of why the standards cannot be met;
- 2.** Site plans showing the location of all existing and proposed off-premise displays and residential zoned properties within 100 feet;
- 3.** Elevations of proposed sign(s);
- 4.** Proposed exchange rate to install the digital off-premise advertising display(s).

4. Review Process:

1. Decision Making Authority: The City Council shall review and decide all Digital Off-Premises Advertising Display Special Exceptions.

2. Decision Making Process:

A. Administrator: The administrator shall review Digital Off-Premises Advertising Display Special Exceptions and provide a recommendation to City Council.

B. City Council: The City Council shall hold a public hearing at the next regularly scheduled City Council meeting which occurs a minimum of 20 days following the date the application is deemed complete. The City Council shall make its decision within 15 days from the date of the opening of the hearing. The City Council may approve, approve with conditions, or deny the Digital Off-Premises Advertising Display Special Exceptions request.

C. Public Notice: The public hearing shall be noticed as required for a variance application as set forth in Section 18.06.203 of this title.

1. The Board to approve if there are no exceptions.
2. Special Exceptions, the City Council may take the following readings:

[illegible][illegible][illegible]

Strength, sight and size.

Duration of Message

[illegible]

1. The Government of the State of Nevada shall award a permit for the project within a year of the date of the passage of the bill. The permit shall require the applicant to submit a plan of the project, including the location of the project, the size of the project, the type of project, the estimated cost of the project, and the estimated benefits of the project. The permit shall also require the applicant to submit a plan of the project, including the location of the project, the size of the project, the type of project, the estimated cost of the project, and the estimated benefits of the project.

Continued from page 1

[illegible]

The proposed changes are consistent with applicable provisions of the Code.

The proposed changes to the terms and conditions of the contract are approved.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW

The proposed changes reported in this plan were not considered in the planning process.

The proposed changes are improvements in the overall system.

Section 18.16.906. Reserved.

The following off-premises advertising displays are prohibited:

- (Ord. No. 5295, § 1, 1-22-02)

JA 1333

- (a) Except as otherwise provided in this chapter, an existing, legally established, permanent off-premises advertising display may be relocated to a permitted location as described in Section 18.16.904 provided that such existing, legally established, permanent off-premises advertising display complies with all requirements of this chapter and Chapter 18.08, as amended.
- (b) Two permits shall be required prior to relocation or banking of an existing, legally established, permanent off-premises advertising display, one to remove the existing off-premises advertising display from its current physical location and one to relocate the existing off-premises advertising display to a different physical location or to a bank of currently not erected but previously existing, legally-established, permanent off-premises advertising displays which are eligible to be erected on a physical location at a later date provided they comply with all requirements of this chapter, as amended.
- (c) A person who is granted a permit to remove an off-premises advertising display proposed to be relocated under this section shall remove the existing, legally established, permanent off-premises advertising display in all visual respects from the original location and return the site to a condition consistent with immediately surrounding area, unless otherwise required by the permit, within the time set by the permit and prior to the issuance of the permit to relocate the existing, legally established, permanent off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising displays, including any parts located below ground, on property in which any governmental entity has a property interest.
- (d) Existing, legally established, permanent off-premises advertising displays which have a display area less than the maximum allowed under Section 18.16.905 and are proposed to be increased in display area, shall require a two for one removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises existing, legally established, permanent advertising displays under Section 18.16.902(b) will be reduced accordingly.
- (e) A person who requests a permit to relocate an existing, legally established, permanent off-premises advertising display shall:
- (1) Identify the existing, legally established, permanent advertising display to be relocated, by number assigned by the City of Reno.
 - (2) Present to the community development department a notarized statement from the owner(s) of the existing, legally established, permanent advertising display to be relocated that he/she has/have removed, or caused to be removed, the existing, legally established, permanent off-premises advertising display in accordance with subsection (c) above.
 - (3) The owner of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b) ~~prior to January 1, 2012~~ has fifteen years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. ~~After the removal of the display that has been removed and banked pursuant to subsection (b) prior to January 1, 2012, the owner has fifteen years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. The fifteen year~~

Ordinance

Meeting of October 24, 2012

years shall run from the date the city approves all work performed under subsection (c), in writing, and/or releases the letter of credit. The permit to relocate an existing, legally established, permanent off-premises advertising display may be sold or otherwise conveyed at the discretion of the owner. If the banked advertising displays are not used within the fifteen ~~years~~ years they will become unrelocatable.

- (4) Nothing in this section shall be construed to mandate relocation of any existing, legally established, permanent off-premises advertising display.
- (f) From and after the effective date of this ordinance and for a period of 120 days, the city shall not file nor accept any applications nor issue permits to relocate any off-premises advertising display onto or off of property annexed subject to the stipulation in the "Verdi" litigation or the settlement agreement in the "Verdi" litigation or any interim stipulations in the Reno-Stead Corridor Plan or newly annexed properties subject to the settlement agreement in the regional planning litigation. Copies of these stipulations and/or settlement agreements shall be maintained by the city clerk.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5461, § 1, 6-11-03; Ord. No. 5534, § 1, 1-14-04)

Section 18.16.909. Permanent Off-Premises Advertising Displays-Reporting.

Each sign company licensed to do business in the city must report to the administrator the size, height, location and location and building permit number of each off-premises advertising display owned by a company and located within the city on July first by July fifteenth of each year.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.910. Temporary Off-Premises Advertising Displays.

(a) Off-premises temporary advertising displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising displays:

- (1) Are located in any zoning district within one-half radial mile of the site on which the activity will take place;
- (2) Shall be a maximum of six square feet;
- (3) Shall be designed to be stable under all weather conditions, including high winds;
- (4) Shall not obstruct the vision triangle as defined set forth in Section 18.12.902 nor traffic control device or impair access to a sidewalk, street, driveway, bus stop, or fire hydrant; and
- (5) Displayed for less than 12 hours each day, no earlier than 6:00 a.m. nor later than 9:00 p.m.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.911. Temporary Off-Premises Advertising Displays—Special Events.

Ordinance

Meeting of October 24, 2012

A holder of a special event's permit may apply for a building permit pursuant to RMC Chapter 14 to erect a temporary off-premises advertising display promoting the special event provided the temporary off-premises advertising display:

- (a) Complies with Article IX (Off-Premise Advertising Displays) of this chapter, as applicable;
- (b) The applicant has obtained a permit to hold a special event;
- (c) The proposal complies with city policies if the applicant seeks to use city owned improvements such as poles designed for temporary signs or buildings;
- (d) Such off-premises advertising displays, when permitted shall not be installed prior to 30 days before and shall be removed within ten after the special event advertised;
- (e) The temporary off-premises advertising display shall not exceed 100 square feet;
- (f) The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
- (g) The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in Section 18.12.902 nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.912. Reserved.

Section 18.16.913. Abandoned Off-Premises Advertising Displays.

- (a) Abandonment is the cessation of the right to continue the existence of a permanent off-premise advertising display:
- (1) Under existing law;
 - (2) When a state of disrepair exists because of substantial tearing, chipping, or missing material 30 days after receipt of notice sent pursuant to RMC Chapter 1.05;
 - (3) When there is no current business license in existence for the owner(s) of the off-premises advertising display; or
 - (4) When there has been no display for a period of one year with respect to a permanent off-premises advertising display.
- (b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under section 18.16.902(b).

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.914. Time Limitations on Review of Applications for Off-Premises Advertising Displays.

The following are time limitations on the pertinent decision-maker to review applications for off-premises advertising displays as applicable:

- (a) The administrator shall review and make a decision regarding an application for an off-premises display within five working days of the date the application is filed-stamped by the community development department, on the appropriate form and with payment of the appropriate fee, if any.
- (b) The administrator shall review and make a decision regarding an application for a temporary or special events off-premises advertising display within two working days of the date the application is filed-stamped by the community development department, on the appropriate form and with the appropriate fee, if any.
- (c) If the hearing examiner or the planning commission review the application, hearing examiner or the planning commission shall hold a public hearing within 65 days of the date the application is filed-stamped with the community development department.
- (d) The hearing examiner or planning commission shall make its decision within 30 days from the date of the opening of the public hearing.
- (e) The city council shall make its decision within 30 days of the date of the public hearing. ~~the city council shall make its decision within 30 days of the date of the public hearing. If the applicant requests a continuance or a specified time or date for the matter to be heard, the time lines provided herein are deemed waived.~~
- (f) If the applicant requests a continuance or a specified time or date for the matter to be heard, the time lines provided herein are deemed waived.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5729, § 8, 9-16-05)



Ordinance

Meeting of October 24, 2012

Section 18.16.960. Appeal of Administrator's Decision.

- (a) Aggrieved persons may appeal the administrator's decision to the City Council by filing a written appeal setting forth how they are aggrieved and the reasons for the appeal within five days of the administrator's written decision.
- (b) The City Clerk shall set the hearing before the City Council at the next available City Council meeting at least 15 days in the future.

Section 18.16.965. Judicial Review.

- (a) Judicial review may be sought in accordance with Chapter 34 of the NRS.
- (b) If the city denies a "First Amendment" application, the city will institute legal proceedings within ten working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restraint grounds, unless otherwise waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words "First Amendment" in the caption of the application.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.970. Decisions regarding Off-Premises Advertising Display.

- (a) Decisions shall be in writing.
- (b) Decisions shall include an explanation setting forth the reasons for the decisions.

Section 18.16.995. Noncommercial Speech is allowed whenever Commercial Speech is allowed.

- (a) Speech which proposes a commercial transaction and no more or expression related solely to the economic interests of the speaker and its audience is commercial speech.
- (b) Any noncommercial speech is allowed wherever commercial speech is permitted.

Section 18.16.1000. Regulated Off-Premises Advertising Display.

All off-premises signs erected or located in the city, which are not exempted by federal or state law, are subject to the provisions of this Article of Chapter 18 and Chapter 14.

Section 18.16.1010. Permit Required.

Except as otherwise provided, no person may erect, enlarge, alter, (except for normal maintenance) or relocate within the city, any sign without first having obtained a sign permit.

SECTION 2. Chapter 18.24 of the Reno Municipal Code is hereby amended to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED) from Section 18.24.203.4570, the same to read as follows:

Ordinance
Section 18.24.203.4570. Sign.

Meeting of October 24, 2012

A design or device displayed to the public for the purpose of identifying, advertising or promoting the interests of any person, persons, firm, corporation or other entity by conveying an advertising message, a non-commercial message or attracting the attention of the public. This definition shall include all parts of such a device, including its structure and supports and shall also include balloons, flags, banners, building wrap, pennants, streamers, canopies, or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message.

The definition of "sign" above includes the following specific sign types, which are further defined below:

1. Abandoned sign means a sign which has not been maintained in accordance with the provisions of this ordinance for a period in excess of 90 days following legal notice from the zoning administrator to the owner of property and the owner of the advertising display that said sign does not meet minimum maintenance standards or the cessation of the right to continue the use of an off-premises advertising display.
2. Advertising display means any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation, or other entity, located in view of the general public. This definition shall include signs, billboards, posters, graphic advertising messages, flags, banners, balloons, building wrap, canopies, pennants, streamers, or other devices which used to attract attention, advertising copy, accessory signs and similar displays, but shall not include courtesy bus benches bearing advertising placed in public rights-of-way and covered by the City of Reno/Regional Transportation Commission Franchise Agreement. Advertising structure means any structure or device erected for the purpose of supporting any sign or other advertising display, and the framework of the sign. For the purposes of sign or advertising display removal, the removal shall include advertising structures.
3. Animated sign. A sign which meets the definition of changeable sign as contained in this chapter or a tri-vision display.
(Ord. No. 5295, § 1, 1-22-02)
4. Architectural graphic means a painted design, mural, relief, mosaic or similar feature of an artistic nature which is incorporated into the architectural design of a building and conveys no advertising message.
5. Area identification sign means a permanent, decorative sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.
6. Awning. (See canopy).

Ordinance

Meeting of October 24, 2012

7. Back-to-back sign means a structure with two parallel and directly opposite signs with their faces oriented in opposite directions. A back-to-back sign shall constitute one off-premises sign or billboard.
8. Banner means a temporary sign made of any on-rigid fabric-like material that is mounted to a pole at one or more edges. National flags, state or municipal flags shall not be considered banners.
9. Billboard. (See off-premises advertising display).
10. Building wrap. A sign applied to or painted on, all or a portion of a building exterior wall(s). Building wraps include the application of a flexible material to a building containing an off-premises advertising display.

(Ord. No. 5295, § 1, 1-22-02)

11. Canopy sign means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy. Canopy signs may not project above the roof line. Signs attached to a canopy will be considered a wall sign when flashed back to the canopy.
12. Changeable sign means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:
 - a. Manually activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - b. Electrically activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 1. Fixed message electronic signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 2. Computer controlled variable message electronic signs. These are signs whose informational content can be changed or altered by means of computer-driven electronic impulses. A common example of this type of sign is the variable message sign.
13. Community directory sign means a sign, or a group of signs designed as a single display, which gives information.

Ordinance

Meeting of October 24, 2012

14. Directional sign means a permanent sign which directs the flow of traffic or pedestrians on private property
15. Directory sign means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.
16. Electronic readerboard. (See changeable signs, electrically activated).
17. Facing or surface. The surface of a sign upon, against, or through which the message is displaced or illustrated.
18. Flashing sign means a sign which uses blinking, flashing or intermittent illumination, either direct, or indirect or internal.
19. Freestanding sign means a sign which is supported by its own structure apart from a building.
20. Inflatable sign means any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.
21. Mobile sign means a sign attached to or suspended from any type of vehicle, other than normal identification of the business owned and served by the vehicle. Mobile signs shall not include those normally painted on or attached permanently to a franchised mass-transit vehicle or taxicab, nor shall mobile signs include special events signs.
22. Official sign means any sign erected by or at the direction of a governmental agency.
23. Off-premises advertising display. Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is not principally sold, available or otherwise provided on the premises on which the display is located. Any display which is composed of at least 80 percent of on-premises display is an on-premises sign. An off-premises advertising display includes its structure. Off-premises advertising displays are commonly called billboards.
(Ord. No. 5295, § 1, 1-22-02)
24. Off-premises advertising display, permanent. A permanent off-premises advertising display is a sign displayed for more than 12 hours in a day and for longer than 30 consecutive days, except signs for special events.
25. Off-premises advertising display, conforming permanent. An off-premises advertising device that is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display.

26. Off-premises advertising display, temporary. A temporary off-premises advertising display is a sign displayed only temporarily and is not permanently mounted.

~~27. Off-premises digital display means a digital off-premises advertising display which is computer controlled variable electronic message for off-premises signs whose informational content can be changed or altered by means of computer-driven electronic impulses.~~

- 2[7]8. On-premises sign. Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is principally sold, available or otherwise provided on the premises on which the display is located.
~~2[8]9. Display which is composed of at least 80 percent of on-premises display or on-premises sign.~~

- 2[8]9. Pennant means a temporary sign made of any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other similar device usually in series, designed to move in the wind.

- [29]30. Permanent sign means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

- 3[0]1. Pole sign means any sign that is supported by a pole (sometimes more than one) and otherwise separated from other structures, buildings, and the ground by air.

- 3[1]2. Portable sign means any sign which is designed and constructed in such a manner that it can conveniently be moved from place to place. This definition shall include cardboard, paper, fabric, canvas and plastic banners and signs.

- 3[2]3. Projecting sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

- 3[3]4. Roof sign means any sign located on the roof, of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure or architectural blade shall not be considered a roof sign that does not extend above the roof line.

- 3[4]5. Stacked sign means two or more off-premises signs affixed to the same standards which are not back-to-back signs and which vary in height from the ground.

- 3[5]6. Temporary sign means a sign which is which is not permanently mounted and is designed and constructed in such a manner that it can be conveniently moved from place to place and is allowed by Chapter 18.16 to remain in use for a limited time only.

Ordinance

Meeting of October 24, 2012

- 3[6]7. Wall sign means a sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a parallel plane to the plane of the wall.
- 3[7]8. Wind sign means any display or series of displays, banners, flags, balloons or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

Sec. 18.24.203.5373. Vicinity:

Vicinity means the area within 1,500 feet of a property line.

(Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 3, 10-10-00; Ord. No. 5242, § 8, 5-22-01; Ord. No. 5294, § 2, 1-8-02; Ord. No. 5729, § 11, 9-14-05; Ord. No. 5762, § 3, 11-16-05)

SECTION 3: Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 4. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 5. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, by the following vote of the Council:

AYES:

NAYS:

ABSTAIN: _____ ABSENT:

APPROVED this ____ day of _____,

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY
COUNCIL OF THE CITY OF RENO, NEVADA

Ordinance

Meeting of October 24, 2012

EFFECTIVE DATE:

AT-32-07 (Digital Off-Premise Advertising Display incl LED) - ord - CCH - 091212 CC mtg.doc

Page 21

JA 1344

CAR-00830



MINUTES

Regular Meeting

Reno City Council

Wednesday, October 24, 2012 • 12:00 PM

Reno City Council Chamber, One East First Street, Reno, NV 89501

Robert A. Cashell, Sr., Mayor

Council Members:

Ward 1 – Dan Gustin

Ward 2 – Sharon Zadra

Ward 3 – Jessica Sferrazza

Ward 4 – Dwight Dortch

Ward 5 – David Aiazzi

At-Large – Pierre Hascheff

A Introductory Items

A.1 Pledge of Allegiance

A.2 Observance of a Moment of Silence

A.3 Roll Call

| Attendee Name | Title | Status | Arrived |
|-------------------|----------------|---------|---------|
| Robert Cashell | Mayor | Absent | |
| Dan Gustin | Council Member | Present | |
| Sharon Zadra | Council Member | Present | |
| Jessica Sferrazza | Council Member | Present | |
| Dwight Dortch | Council Member | Present | |
| David Aiazzi | Council Member | Present | |
| Pierre Hascheff | Council Member | Present | |

The meeting was called to order at .

A.4 Public Comment

Barbara DiCianno, Community Engagement and Communication, invited everyone to the November 3, 2012, Buy Local Marketplace event.

Sam Dehne, Reno resident, discussed several issues.

Mark Markel, 48 Park Street, discussed the dangers of drinking and driving.

Paul Oliveira, 785 Wilkinson Avenue, discussed safety concerns at area parks.

Frank Shields, 3640 Brighton Way, discussed single stream recycling and the services Waste Management provides to the Optimist's Club.

Donna Clontz, 1940 Daylin Court, representing the Northwest Neighborhood Advisory Board, discussed their recommendations regarding the BMX dirt bike jump course on Springwood Drive (Item J.1).

Richie Ray Walker, 395 West First Street, discussed the upcoming elections.

Ryan Gold, 3170 West Plumb Lane, discussed the proposed ordinance regarding liquor license permits (Item I.1.1).

Matt Polley, 246 West First Street, discussed parking and alcohol license fees (Item I.1.1).

Brian Egan, 464 South Sierra Street, discussed alcohol license fees (Item I.1.1).

Regina Barker, 152 Coney Island Drive, representing Camelot Party Rentals, discussed their support for Waste Management and their plans for single stream recycling.

A.5 Approval of the Agenda - October 24, 2012 (For Possible Action)

Motion: Approve 12:37 PM

The agenda was approved with Item E.8 withdrawn.

| | |
|----------|--|
| RESULT | APPROVED UNANIMOUSLY |
| MOVER | Pierre Hascheff, Council Member |
| SECONDER | Pierre Hascheff, Council Member |
| AYES | Gustin, Zadra, Sferrazza, Dortch, Arazzi, Hascheff |
| ABSENT | Robert Cashell |

A.6 Approval of Minutes - October 10, 2012 (For Possible Action)

City Council - Regular - Oct 10, 2012 12:00 PM 12:38 PM

| | |
|----------|--|
| RESULT | ACCEPTED UNANIMOUSLY |
| MOVER | Sharon Zadra, Council Member |
| SECONDER | Sharon Zadra, Council Member |
| AYES | Gustin, Zadra, Sferrazza, Dortch, Arazzi, Hascheff |
| ABSENT | Robert Cashell |

B Cash Disbursements - September 30, 2012 through October 13, 2012 (For Possible Action)

Motion: Approve 12:38 PM

Councilperson Hascheff abstained on all Martin Marietta expenses.

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| RESULT: | APPROVED (5 TO 0) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi |
| ABSTAIN: | Pierre Hascheff |
| ABSENT: | Robert Cashell |

C Proclamations

- C.1 Proclamation declaring October 24, 2012 as EnergyFit Nevada Day - Council member Dan Gustin. 12:38 PM

Councilperson Gustin, on behalf of Mayor Robert A. Cashell, Sr., and the City of Reno, proclaimed October 24, 2012, as EnergyFit Nevada Day.

- C.2 Proclamation declaring the month of October as Disability Awareness Month - Julee Conway, Director, Parks, Recreation and Community Services. 12:44 PM

Councilperson Zadra, on behalf of Mayor Robert A. Cashell, Sr., and the City of Reno, proclaimed the month of October 2012 as Disability Awareness Month.

D Presentations

- D.1 Presentation of the 2012 City of Reno Military Sports Camp - Julee Conway, Director, Parks, Recreation and Community Services. 12:49 PM

Julee Conway, Director of Parks, Recreation and Community Services, made the presentation on behalf of the Reno Military Sports Camp.

- D.2 Presentation on the Regional Road Impact Fee Program - Julie Masterpool, Regional Transportation Commission. 12:54 PM

This item was pulled from the agenda.

- E Consent Agenda (All consent items may be approved together with a single motion, be taken out of order, and/or be heard and discussed individually.)

| | |
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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

E.1 Approval of Privileged Business Licenses**E.1.a New - Alcohol**

1. Timber Ridge, Patrick Murray, 2000 East Plumb Lane - Dining Room Alcohol. (For Possible Action) [Ward 3]
2. Picasso & Wine LLC, Jennifer Gail Woods, 20 St. Lawrence Avenue - Cabaret. (For Possible Action) [Ward 1]
3. Wild Garlic (Concourse C), Patrick Murray, 2001 East Plumb Lane - Dining Room Wine and Beer. (For Possible Action) [Ward 3]
4. Wild Garlic (Concourse B), Patrick Murray, 2001 East Plumb Lane - Dining Room Wine and Beer. (For Possible Action) [Ward 3]

E.1.b New - Cabaret

1. Bodega Night Club, Coletta Julia Bwire, 555 East Fourth Street, Suites A and B - Cabaret. (For Possible Action) [Ward 5]

E.1.c New - Gaming

1. Nevada Disseminator Service Inc. dba Silver Legacy Resort Casino, Todd Joseph Roberts, 407 North Virginia Street - Miscellaneous Gaming. (For Possible Action) [Ward 5]
2. Item 2 was moved to Consent Agenda. Pulled from Consent for Discussion

E.1.d New - Privileged

1. American Skippy Closets, Zelpha Hart, 911 West Golden Valley Road - Second Hand Merchandise. (For Possible Action) [Ward 4]
2. Scrap Metal Recycling LLC, Robin Fryling, 45 Speedway Road - Second Hand Merchandise. (For Possible Action) [Not in City (NIC)]

E.1.e Change of Ownership - Alcohol

1. Levy Restaurants, Craig Anthony Appel, 4590 South Virginia Street - Bar. (For Possible Action) [Ward 2]
2. Levy Restaurants, Craig Anthony Appel, 450 North Center Street - Bar. (For Possible Action) [Ward 5]
3. Levy Restaurants, Craig Anthony Appel, 300 North Center Street - Bar. (For Possible Action) [Ward 5]
4. Levy Restaurants, Craig Anthony Appel, 1350 North Wells Avenue - Bar. (For Possible Action) [Ward 3]

E.1.f Supplemental - Cabaret

1. Diamond Billiards of Reno, Jeff Broughton, 5890 South Virginia Street, Suite 4E - Cabaret. (For Possible Action) [Ward 3]
2. Fiesta Mexicana, Silvia D. Gutierrez, 10555 Stead Boulevard, Suites 1 and 2 - Cabaret. (For Possible Action) [Ward 4]

E.2 Staff Report: Acceptance of a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to support enforcement of laws related to pedestrian safety in the amount of \$25,000. 12:58 PM

E.3 Staff Report: Acceptance of a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to allow Reno Police traffic investigators to obtain precrash data from vehicles in the amount of \$5,193. 12:58 PM

- E.4 Staff Report: Acceptance of a grant from the Department of Public Safety, Office of Traffic Safety - Joining Forces Grant 2013 to the Reno Police Department in the amount of \$62,000. 12:58 PM
- E.5 Staff Report: Acceptance of a grant from the William N. Pennington Foundation for Park Maintenance Improvements in the amount of \$18,550, and Authorization to Sign Grant Agreement. 12:58 PM
- E.6 Staff Report: Approval of Confession of Judgment from South Meadows Properties Limited Partnership , a Nevada limited partnership in favor of the City of Reno relating to the South Meadows Phase III PUD, Case No. LDC13-00013, and Acceptance of Grant, Bargain and Sale Deed for property identified as APN 121-2432811 located on South Meadows Parkway, Reno, Nevada. 12:58 PM
- E.7 Staff Report: Certification of Amendment to the South Virginia Street Transit Oriented Development Corridor Plan (Midtown District).. [Ward 1, Ward 3] 12:58 PM
- E.8 Staff Report: Approval of Amendment #2 to the Interlocal Agreement with the Washoe County School District (WCSD) to add Janitorial Services and Costs not to exceed \$24,700 annually (paid by WCSD). 12:58 PM
- THIS ITEM WAS WITHDRAWN FROM THE AGENDA.
- E.9 Staff Report: Approval of an Amended Agreement with CDMSmith between the City of Reno and the City of Sparks for construction observation services associated with the Electrical Systems Upgrades 2011 at the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of \$35,685 with Reno's share being \$24,490.62 (Sewer Enterprise Fund). 12:58 PM
- E.10 Staff Report: Approval of an Amendment to the Agreement with the City of Reno, the City of Sparks and BJB Architecture and Engineering (BJB) for continuing Professional Engineering Services for the Structural Evaluation for the Truckee Meadows Water Reclamation Facility (TMWRF) in an amount not to exceed \$24,400.00 with Reno's Share being \$16,745.72 (Sewer Enterprise Fund). 12:58 PM
- E.11 Staff Report: Approval of Consultant Agreement with Lumos and Associates for Geotechnical and Construction Services for the 2013 Street Project, Unit A in an amount not to exceed \$179,383 (Street Funds). 12:58 PM
- E.12 Staff Report: Approval of Bid Award #1459 for Printing Services to Office Depot in an amount not to exceed \$100,000 (General Fund). 12:58 PM
- E.13 Item 13 was moved to Consent Agenda. Pulled from Consent for Discussion

- E.14 Staff Report: Approval of Amendment #2 to Security Services Agreement between the City of Reno and Securitas Security Services USA, Inc. for Security Services at CitiCenter in an amount not to exceed \$10,962 (General Fund). 12:58 PM
- E.15 Staff Report: Approval of Amendment #7 to the Security Services Agreement between the City of Reno and Securitas Security Services USA, Inc. for Security Services at the Community Assistance Center (CAC) in an amount not to exceed \$43,140 (CAC budget funds). 12:58 PM
- E.16 Item 16 was moved to Consent Agenda. Pulled from Consent for Discussion.
- E.17 Staff Report: Agreement for Special Counsel Foreclosure Services in an amount not to exceed \$20,000 (Washoe County HOME Consortium funds). 12:58 PM

Pulled from Consent for Discussion

- 18 Dotty's #75, Steve G. Hixon, 5144 Mae Anne Avenue, Suites A and B - Slots. [Ward 5] 12:59 PM

Item E.1.c.2.

Michael Chaump, Business Relations Program Manager, and Councilperson Zadra discussed the new State Gaming Control Board rules and regulations regarding gaming in these types of establishments.

Steve Hickson, General Manager for Northern Nevada, representing Dotty's, discussed their food services, spacing requirements, and the limitation on the number of slot machines.

Vice Mayor Aiazzi, Mr. Chaump and Claudia Hanson, Community Development Planning and Engineering Manager, discussed the ordinance that prohibits businesses from expanding into two adjoining suites and adding additional slot machines.

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| RESULT | APPROVED BY AINTECH |
| MOVER | Robert Cashell |
| SECONDER | Pierre Hascheff, Council Member |
| AYES | Gustav Zadra, Stefania Dorton, Aiazzi, Hascheff |
| ABSENT | Robert Cashell |

- 19 Staff Report: Approval of a Second Modification of Lease Agreement with Washoe Fuel, Inc. dba, Allied Washoe Petroleum for the use of certain premises located on Fourth Street commonly known as Assessor Parcel #012-293-19. 1:04 PM

Item E.13.

Councilperson Hascheff noted that staff needed to make a minor amendment to the agreement.

Steve Hardesty, Public Works, said that after the Staff Report was submitted, the tenant requested that the 10-year lease agreement be increased to 15 years, and staff concurred with the proposal.

The Second Modification of Lease Agreement with Washoe Fuel, Inc. dba Allied Washoe Petroleum was approved as amended with the term of the lease increased from 10 to 15 years.

| | |
|----------|---|
| RESULT | APPROVED UNANIMOUSLY |
| ADOPTED | By the Reno City Council Member |
| SECONDER | Dwight Dortch, Council Member |
| AYES | Ed Gustin, Zaida Sferazza, Dortch, Alazzi, Hascheff |
| ABSENT | Robert Cashell |

- 20 Staff Report: Approval of an Interlocal Cooperative Agreement among the City of Reno, City of Sparks, Washoe County, and the Regional Transportation Commission (RTC) for projects included in FY 2013/2014 Fuel Tax, Sales Tax and Regional Road Impact Fee Street and Highway Program of Projects. 1:04 PM

Item E.16.

Councilperson Sferazza stated her opposition to the Southeast Connector Project, and said that she would not support the allocation of funds to that project, although she would support the remainder of the allocations.

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| RESULT | APPROVED 5 TO 1 |
| ADOPTED | By the Reno City Council Member |
| SECONDER | Dan Gustin, Council Member |
| AYES | Gustin, Zaida, Dortch, Alazzi, Hascheff |
| NAYS | Jessica Sferazza |
| ABSENT | Robert Cashell |

F Public Hearings - 12:15 PM

F.1 Golden Valley Industrial Park

- F.1.1 Staff Report: Request to amend the Golden Valley Industrial Park Specific Plan District Handbook (SPD) to provide for greater building signage, larger letters, illumination of freeway signs and other matters properly related thereto. [Ward 4] 1:08 PM

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Vice Mayor Aiazzi opened the public hearing and asked if anyone wished to speak. No one spoke and the Vice Mayor closed the public comment portion of the hearing.

The Councilpersons upheld the recommendation of the Planning Commission and approved the requested Special Planning District (SPD) amendment by ordinance, subject to the conditions in the Staff Report.

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| RESULT: | APPROVED BY THE COUNCIL |
| MOVER: | VICE MAYOR AIAZZI |
| SECONDER: | DAN GUSAN, Council Member |
| AYES: | Dan Gusan, Zadra, Schrazza, Dorich, Aiazzi, Haschett |
| ABSENT: | Robert Caselli |

F.1.2 Ordinance, Introduction Bill No. 6825 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1286, by amending Ordinance No. 5857 to change the text in the SPD Handbook to: provide for greater building signage, larger letters, illumination of freeway signs and other matters properly related thereto, located south of the terminus of North Hills Boulevard (850 North Hills Boulevard) in an SPD (Specific Plan district) zone; together with other matters properly relating thereto. **Case No. LDC13-00022 (Golden Valley Industrial Park) [Ward 4] 1:09 PM**

Bill No. 6825 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ (UNANIMOUS) | Next: 11/7/2012 12:00 PM |
| MOVER: | Dwight Dortch, Council Member | |
| SECONDER: | Dan Gustin, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

F.2 Accessory Automobile Rental Use

F.2.1 Staff Report: Request to amend the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.08, "Zoning," Section 18.08.201, entitled "Permitted Uses by Base Zone District," and Section 18.08.202, entitled "Additional Regulations For Principal Uses," to allow "Automobile Rental" as an accessory to "Automobile & Truck Sales and Mobile Home, RV, Boat & Trailer Sales or Rental," together with other matters properly relating thereto. [All Wards] 1:10 PM

Councilperson Dortch disclosed that the outcome of the vote could result in a benefit to some of his customers, and abstained from voting on this issue.

COUNCILPERSON DORTCH ABSENT AT 1:10 P.M.

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Vice Mayor Aiazzi opened the public hearing and asked if anyone wished to speak. No one spoke and the Vice Mayor closed the public comment portion of the hearing.

Councilperson Sferrazza and Claudia Hanson, Community Development Planning and Engineering Manager, discussed details of the proposed text amendment.

Discussion ensued regarding whether off-premise car rental businesses would be required to pay the current rental car tax, and Ms. Hanson agreed to return with addition information before the second reading of the ordinance.

The Councilpersons upheld the recommendation of the Planning Commission and approved the requested text amendment by ordinance.

Motion carried with Councilperson Dortch absent and abstaining.

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| RESULT: | APPROVED [5 TO 0] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Alazzi, Hascheff |
| ABSTAIN: | Dwight Dortch |
| ABSENT: | Robert Caspell |

F.2.2 Ordinance, Introduction Bill No. 6826 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.08, "Zoning," Section 18.08.201, entitled "Permitted Uses by Base Zone District," and Section 18.08.202, entitled "Additional Regulations for Principal Uses," together with other matters properly relating thereto. Case No. TXT13-00003 (Accessory Automobile Rental Use) [All Wards] 1:12 PM

Bill No. 6826 was referred to the Committee of the Whole.

Motion carried with Councilperson Dortch absent and abstaining.

COUNCILPERSON DORTCH PRESENT AT 1:13 P.M.

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| RESULT: | FIRST READ - 100% | Next 11/1/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Dan Gustin, Council Member | |
| AYES: | Gustin, Zadra, Sferazza, Alazzi, Hascheff | |
| ABSTAIN: | Dwight Dortch | |
| ABSENT: | Robert Caspell | |

F.3 Bella Vista Ranch PUD - Bonaventure

F.3.1 Staff Report: Request to amend the text for the Bella Vista Ranch PUD (Planned Unit Development) Development Design Standards to: 1) modify the Fire services agreement related to the per unit fire fee, and to address the location and timing to construct a fire station associated with the project; 2) modify the timing in which to design and construct the public park; and 3) other modifications necessary such as: map, graphic and text changes to the Design Standards to effect the changes proposed with items 1 and 2 listed above. The ±364 acre site is located along the south side of South Meadows Parkway and extends to the south ±3,785 feet (±.73 miles) along the east and west sides of Veterans Parkway from the South Meadows Parkway/Veterans Parkway intersection in the PUD zone. [Ward 3] 1:12 PM

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Vice Mayor Aiazzi opened the public hearing and asked if anyone wished to speak. No one spoke and the Vice Mayor closed the public comment portion of the hearing.

Bill Thomas, Assistant City Manager, said that since the last meeting the agreements had been modified to make them consistent with the Planned Unit Development (PUD) and to provide that Corona Cyan could build a park prior to the 850th unit if they were willing to maintain it until 850 homes had been constructed within the development. He said that if no park had been built before the 850th unit had been constructed, the City could build a park to its own specifications.

Councilperson Sferrazza and Tracy Chase, Chief Deputy City Attorney, discussed the Residential Construction Tax (RCT) that had been collected for constructing the park.

The Councilpersons voted to uphold the recommendation of the Planning Commission and approved the requested text amendments by ordinance, subject to compliance with Condition A in the Staff Report.

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| RESULT | APPROVED UNANIMOUS |
| MOVER | Robert Cashell, Council Member |
| SECONDER | Pierre Hascheff, Council Member |
| AYES | Gustin Zadra, Sferrazza, Dorich, Aiazzi, Hascheff |
| ABSENT | Robert Cashell |

F.3.2 Ordinance, Introduction Bill No. 6827 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1284, to change the text in the PUD Development Design Standards to: 1) modify the Fire services agreement related to the per unit fire fee, and to address the location and timing to construct a fire station associated with the project; 2) modify the timing in which to design and construct the public park; and 3) other modifications necessary such as: map, graphic and text changes to the Design Standards to effect the changes proposed with items 1 and 2 listed above, on ±364 acres located along the south side of South Meadows Parkway and extends to the south ±3,785 feet (±.73 miles) along the east and west sides of Veterans Parkway from the South Meadows Parkway/Veterans Parkway intersection in a PUD (Planned Unit Development) zone; together with other matters properly relating thereto. **Case No. LDC13-00012 (Bella Vista Ranch PUD Amendment - Bonaventure) [Ward 3] 1:16 PM**

Bill No. 6827 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ (UNANIMOUS) | Next: 11/7/2012 12:00 PM |
| MOVER: | Jessica Sferrazza, Council Member | |
| SECONDER: | Pierre Hascheff, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

G Ordinances, Adoption

G.1 Verdi Fire Station

G.1.1 Staff Report: Discussion and potential approval of an ordinance to amend the zoning map from MF14 (Multifamily - 14 units per acre) to PF (Public Facility). The ±5.02 acre site is located ±50 feet north of the intersection of West 4th Street and Interstate 80 at 10201 West 4th Street. The site's Master Plan land use designations are Special Planning Area - McQueen Neighborhood Plan - Mixed Residential (14 du/acre - 21 du/acre).
[Ward 1] 1:17 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.1.2 Ordinance, Adoption (For Possible Action): Bill No. 6818 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±5.02 acre site located ±50 feet north of the intersection of West 4th Street and Interstate 80 at 10201 West 4th Street. the site's Master Plan land use designations are Special Planning Area - McQueen Neighborhood Plan - Mixed Residential (14 du/acre - 21 du/acre) from MF14 (Multifamily - 14 units per acre) to PF (Public Facility); together with other matters properly relating thereto. Case No. LDC13-00001 (Verdi Fire Station) [Ward 1] 1:18 PM

10/10/12 City Council FIRST READ Next: 10/24/12

Bill No. 6818, Ordinance No. 6253 was passed and adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Dan Gusun, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.2 Vista Hills Zone Change

G.2.1 Staff Report: Discussion and potential approval of an ordinance to amend the zoning map from ±4.3 acres of AC (Arterial Commercial); ±13.8 acres of CC (Community Commercial); ±9.8 acres of OS (Open Space); ±3.51 acres of LLR2.5 (Large Lot Residential – 2.5 acre lots); ±75.1 acres of LLR1 (Large Lot-1 acre lots); and ±6.2 acres of SF6 (Single Family – 6,000 square foot lots) to PUD (Planned Unit Development) to allow for development of 338 multi-family and/or senior residential units and up to 487,000 square feet of office, commercial, lodging and entertainment space. This is a project of Regional Significance as it will generate more than 6,259 average daily trips (23,064 ADT). The ±112.59 acre site is located northwest of the Lemmon Drive/Sky Vista Parkway intersection adjacent to the north side of the Wal Mart store. [Ward 4] 1:19 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Dwight Dortch, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.2.2 Ordinance, Adoption (For Possible Action): **Bill No. 6819** Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±112.59 acre parcel from ±4.3 acres of AC (Arterial Commercial); ±13.8 acres of CC (Community Commercial); ±9.8 acres of OS (Open Space); ±3.51 acres of LLR2.5 (Large Lot Residential – 2.5 acre lots); ±75.1 acres of LLR1 (Large Lot-1 acre lots); and ±6.2 acres of SF6 (Single Family – 6,000 square foot lots) to PUD (Planned Unit Development) to allow for development of 338 multi-family and/or senior residential units and up to 487,000 square feet of office, commercial, lodging and entertainment space; together with other matters properly relating thereto. Case No. LDC11-00035 (Vista Hills Zone Change) [Ward 4] 1:19 PM

10/10/12

City Council FIRST READ

Next: 10/24/12

Councilperson Sferrazza disclosed the Mr. Vasquez handled her 2008 campaign, and stated that she had no financial interests in this project.

Councilperson Gustin and Vern Kloos, Community Development Senior Planner, agreed that only restricted gaming would be allowed.

Bill No. 6819, Ordinance No. 6254 was passed and adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.3 Design Standards for Large Retail Establishments

G.3.1 Staff Report: Discussion and potential approval of an ordinance to amend Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.12, "General Development and Design Standards," Section 18.12.306, entitled "Design Standards for Large Retail Establishments," to eliminate the requirements for reoccupation of vacant large retail establishment structures, together with other matters properly relating thereto. [All Wards] 1:21 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Robert Cashell, Council Member |
| SECONDER: | Berre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.3.2 Ordinance, Adoption (For Possible Action): Bill No. 6820 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.12, "General Development and Design Standards," Section 18.12.306, entitled "Design Standards for Large Retail Establishments," together with other matters properly relating thereto. Case No. TXT13-00004 (Design Standards for Large Retail Establishments Modifications) [All Wards] 1:21 PM

10/10/12 City Council FIRST READ Next: 10/24/12

Bill No. 6820, Ordinance No. 6255 was passed and adopted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.4 South Meadows Phase III PUD Amendment

- G.4.1 Staff Report: Discussion and potential approval of an ordinance to amend the text of the South Meadows Phase III PUD (Planned Unit Development) to modify the location of the Fire Station and the terms of Attachment 1 Fire Protection. The ±669 acre site is located in the area bounded by US 395 and Double R Boulevard to the west, Damonte Ranch Parkway to the south, and the Damonte Ranch and Bella Vista Ranch PUDs to the east in the PUD zone. [Ward 2] 1:21 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- G.4.2 Ordinance, Adoption (For Possible Action): Bill No. 6821 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1285, to change the text in the PUD Development Design Standards to: modify the location of the Fire Station and the terms of Attachment 1 Fire Protection located in the area bounded by US 395 and Double R Boulevard to the west, Damonte Ranch Parkway to the south, and the Damonte Ranch and Bella Vista Ranch PUDS to the east in a PUD (Planned Unit Development) zone; together with other matters properly relating thereto. Case No. LDC13-00013 (South Meadows Phase III PUD Amendment) [Ward 2] 1:22 PM

10/10/12 City Council FIRST READ Next: 10/24/12

Bill No. 6821, Ordinance No. 6256 was passed and adopted.

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| RESULT: | ADOPTED UNANIMOUS |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.5 Reno Municipal Code Title 8

G.5.1 Staff Report: Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto. 1:22 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED UNANIMOUS |
| MOVER: | Gustin, Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.5.2 Ordinance, Adoption (For Possible Action): **Bill No. 6822** Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto. 1:22 PM

10/10/12 City Council FIRST READ Next: 10/24/12

Bill No. 6822, Ordinance No. 6257 was passed and adopted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin Zadra, Sterrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.6 Digital Off-Premise Advertising Display

G.6.1 Staff Report: Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. [All Wards] 1:23 PM

Lori Wray, 333 Flint Street, representing Scenic Nevada, discussed their opposition to the digital billboard ordinance.

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dwight Dortch, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin Zadra, Sterrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.6.2 **Ordinance, Adoption (For Possible Action): Bill No. 6824** Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode) 1:25 PM

10/10/12 City Council FIRST READ Next: 10/24/12

Marilyn Craig, Deputy City Attorney, recommended that the Councilpersons change the publication date of the ordinance to January 24, 2013.

Vice Mayor Aiazzi explained that delaying the date of publication would prohibit until January 24, 2013, the issuance of building permits to alter any off-premises advertising displays to create a digital off-premise advertising display.

Bill No. 6824, Ordinance No. 6258 was passed and adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Dwight Dorich, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dorich, Aiazzi, Hascheff |
| ABSENT: | Robert Gashell |

G.6.3 Staff Report: Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date. 1:28 PM

City Clerk Jones stated that 45 e-mails in support of the moratorium had been received.

Marilyn Craig, Deputy City Attorney, stated that in view of the decision to continue the publication date of the ordinance to January 24, 2013, this item was no longer necessary.

Lori Wray, 333 Flint Street, representing Scenic Nevada, discussed their support for a 90-day moratorium.

Vice Mayor Aiazzi explained that it was effectively a moratorium since the ordinance would not take effect until it was published in the newspaper on January 24, 2013.

Councilpersons Sferrazza, Gustin, Zadra and Hascheff discussed the continuance of the date of publication, and their support for the ordinance.

Pat Pinjuv, 4191 Plateau Court, discussed his support for digital signs.

NO ACTION WAS TAKEN ON THIS ITEM.

G.6.4 **Resolution No. :** Resolution Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Until Re-Publication of Ordinance No. _____, together with notice that this Resolution has been withdrawn and other matters properly relating thereto. 1:39 PM

NO ACTION WAS TAKEN ON THIS ITEM.

G.7 Bella Vista Ranch Phase II

G.7.1 Staff Report: Discussion and potential approval of an ordinance to amend the zoning map from ± 65.24 acres of UT40 (Unincorporated Transition - 40 acres) and ± 12.13 acres of LLR2.5 (Large Lot Residential - 2.5 acres) to PUD (Planned Unit Development) on ± 77.37 acres to allow for development of mixed residential (up to 30 du/ac), commercial, park and open space uses. This is a project of Regional Significance as it will generate more than 6,250 average daily trips ($\pm 11,027$ ADT) and more than 187,500 gallons per day of sewage ($\pm 263,760$ GPD). The ± 77.37 acre site is located southeast of the eastern terminus of South Meadows Parkway, north of the north terminus of Rio Wrangler Parkway and east of Steamboat Creek. [Ward 3] 1:39 PM

Councilperson Sferrazza and Vern Kloos, Community Development Senior Planner, discussed the conditions (height, density, prohibition on gas stations, horse hazard signage, etc.) that were added to the project at the last meeting.

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Joe Sferrazza, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Arazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.7.2 Ordinance, Adoption (For Possible Action): Bill No. 6823 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ± 77.37 acre site located southeast of the eastern terminus of South Meadows Parkway, north of the north terminus of Rio Wrangler Parkway and east of Steamboat Creek from ± 65.24 acres of UT40 (Unincorporated Transition - 40 acres) and ± 12.13 acres of LLR2.5 (Large Lot Residential - 2.5 acres) to PUD (Planned Unit Development) on ± 77.37 acres to allow for development of mixed residential (up to 30 du/ac), commercial, park and open space uses; together with other matters properly relating thereto. Case No. LDC10-00051 (Bella Vista Ranch Phase II) [Ward 3] 1:41 PM

08/29/12 City Council CONTINUED Next: 09/26/12

09/26/12 City Council CONTINUED Next: 10/10/12

10/10/12 City Council FIRST READ Next: 10/24/12

Bill No. 6823, Ordinance No. 6259 was passed and adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Jessica Sferrazza, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.7.3 Staff Report: Approval of Assignment and Assumption of Park Development Agreement and First Amendment and Restatement of Park Development Agreement between the City of Reno, Corona Cyan LLC, and Centex Homes for construction of a park at Bella Vista Ranch PUD.
1:42 PM

10/10/12 City Council CONTINUED Next: 10/24/12

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Jessica Sferrazza, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

G.7.4 Staff Report: Approval of Assignment and Assumption of Fire Station Development Agreement and First Amended and Restated Public Facility Site Agreement between City of Reno, Corona Cyan LLC, and Centex Homes at Bella Vista Ranch PUD and Bella Vista Ranch Phase II PUD.
1:42 PM

10/10/12 City Council CONTINUED Next: 10/24/12

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Jessica Sferrazza, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H Resolutions

H.1 Resolution Granting Community Pride Grant Funds to Good Luck Macbeth

H.1.1 Staff Report: Discussion and adoption of a Resolution granting Community Pride Grant Funds from the Ward 1 Neighborhood Advisory Board in the amount of \$1,500 to Good Luck Macbeth to assist with moving costs and construction of their new facility in the Midtown District. [Ward 1] 1:43 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED UNANIMOUS |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.1.2 **Resolution No. 7770**: Resolution granting Community Pride Grant Funds from the Ward One Neighborhood Advisory Board to Good Luck Macbeth to assist with moving costs and construction of their new facility in the Midtown District in the amount of \$1,500 (CPG Funds). [Ward 1] 1:43 PM

Resolution No. 7770 was adopted.

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| RESULT: | ADOPTED UNANIMOUS |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.2 Resolution Granting Reno Access Advisory Committee Funds to VSA Nevada

H.2.1 Staff Report: Discussion and potential adoption of a Resolution donating \$1,700 of Reno Access Advisory Committee funds to VSA Nevada to provide 20 art classes for adults with developmental disabilities (General Fund). 1:44 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED UNANIMOUS |
| MOVER: | Peter Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dorich, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.2.2 Resolution No. 7771: Resolution donating \$1,700 of Reno Access Advisory Committee funds to VSA Nevada to provide 20 art classes for adults with developmental disabilities (General Fund). 1:44 PM

Resolution No. 7771 was adopted.

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| RESULT: | ADOPTED UNANIMOUS |
| MOVER: | Peter Hascheff, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dorich, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.3 Resolution Granting Reno Access Advisory Committee Funds to Disability Awareness Committee

H.3.1 Staff Report: Discussion and potential adoption of a Resolution donating \$2,500 of Reno Access Advisory Committee funds to the Northern Nevada Center for Independent Living to defray expenses associated with its co-sponsorship of the keynote speaker for the Disability Awareness Month program hosted by the Disability Awareness Coalition (DAC) in Reno in October, 2012 (General Fund). 1:44 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED UNANIMOUS |
| MOVER: | Peter Hascheff, Council Member |
| SECONDER: | Dwight Dorich, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dorich, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.3.2 Resolution No. 7772: Resolution donating \$2,500 of Reno Access Advisory Committee funds to the Northern Nevada Center for Independent Living to defray expenses associated with its co-sponsorship of the keynote speaker for the Disability Awareness Month program hosted by the Disability Awareness Coalition (DAC) in Reno in October, 2012 (General Fund). 1:45 PM

Resolution No. 7772 was adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.4 Resolution Granting Reno Access Advisory Committee Funds to Note-Able Music Therapy Services

H.4.1 Staff Report: Discussion and potential adoption of Resolution donating \$1,050 of Reno Access Advisory Committee funds to Note-Able Music Therapy Services (NMTS) to defray expenses associated with the 2012 Noodles and Notes Celebration (General Fund). 1:45 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.4.2 Resolution No. 7773: Resolution donating \$1,050 of Reno Access Advisory Committee funds to Note-Able Music Therapy Services (NMTS) to defray expenses associated with the 2012 Noodles and Notes Celebration (General Fund). 1:45 PM

Resolution No. 7773 was adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.5 Resolution Granting Reno Access Advisory Committee Funds to Sierra Challenge Athletic Association

H.5.1 Staff Report: Discussion and potential adoption of a Resolution donating \$5,000 of Reno Access Advisory Committee funds to the Sierra Challenge Athletic Association (SCAA) to defray expenses associated with its wheelchair rugby and wheelchair basketball programs. (General Fund). 1:46 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.5.2 Resolution No. 7774: Resolution donating \$5,000 of Reno Access Advisory Committee funds to the to the Sierra Challenge Athletic Association to defray expenses associated with its wheelchair rugby and wheelchair basketball programs (General Fund). 1:46 PM

Resolution No. 7774 was adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.6 Resolution in support of Washoe County School District "Race to the Top" Grant

H.6.1 Staff Report: Discussion and potential adoption of a Resolution in support of an application from the Washoe County School District to the U.S. Department of Education's FY 2012 "Race to the Top" grant program. 1:46 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.6.2 Resolution No. 7775: Resolution in support of an application from the Washoe County School District (WCSD) to the U.S. Department of Education's FY 2012 "Race to the Top" Grant Program. 1:47 PM

Resolution No. 7775 was adopted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.7 Resolution authorizing the sale of City Owned property

H.7.1 Staff Report: Discussion and potential direction to staff and/or adoption of a Resolution regarding the sale of City-owned Property located at 252 and 262 East Liberty Street at Public Auction for a minimum price of \$185,000 in accordance with the provisions of NRS 268.059 – 268.062 and Title 15 of the Reno Municipal Code. 1:47 PM

The Councilpersons upheld the staff recommendation.

Motion carried with Councilperson Sferrazza voting nay.

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| RESULT: | APPROVED [5 TO 1] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Dortch, Aiazzi, Hascheff |
| NAYS: | Jessica Sferrazza |
| ABSENT: | Robert Cashell |

H.7.2 Resolution No. 7776: Resolution of intent authorizing certain city owned real property identified as assessor parcel number 011-501-06 and 011-501-07 and located at 252 and 262 East Liberty Street to be sold by public auction for a minimum price of \$185,000 in accordance with the provisions of NRS 268.059 – 268.062 and a Title 15 of the Reno Municipal Code. 1:47 PM

Councilperson Sferrazza stated that it would be inappropriate to sell City-owned parcels at fire sale prices.

Steve Hardesty, Public Works, said that the following statement should be inserted between paragraphs 5 and 6 of the resolution: "Council will call for oral bids before accepting any written bids. Oral bids must be at least 5% higher than the highest written bid."

Councilperson Gustin stated that while he understood that the current economy was not the best time in which to sell property, the City had been attempting to sell it for quite some time, and should move forward while the developers were still interested in the property.

Councilperson Hascheff stated that selling the property to private developers would remove it from the tax exempt rolls and place it on the property tax rolls.

Councilperson Zadra and Mr. Hardesty agreed that the parcels do not enhance the value of the City-owned property at 450 Sinclair Street.

Resolution No. 7776 was adopted as amended with Councilperson Sferrazza voting nay.

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| RESULT: | ADOPTED (5 TO 1) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Dorich, Alazzi, Hascheff |
| NAYS: | Jessica Sferrazza |
| ABSENT: | Robert Cashell |

H.8 Resolution to rename Moana Park

H.8.1 Staff Report: Discussion and potential approval of a Resolution to rename Moana Park to Moana Springs Recreation Complex. 1:50 PM

Councilperson Sferrazza asked if the renaming proposal had been considered by the Recreation and Parks Commission.

Julee Conway, Parks, Recreation and Community Services Director, said that the Commissioners had been advised, but the item was not scheduled to go before them until November 2012, and she had heard no objections to the proposal.

The Councilpersons upheld the staff recommendation to rename Moana Park to Moana Springs Recreation Complex.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Jessica Sferrazza, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dorich, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

H.8.2 Resolution No. 7777: Resolution to Rename Moana Park to Moana Springs Recreation Complex. 1:51 PM

Resolution No. 7777 was adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Jessica Sferazza, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

I Ordinances, Introduction

I.1 Ordinance to amend Title 5 of the Reno Municipal Code

I.1.1 Staff Report: An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged License, Permits, and Franchises" Chapter 5.07 entitled "Alcoholic Beverages"; by amending Section 5.07.011 Definitions"; Section 5.07.120 "Alcoholic Beverage Package License"; Section 5.07.160 "On-Premise Alcoholic Beverage License"; Section 5.07.180 "Dining Room Alcoholic Beverage License", and adding section 5.07.200 "Disciplinary Action Procedures and Penalties" and providing other matters properly relating thereto. 4:55 PM

09/26/12 City Council CONTINUED Next: 10/24/12

David Silverman, representing Silver Peak Grill, discussed his opposition to the proposed fee increase.

THIS ITEM WAS CONTINUED TO A TIME CERTAIN OF 3:30 P.M. THE DISCUSSION WAS CONTINUED AT 4:45 P.M.

Michael Pagni, 100 West Liberty Street, attorney representing the Eldorado, Silver Legacy and Circus Circus hotel casinos, requested clarification on the definition of 'new application' in the ordinance, and noted it was their understanding that the intention was that the new application fees would not apply to existing licensed businesses that added another licensed location. He also discussed their concerns about the mandatory first offense penalty that would require a licensee to purchase age verification equipment for all cash registers in the business, and noted that it would have a significant financial effect (\$30,000 to \$50,000) on their businesses.

Mr. Pagni said that his clients would prefer that the proposed resolution include no fee increase, but would accept a Consumer Price Index (CPI) based increase, and would oppose anything larger than a phased-in 50% increase. He discussed possible effects of the fee increase on the Downtown Police Special Assessment District (SAD).

Bruce MacKay, 345 North Virginia Street, representing the Eldorado Hotel Casino, requested that any fee increase be phased in over time, and discussed the financial burden of the proposed first offense penalty.

MAYOR CASHELL PRESENT VIA TELEPHONE AT 5:03 P.M.

Richard Vierra, 1114 East Fourth Street, owner of the Cadillac Lounge and representing the B4 Merchants Association, discussed their opposition to any substantial fee increase, and noted that it would present an extreme hardship on the small downtown clubs and bars.

Tray Abney, 449 South Virginia Street, representing the Reno Sparks Chamber of Commerce, discussed their support for the CPI (3%) increase option.

Lea Tauchen, 410 South Minnesota Street, representing the Retail Association of Nevada, discussed their support for reinstating the CPI increase option, and their opposition to the requirement regarding the purchase of age verification equipment.

Robert Berry, 499 East Plumb Lane, representing the El Pescador Restaurant, stated his opposition to anything other than the CPI increase.

Bobby Harris, 132 West Street, representing the 5 Star Saloon, discussed their opposition to anything other than a 3% CPI increase and the hardship created by the identification verification machine requirement.

Randi Thompson, 3983 South McCarran Boulevard #455, State Director of the National Federation of Independent Business, discussed their support for the 3% CPI increase, and their opposition to the enforcement provisions and new application fees, as well as the age verification machinery. She noted that there were already many fees associated with doing business in the City of Reno.

Jason Tolotti, 2555 West Lakeridge Shores, presented a Public Comment Form in opposition to any fee increase above 3%, but did not speak.

Vice Mayor Aiazzi asked if the fee increase would apply to the distributors, and Alex Woodley, Code Enforcement Manager, said that there was a flat fee increase of \$412 per quarter for the distributors, assuming the increase were approved at 100%. They discussed the age verification equipment requirements that should apply only to the bar itself and not every register in the entire business, and agreed that clarification language could be added to the ordinance before the second reading.

Councilperson Hascheff and Mr. Woodley discussed the default and penalty provisions, adding language to clarify that add-on licenses would be exempt from the fees, and new application fee issues.

Vice Mayor Aiazzi and Mr. Woodley discussed the City's obligations to maintain a list of approved verification equipment and provide notice to businesses

regarding which types of machines they should purchase.

Vice Mayor Aiazzi and Mr. Pagni discussed possible effects of the fee increase on the Downtown Police SAD, and Vice Mayor Aiazzi noted that the SAD was heavily subsidized by the General Fund.

Vice Mayor Aiazzi and Mr. Abney discussed the possibility of exempting businesses that move their operations to another location if they had no penalties on the record during the prior year.

Councilperson Zadra and Mr. Woodley discussed the definition of a new application and how it would relate to the relocation of an existing business. Mr. Woodley suggested adding "... or an add-on alcohol license to an existing business at an existing location" to address the issue of an add-on bar or restaurant, as, for example in a casino.

Councilperson Zadra stated that Council's prior direction was that revenues generated by the fee increase would be reserved specifically to better control 'bad operators', and to limit the number of new applications either through the new application and/or the annual renewal process. She said that it would be difficult to justify a city-wide fee increase after it had been specifically identified that the downtown businesses were the ones that were causing the problems.

Discussion ensued regarding depositing the revenue in the City's General Fund, and the need to identify from where most of the calls for service were being generated.

Mayor Cashell stated that the fee increase should be larger than 3%, and the money should be used to enforce the rules city-wide.

Councilperson Hascheff said that he would agree to segregate the money in a special revenue account because it was always intended to be used for education, compliance, enforcement, sting operations, etc., but staff had earlier stated their preference for putting it in the General Fund.

Vice Mayor Aiazzi discussed how the fee increase would only bring all businesses up to the level that everyone else was paying for their business licenses, and the obligation that the Council decide how the money should be spent on a yearly basis rather than assigning it specifically to police services.

City Manager Clinger discussed problems associated with earmarking the revenues by putting them into a special revenue fund, and stated that staff could easily track the funds even if they were in the General Fund.

Councilperson Hascheff discussed the need for the Council to determine the preferred percentage of the fee increase, and the possibility of implementing the

increase on a phased-in approach.

Mayor Cashell stated his preference for a 20% to 30% increase spread out over a specified period of time. He suggested an initial 10% increase with 5% for the next three years and a cost-of-living increase after that.

Councilperson Hascheff replied that it would then apply to the new application fee and would, in a certain manner, be compounded.

Discussion ensued regarding the preferred percentage of the increase; the possibility of requiring age verification machines only at the cash register or front door of an establishment where an offense had occurred; requiring the machinery upon a second offense; and the impossibility of catching up with revenue lost since 1996 without implementing a significant fee increase.

The Councilpersons 1) imposed a 5% increase over the next five (5) years with the initial 5% increase to occur on January 1, 2013, and subsequent 5% increases beginning on July 1 of each year; 2) directed staff to create a special line item to track the funds and provide reports back to the Council detailing fund balances and expenditures; and 3) directed that the second sentence of paragraph 7 on page 2 of the ordinance be amended to read as follows: The term new application shall not apply to a licensee who is changing locations for an existing business, or an add-on alcohol license to an existing business at an existing location.

In addition, the Councilperson directed that Sec. 5.07.200 of the ordinance regarding disciplinary action procedures and penalties be amended to clarify that the purchase of age verification equipment would be required upon a second offense, or as an option for avoiding a fine for a first offense, and clarified that only the defaulting register or the cash register at the front door of an establishment would be required to have age verification equipment after a first offense, with a third violation requiring a 30-day license suspension.

Mr. Pagni and Ms. Tauchen stated that they were amenable to those changes.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Robert Cashell, Mayor |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Cashell, Gustin, Zadra, Sferazza, Dortch, Aiazzi, Hascheff |

- I.1.2 **Staff Report:** Acceptance of a Business Impact Statement and finding that the adoption of a resolution for a new amended increased fee schedule specifically for alcohol licenses and the adoption of an ordinance establishing a new application fee for specific new alcohol licenses, and new disciplinary rules for violations of alcohol licenses are not likely to impose a direct and significant economic burden upon a business, or directly restrict the formation, operation, or expansion of a business. 6:03 PM

09/26/12 City Council CONTINUED Next: 10/24/12

The Councilpersons accepted the Business Impact Statement, found that in compliance with NRS 237.080, a Business Impact Statement was prepared, and in accordance thereto found that the ordinance would not likely impose a direct and significant economic burden upon a business, but would be likely to directly regulate the manner of the alcoholic beverage business through the City. Methods to reduce the impact of the rule on businesses were considered by the Councilpersons.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Cashell, Gustin, Zadra, Sferazza, Dortch, Aiazzi, Hascheff |

- I.1.3 **Ordinance, Adoption (For Possible Action): Bill No. 6830** Ordinance to Amend Title 5 of The Reno Municipal Code Entitled "Privileged Licenses, Permits and Franchises," Chapter 5.07 Entitled "Alcoholic Beverages"; By Amending Section 5.07.011 "Definitions"; Sections 5.07.120 through 5.07.180, Specifically Section 5.07.120 "Alcoholic Beverage Package License"; Section 5.07.160 "On-Premise Alcoholic Beverage License"; Section 5.07.180 "Dining Room Alcoholic Beverage License", and adding section 5.07.200 "Disciplinary Action Procedures and Penalties" and Providing Other Matters Properly Relating Thereto. [All Wards] 6:04 PM

09/26/12 City Council CONTINUED Next: 10/24/12

Bill No. 6830 was referred to the Committee of the Whole with all the amendments set forth in agenda item I.1.1.

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| RESULT: | FIRST READ [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Dwight Dortch, Council Member | |
| AYES: | Cashell, Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff | |

- I.1.4 **Staff Report:** Discussion and approval of a Resolution to amend the Fiscal Year 2012/13 Business License Section of the Fee Resolution as it relates to the Business License Application and License Fee for Alcohol Licenses within the City of Reno, Nevada. 6:05 PM

09/26/12 City Council *AMENDED*

The Councilpersons upheld the staff recommendation with the amendments set forth in agenda item I.1.1.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- I.1.5 **Resolution No. 7779:** Resolution to amend the Fiscal Year 2012/13 Business License Section of the Fee Resolution as it relates to the Business License Application and License Fee for Alcohol Licenses within the City of Reno, Nevada. 6:05 PM

09/26/12 City Council *CONTINUED* Next: 10/24/12

Resolution No. 7779 was adopted as amended to include, as applicable, the sections for amendment that were included in agenda item I.1.1.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Cashell, Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |

I.2 Revision of Reno Municipal Code Chapter 6.04

- I.2.1 **Staff Report:** Discussion and potential approval of Revision of Reno Municipal Code Chapter 6.04. [All Wards] 8:28 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- I.2.2 **Ordinance, Adoption (For Possible Action): Bill No. 6831** Ordinance amending the Reno Municipal Code, Title 6, entitled "Vehicles And Traffic", Chapter 6.04, entitled "Definitions", Sections 6.04.010 through 6.04.800 to conform Sections to Nevada Revised Statutes and make Technical Language and Format Corrections, and providing other matters properly relating thereto. [All Wards] 8:29 PM

Bill No. 6831 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Sharon Zadra, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

I.3 Revision of Reno Municipal Code Chapter 6.06

- I.3.1 Staff Report: Discussion and potential direction to staff regarding Revision of Reno Municipal Code Chapter 6.06. [All Wards] 8:29 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- I.3.2 **Ordinance, Adoption (For Possible Action): Bill No. 6832** Ordinance amending Reno Municipal Code Title 6, entitled "Vehicles And Traffic", Chapter 6.06 entitled "Rules Of The Road" by repealing certain Articles and Sections which duplicate provisions contained in Nevada Revised Statutes, renumbering the remaining Sections, and providing other matters properly relating thereto. [All Wards] 8:29 PM

Bill No. 6832 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ (UNANIMOUS) | Next: 11/7/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Sharon Zadra, Council Member | |
| AYES: | Gustin Zadra, Sferazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

I.4 Amendment to Reno Municipal Code Title 5

- I.4.1 Staff Report: An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits And Franchises," by adding Chapter 5.19 entitled "Tobacco Paraphernalia," in its entirety, requiring a Privilege License for Retailers of Tobacco Paraphernalia, regulating the sale and display of Tobacco Paraphernalia and providing other matters properly relating thereto. 8:30 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin Zadra, Sferazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- I.4.2 Staff Report: Acceptance of Business Impact Statement for the Tobacco Paraphernalia Ordinance and finding that the adoption of the Ordinance does not impose a direct and significant economic burden upon a business nor directly restrict the formation or expansion of a business. 8:30 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin Zadra, Sferazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- I.4.3 Ordinance, Adoption (For Possible Action): Bill No. 6833 An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits And Franchises," by adding Chapter 5.19 entitled "Tobacco Paraphernalia," in its entirety, requiring a Privilege License for retailers of Tobacco Paraphernalia, regulating the sale and display of Tobacco Paraphernalia and providing other matters properly relating thereto. [All Wards] 8:30 PM

Bill No. 6833 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Sharon Zadra, Council Member | |
| SECONDER: | Pierre Hascheff, Council Member | |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

- I.4.4 **Staff Report:** An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits and Franchises," Chapter 5.05 entitled "Licenses Generally", by amending section 5.05.008 thereof entitled "General Requirements", by requiring a background check for a privilege license for retailers of tobacco paraphernalia, and providing other matters properly relating thereto. 8:31 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] | |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Pierre Hascheff, Council Member | |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

- I.4.5 **Ordinance, Adoption (For Possible Action):** Bill No. 6834 An Ordinance to amend Title 5 Of The Reno Municipal Code entitled "Privileged Licenses, Permits and Franchises," Chapter 5.05 entitled "Licenses Generally", by amending Section 5.05.008 thereof entitled "General Requirements", by requiring a background check for a Privilege License for Retailers of Tobacco Paraphernalia, and providing other matters properly relating thereto. [All Wards] 8:33 PM

Bill No. 6834 was referred to the Committee of the Whole.

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| RESULT: | FIRST READ [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Dan Gustin, Council Member | |
| SECONDER: | Sharon Zadra, Council Member | |
| AYES: | Gustin, Zadra, Sierrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

I.5 Waste Management Franchise

- I.5.1 **Staff Report:** Proposed changes to Waste Management Franchise and Recycling Program [All Wards] 2:12 PM

Jason Geddes, Public Works Environmental Services Administrator, discussed the meetings that had been held since the October 10, 2012, Council meeting, and the proposed changes that had been made to the ordinance since then.

The following eight (8) individuals spoke in support of the proposed ordinance.

1) Dan Reaser, 50 Liberty Street, Suite 1100, attorney representing Castaway Trash Hauling, Inc.; 2) T.J. Buxton, 11265 Parma Way, Residential and Recycling Manager for Waste Management of Nevada (WM); 3) Bret Hansen, 9200 Rising Moon Drive, Commercial Route Manager for WM; 4) Curtiss Ebron, 6402 Mae Anne Avenue #176, WM Dispatcher; 5) Mark Comba, 2090 Arcane Avenue, WM Recycle Driver; 6) Gary Duhon, 12895 Welcome Way, representing Waste Management, Reno Disposal and Refuse, Inc.; 7) Annie Rees, Reno resident, representing Alliance Commercial Real Estate Management Services; and 8) Leo Horishny, 5216 Valley Hi Drive, Sun Valley.

Christi Caknoglou, representing the Illegal Dumping Task Force and Keep Truckee Meadows Beautiful, presented a Public Comment Form in support of the ordinance, but did not speak.

The following 14 individuals spoke in opposition to the proposed ordinance.

1) Chris Gardella, 6049 Citation Court; 2) Michael Kimmel, 4741 Caughlin Parkway, Suite 4, representing Trashco and Rubbish Runners; 3) Cindy Felton, 630 Spice Island Drive, Sparks, General Manager of High Desert Recycling; 4) Cindy Bielser, 1850 Idlewild Drive #A3, representing Innovative Cabinets and Design; 5) John McCoy, 316 California Avenue; 6) Tabitha Carrico-Gardner, 4750 Longley Lane; 7) Rick Lake, 7891 Big River Drive; 8) Sara Anderson, 655 Twin Lakes Drive, representing All Seasons Lawn and Landscaping; 9) Nate Lance, 1220 Charles Drive; 10) James Kuykendall, 9600 North Virginia Street, representing Earth First Recycling; 11) Sandie Johnson, 1213 Tule Drive; 12) Pat Pinjuv, 4191 Plateau Court; 13) Robert O'Connor, Las Vegas and Northern California, representing Omega Waste and the area small haulers; and 14) Tillio Ollese III, representing Ollese Construction.

The following six (6) individuals presented Public Comment Forms in opposition to the ordinance, but did not speak.

1) Eduardo Martinez Melendez, 4050 Gardella Avenue #712; 2) Scott Graves, 630 Spice Island Drive, Sparks, representing High Desert Recycling; 3) Casta Rivera, 4750 Longley Lane; 4) Jose B. Chacon, no address provided; 5) Deborah West, P.O. Box 34092; and 6) Theodore Rosales, 9030 Rising Moon Drive.

Mr. Geddes discussed the Business Impact Statement, the results of which would be available on November 7, 2012, and addressed some of the issues that were raised during Public Comment.

Vice Mayor Aiazzi discussed the results of the meetings in which he had recently participated, including the proposed drop box solution, the types of materials that

could not be hauled by the small haulers (garbage and compacted materials), and the definition of temporary and permanent service. He suggested that the small haulers should be allowed to keep their current subscribers, Mr. Biesler should be allowed to handle all the non-franchised materials he wants up to a 125,000 cubic yards a year cap, and non-profit organizations such as the Salvation Army should also be exempted.

A lengthy discussion ensued regarding the drop box provisions for the hauling of landscaping materials; standardization of fees; the rationale for establishing caps to prevent the erosion of WM's business; requiring small haulers to verify their current (existing) contracts; Brett Scolari's (Nevada Recycling and Salvage) recent e-mail concerning exemptions and true-ups; conducting five-year reviews of the agreement and potentially adjusting volumes at those times; free transferability of the exemption rights; remaining points of contention with the small haulers; the difficulties in determining hauling volumes for the various small haulers; quantifying how many haulers would be affected under the proposed ordinance (six or seven); drop box policy issues; and volume caps and volume cap enforcement.

Councilperson Zadra and Mr. Geddes discussed comparative commercial rates and services for other municipalities, the benefits of conducting franchise agreement reviews every five years, mitigating the small haulers' concerns, and the inadequacy of 20 stickers per year for extra bags of waste.

Mr. Geddes noted that WM had also offered to provide free dumping at the downtown transfer station four times per year.

Councilperson Gustin, Mr. Geddes, Mr. Kimmel and Mr. Duhon discussed the proposed carve-outs and exemptions, and recurring contracts held by the small haulers.

Mr. Duhon said that Greg Martinelli of WM would agree to provide 30 free stickers (one bag each) for extra bags, and noted that anything above 30 free stickers would affect the franchise rates.

Discussion ensued regarding grand-fathering in the small haulers' existing contracts; the ability to maintain the proposed residential rates with the drop box provisions; and the small haulers' volume limitations.

Councilperson Gustin disclosed that he met with Gary Duhon a couple of weeks ago.

Vice Mayor Aiazzi noted that there were currently 11 small haulers that held City of Reno business licenses, and suggested that staff send them a certified letter explaining the modifications to the franchise agreement that had been proposed. He also suggested that staff hold another meeting with the haulers to explain and

discuss the issues, and the possibility of holding another first reading of the ordinance if the issues could not be resolved by November 7, 2012.

Vice Mayor Aiazzi said that the current franchise agreement provided an 8% cap on WM's profits, and whenever they wanted to adjust the rates according to the Consumer Price Index (CPI) they had to approach the City for approval. He explained that the current agreement provided that if their profit margin was below 8% they could get a rate increase, and if it was above 8% they could not, and suggested that the same agreement be included in the amended franchise agreement.

Vice Mayor Aiazzi also suggested placing the initial annual volume cap given in Section 3 of the facility exemption language at 125,000 cubic yards of material, selecting the drop box option rather than the volume limit, and ensuring that all the small haulers who were in good standing with the City of Reno's Business License Division be included in the carve-outs and exemptions. He said that the small haulers should provide staff with verification of their current contracts in order for them to be grand-fathered in to the agreement.

Councilperson Hascheff and Vice Mayor Aiazzi agreed that client lists that had been grand-fathered in could be kept in perpetuity, and would not be subject to five-year agreement reviews and true-ups.

Councilperson Sferazza and Vice Mayor Aiazzi discussed setting October 24, 2012, as the deadline for small haulers to provide the City with evidence detailing their current contracts.

Councilperson Hascheff stated that he would be willing to proceed with a first reading of the ordinance with the understanding that staff would quantify the affects of the ordinance on the haulers by November 7, 2012 (i.e. the second reading of the ordinance).

Discussion ensued regarding the options provided by staff in the policy direction chart, and it was agreed that the Council should move forward with the drop box services exemption, and with the proposal to include commercial services in the franchise agreement.

Vice Mayor Aiazzi stated that Mr. Biesler should receive a processing facility exemption with a 125,000 cubic yard per year volume cap; the current 8% of gross receipts agreement should be included in the amended agreement (it was agreed that the rate could, if necessary, be lowered later on); residential rates should continue to be subsidized by commercial rates; 40 stickers per year should be provided to residential customers for additional bags; and October 24, 2012, should be used as the deadline date for the haulers to verify with City staff their subscription services.

Councilperson Hascheff and Vice Mayor Aiazzi agreed that the language regarding the five-year review process should be brought back on November 7, 2012.

Anne Marie Carey, 1640 Watt Street, requested clarification on the motion that had been made, and discussion ensued regarding existing contracts, options for providing documentation of the contracts, and drop box enforcement issues. The Councilpersons requested that she send in by 5:00 p.m. on October 25, 2012, checks from her clients over the past month so that staff could establish her client base.

Councilperson Hascheff suggested offering more time in which to present evidence of a haulers' client base.

Major Michael Zalinsky, representing the Salvation Army, said that their legal counsel was currently reviewing the WM agreement to see if it adequately met their needs, but felt they could move forward with it as written.

Councilperson Hascheff stated that he would take everything Vice Mayor Aiazzi had suggested as a motion, and seconded it with the understanding that staff would notify all of the haulers of today's action, and invite them to another meeting designed to clarify and discuss the issues.

Councilperson Gustin and Mr. Duhon agreed that the agreement placed no restrictions on what the haulers were currently allowed to do.

The Councilpersons approved the Staff Report with the modifications made at the table.

Bill Thomas, Assistant City Manager, clarified that the businesses currently licensed with the City of Reno as of October 24, 2012, would be sent a certified letter and invited to a meeting to discuss the issues, and Vice Mayor Aiazzi replied in the affirmative, noting that Castaway should also be included in the mailing.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | David Aiazzi, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

I.5.2 **Ordinance, Adoption (For Possible Action): Bill No. 6828** An ordinance amending Reno Municipal Code Title 5, entitled "Privileged Licenses, Permits and Franchises", Chapter 5.90, Article II, entitled "Garbage Services" by revising the City of Reno's franchising of the collection and transportation of solid waste and recyclable materials pursuant to NRS 268.081, and providing other matters properly relating thereto [All Wards] 4:30 PM

Bill No. 6828 was referred to the Committee of the Whole as amended and with all the applicable changes included in the Staff Report.

Councilpersons Zadra, Sferrazza and Hascheff agreed that they would not endorse the agreement if did not satisfactorily address their issues by the time of the second reading of the ordinance.

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| RESULT: | FIRST READ (UNANIMOUS) | Next: 11/7/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Dwight Dortch, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

I.5.3 **Ordinance, Adoption (For Possible Action): Bill No. 6829** An ordinance amending Reno Municipal Code Title 10, entitled "Health and Sanitation", Chapter 10.08, entitled "Garbage, Rubbish and Waste Matter" by updating certain definitions and code provisions relating to the collection and disposal of solid waste, recyclable materials, and other waste material, and providing other matters properly relating thereto. [All Wards] 4:31 PM

Bill No. 6829 was referred to the Committee of the Whole as amended and with all of the applicable changes included in the Staff Report.

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| RESULT: | FIRST READ [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Dwight Dortch, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

J Standard Department Items

Parks, Recreation & Community Services

- J.1 Staff Report: Update, discussion and possible direction to staff regarding the Springwood Drive bike jump course and acceptance of the BMX Dirt Bike Park Site Selection and Feasibility Study. 8:34 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Jessica Sferrazza, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- J.2 Staff Report: Discussion and potential approval of the Second Amendment by and between Somerset Development Company, LTD., Somerset, LLC; Somerset Owners Association; and the City of Reno to Park Development Agreement Dated November 17, 2004. 1:05 PM

Vice Mayor Aiazzi disclosed that he met with Mr. Smith and some of the area homeowners, and they had come to some agreement on the issues.

Creigh Skau, Deputy City Attorney, said that the version of the agreement included in the Staff Report did not include the \$45,000 in Somerset's Fire Station Agreement fire fees that had been collected by the City per prior agreement, and explained why it would appear to be in the best interests of the City to build the park themselves.

The Council upheld the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sterrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- J.3 Staff Report: Discussion and potential approval of the Fifth Amendment To Fire Station Agreement and Memorandum of Agreement between Somerset Development Company, LTD., Somerset, LLC; and the City of Reno. 1:07 PM

Deputy City Attorney Skau provided an overview of the Staff Report.

The Council voted to uphold the staff recommendation.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sterrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

Public Works

J.4 Parking - Curb System

- J.4.1 Update, discussion, and potential direction to staff regarding status of discussions with Curb System . (For Possible Action). 4:50 PM

Councilperson Hascheff provided an update on recent and upcoming informal meetings with CURB Systems, and noted that CURB had requested more time to complete additional verification procedures.

Pat Cashill, representing CURB, confirmed that both parties would reserve their rights and remedies without prejudice throughout the discussions.

Councilpersons Dortch and Hascheff agreed that an update would be presented at the November 7, 2012, meeting.

John Flansberg, Director of Public Works, said that by November 7, 2012, staff would also provide a report regarding a test of the sensor system that was currently scheduled for November 6, 2012.

Councilperson Hascheff said that a list of changed that should be made to the agreement was being prepared for the next agenda, and would include

a discussion regarding the performance bond and payment of the revenues owed to the City.

Tracy Chase, Chief Deputy City Attorney, and Councilperson Dortch agreed that the City would not be giving up any of their rights, including the right of termination, by agreeing to a continuance.

Councilperson Sferrazza stated her opposition to continuing the issue.

The Councilpersons continued the item to November 7, 2012, with Councilperson Sferrazza voting nay.

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| RESULT: | CONTINUED TO 11 | Next: 11/7/2012 12:00 PM |
| MOVER: | Robert Hascheff, Council Member | |
| SECONDER: | Sharon Zadra, Council Member | |
| AYES: | Gustin Zadra, Dortch, Alazzi, Hascheff | |
| NAYS: | Jessica Sferrazza | |
| ABSENT: | Robert Cashell | |

J.4.2 Possible Action and Direction pursuant to the terms of the Purchase and Maintenance Agreement dated December 8, 2010, District 1 Parking Meter Replacement Program, including but not limited to, agreement terms and provisions, negotiation and mediation; Article I.A.7. (Warranty Performance), including a determination of substantial performance; Article IV.C. ii., (Termination), including a determination as to cure of default to the satisfaction of City; and contract termination (For Possible Action). 4:50 PM

THIS ITEM WAS CONTINUED TO NOVEMBER 7, 2012.

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| RESULT: | CONTINUED TO 11 | Next: 11/7/2012 12:00 PM |
| MOVER: | Robert Hascheff, Council Member | |
| SECONDER: | Sharon Zadra, Council Member | |
| AYES: | Gustin Zadra, Dortch, Alazzi, Hascheff | |
| NAYS: | Jessica Sferrazza | |
| ABSENT: | Robert Cashell | |

J.5 Geiger Grade Parcel

J.5.1 Staff Report: Discussion and potential direction to staff regarding the Sale of APN 143-040-15, an approximate 3-Acre Parcel, located in the vicinity of Geiger Grade and Veterans Parkway. 4:32 PM

The Councilpersons accepted the Staff Report.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

J.5.2 Resolution No. 7778: Resolution finding that it is in the City of Reno's best interest to Sell or Lease APN 143-040-15, a parcel located in the vicinity of Geiger Grade and Veterans Parkway.
4:32 PM

Resolution No. 7778 was adopted.

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| RESULT: | ADOPTED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Dan Gustin, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

City Manager

J.6 Staff Report: Possible selection of NAI Alliance of Reno as a Commercial Real Estate Broker for the City in response to the Request for Qualifications and possible approval of an agreement with NAI Alliance of Reno for Commercial Real Estate Broker Services. 6:06 PM

Kate Thomas, Director of the Office of Management and Budget, recommended that the Council select NAI Alliance of Reno as their commercial real estate broker in response to a Request for Qualifications (RFQ), and noted that the agreement was non-exclusive.

Grant Sims, 6900 South McCarran Boulevard, Suite 3000, Managing Director for CBRE, said that CBRE did not submit a bid, and requested that the Council reissue the RFQ in light of the fact that of the ten or more commercial real estate firms in the community, the City received and reviewed only one bid, which limited the City's ability to identify and select the most qualified and competitive firms.

Councilperson Dortch questioned whether the one firm that did respond to the RFQ (NAI) would be at a disadvantage if the City were to send the RFQ back out for bid.

Discussion ensued regarding the submittal and interview processes that were held, and the prudence of sending the RFQ back out for bid.

Councilperson Hascheff disclosed that he spoke with Mr. Sims about the issue, and discussed why he was not opposed to putting the RFQ back out for bid now that a baseline for services had been established.

Councilperson Sferrazza said that it would be unfair to put the RFQ back out for bid.

Michael Schnable, representing NAI Alliance, said that they were surprised that no other bidders had responded to the RFQ, and there was no question that they possessed the necessary qualifications, and noted that they were a locally owned and operated business.

Councilperson Hascheff stated that there was no doubt that NAI was well qualified, but the City might get a better rate on the commission if the RFQ were put back out for bid.

Councilperson Hascheff and Mr. Schnable discussed the terms outlined in NAI's proposal.

Councilperson Hascheff reiterated that the City might get a better than market rate deal if the RFQ were put back out for bid, and Councilperson Gustin agreed.

Ms. Chase said that although the term 'bidder' had been used throughout the discussion, the Request for Qualifications was actually a professional services agreement. She agreed with Councilperson Hascheff that the regional firms could be notified of the RFQ, and that it was at the Council's discretion to determine whether they wished to enter into any professional services agreement.

The Councilpersons directed staff to go back out with the RFQ, and to notify all regional firms of the opportunity to submit a proposal.

Discussion ensued regarding the prudence of engaging NAI's services during the interim, and Councilperson Hascheff and Mayor Cashell agreed that doing so would invite additional complications.

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| RESULT: | CONTINUED (4 TO 3) | Next: 1/16/2013 12:00 PM |
| MOVER: | Pierre Hascheff, Council Member | |
| SECONDER: | Dan Gustin, Council Member | |
| AYES: | Robert Cashell, Dan Gustin, David Alazzi, Pierre Hascheff | |
| NAYS: | Sharon Zadra, Jessica Sferrazza, Dwight Dortch | |

- J.7 Update, discussion and potential direction to staff regarding increasing the expenditure for services to the Economic Development Authority of Western Nevada (EDAWN) up to \$100,000 (For Possible Action). 8:34 PM

The Councilpersons approved the expenditure.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- J.8 Update, discussion and potential direction to staff regarding the status of Fire Station 12 located at 725 Trademark, #101 (For Possible Action). 8:36 PM

Michael Hernandez, Fire Chief, referred to the drawings for the new fire stations, and provided a brief overview of the planning process.

Bill Thomas, Assistant City Manager, discussed the cost of the new station.

NO ACTION WAS TAKEN ON THIS ITEM.

- J.9 Staff Report: Discussion and potential direction to staff regarding possible amendments to 2013 Legislative Session BDR 264 (Rental Car Tax). 8:38 PM

Cadence Matijevich, Assistant City Manager, discussed the proposed withdrawal and/or amendments to the rental car tax Bill Draft Request (BDR).

The Councilpersons agreed that it would be difficult to mitigate opposition to the BDR, even by reducing the percentage of the proposed increase.

Ms. Matijevich said that any amendments to the BDR would have to be made by the morning on October 25, 2012, but it could be withdrawn at any point during the process.

Jonathan Shipman, Deputy City Attorney, and Councilperson Gustin discussed postponing this item to November 7, 2012, because of its potential affect on the restructuring of the SK Baseball agreements.

THIS ITEM WAS CONTINUED TO NOVEMBER 7, 2012.

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| RESULT: | CONTINUED [UNANIMOUS] | Next: 11/7/2012 12:00 PM |
| MOVER: | Jessica Stierazza, Council Member | |
| SECONDER: | Dwight Dortch, Council Member | |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Aiazzi, Hascheff | |
| ABSENT: | Robert Cashell | |

K City Clerk

K.1 Boards and Commissions Appointments including Alternate Members (For Possible Action)

a. Ward Four Northeast Neighborhood Advisory Board (For Possible Action)

NO ACTION WAS TAKEN ON THIS ITEM.

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| RESULT: | CONTINUED |
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b. Ward Three Neighborhood Advisory Board (For Possible Action)

The Councilpersons reappointed Michael Trudell and Roxana Ford to the Ward 3 Neighborhood Advisory Board.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Jessica Stierazza, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

c. Truckee Meadows Water Authority (For Possible Action)

The Councilpersons voted to reappoint Michael Cate to the Truckee Meadows Water Authority Board.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dan Gustin, David Aiazzi |
| SECONDER: | Dwight Dortch, Council Member |
| AYES: | Gustin, Zadra, Stierazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

d. Access Advisory Committee (For Possible Action)

The Councilpersons appointed Lorina Daviton to the Access Advisory Committee.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

e. Senior Citizens Advisory Board (For Possible Action)

NO ACTION WAS TAKEN ON THIS ITEM.

f. Urban Forestry Commission (For Possible Action)

The Councilpersons appointed Travis Landes to the Urban Forestry Commission.

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| RESULT: | APPROVED (UNANIMOUS) |
| MOVER: | Pierre Hascheff, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

L Mayor and Council

L.1 Identification of Mayor and Council Items for future agendas of the Reno City Council. 8:43 PM

Councilperson Sferazza requested items regarding 1) an appointment to the Reno Housing Authority, and 2) an appointment to the Ward 3 Neighborhood Advisory Board.

Councilperson Gustin requested a discussion and potential direction to staff regarding people who remove recycled materials from Waste Management's recycling bins.

Councilperson Zadra requested a discussion and potential direction to staff regarding the deed for the property provided to the Nevada Humane Society.

L.2 Liaison Reports

NO ACTION WAS TAKEN ON THIS ITEM.

L.3 Reports from any conferences or professional meetings.

NO ACTION WAS TAKEN ON THIS ITEM.

- L.4 Staff Report: Approval of the Reallocation of \$1,500 from Council Donation funds to the Reno Police Department (RPD) Wellness Program to provide medical evaluations to identify potential health risks and proactive solutions for RPD officers. [Gustin] 8:48 PM

The Councilpersons approved the reallocation.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

L.5 Resolution - Council Donation Funds to VSA Arts

- L.5.1 Staff Report: Discussion and potential approval of a \$500 donation from Council Donation funds to VSA Nevada at the Lake Mansion to host historic tours of the Mansion as part of the Historical Reno Preservation Society program for fourth graders. [Gustin] 8:47 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Jessica Sferrazza, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Alazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.5.2 Resolution No. 7780: Resolution donating \$500 from Council Donation funds to VSA Nevada at the Lake Mansion to host historic tours of the Mansion as part of the Historical Reno Preservation Society program for fourth graders. [Gustin] 8:47 PM

Resolution No. 7780 was adopted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Jessica Sferrazza, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

L.6 Resolution - Council Donation Funds to Jr. Livestock Foundation

L.6.1 Staff Report: Discussion and potential approval of a \$1,200 donation from Council Donation funds to the Nevada Junior Livestock Foundation to support exhibit awards and educational classes in the animal breeding category. [Gustin] 8:47 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

L.6.2 **Resolution No. 7781**: Resolution donating \$1,200 from Council Donation Funds to the Nevada Junior Livestock Foundation to support exhibit awards and educational classes in the animal breeding category. [Gustin] 8:47 PM

Resolution No. 7781 was adopted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

L.7 Staff Report: Approval of the allocation and transfer of \$600 of Council donation funds to the Parks, Recreation and Community Services Department budget to assist in the fabrication of the Richard L. Jay dedication sign for the soccer fields at Moana Springs Recreation Complex. [Sferrazza] 8:48 PM

The Councilpersons approved the allocation and transfer of funds.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.8 Discussion and potential direction to staff regarding trees at 3000 Scottsdale Road. [Aiazzi] 8:48 PM

The Councilpersons upheld the staff recommendation.

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| RESULT: | APPROVAL [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.9 Discussion and potential direction to staff regarding Artown. [Aiazzi] 8:48 PM

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| RESULT: | APPROVAL [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.10 Discussion and potential direction to staff regarding the use of Public Art funds to retain a consultant to evaluate the placement of public art in Virginia Lake. [Aiazzi] 8:48 PM

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| RESULT: | APPROVAL [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.11 Discussion and potential direction to staff regarding obtaining public access easements from Somerset Parkway to Beaumont Park. [Aiazzi] 8:48 PM

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| RESULT: | APPROVAL [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

- L.12 Staff Report: Staff Report (For Possible Action): Approval of the reallocation of \$3,433 from Council Donation Funds to the City of Reno Public Works Department for expenses associated with the West Street Market. [Aiazzi] [Aiazzi] 8:52 PM

The Councilpersons approved the reallocation.

| | |
|-----------|---|
| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Dan Gustin, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferazza, Dortch, Aiazzi, Hascheff |
| ABSENT: | Robert Cashell |

M Updates on Items Identified by Mayor and Council

M.1 Recognition of good deeds and positive events in the community.

THIS ITEM WAS PULLED FROM THE AGENDA.

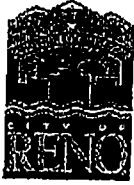
N Public Hearings - 6:00 PM

O Public Comment

NO ACTION WAS TAKEN ON THIS ITEM.

P Adjournment (For Possible Action)

THE MEETING WAS ADJOURNED AT 8:48 P.M.



Reno City Attorney

MEMORANDUM

Date: December 19, 2011

To: City of Reno Planning Commission

From: Marilyn D. Craig, Deputy City Attorney *MDC*

Subject: LED Billboards

Question: You have asked for direction with respect to the impact, if any, of the holding in *Scenic Arizona v. Board of Adjustment*, 2011 Ariz. App. LEXIS 193 (Nov. 17, 2011), on your consideration of whether to recommend to the City Council the allowance of light emitting diode ("LED") billboards in the City of Reno ("City").

I. Overview:

In 1965, Congress passed the Federal Highway Beautification Act ("FHBA"), 23 U.S.C. § 131, in an attempt to preserve the scenic beauty of America's highways.¹ Exhibit A. The FHBA applies to all states. Accordingly, Nevada and Arizona followed a somewhat similar procedure in enacting and/or adopting laws and/or regulations regarding billboards adjacent to the National Highway System and primary roads (collectively, "NHS"). However, as will be shown below, there are significant differences between the procedures followed by the two states which result in the holding of the *Scenic Arizona* case not having an impact on the City's consideration of LED billboards.

II. Background:

Congress explained that the FHBA was to "protect the public investment in [America's] highways, to promote the safety and recreational value of public travel, and to preserve natural beauty." *Id.*, Subsection (a) (2002).

By America's highways, Congress meant the NHS. The NHS includes:

- (1) The Eisenhower Interstate System of highways.
- (2) Other principal arterials: highways in rural and urban areas which provide access between an arterial and a major port, airport, public transportation facility, or other intermodal

¹ In 1958, Congress passed the Federal-Aid Highway Act of 1958 ("Bonus Act") out of concern for the unregulated placement of billboards along interstate highways. The Bonus Act provided that "[i]f states agreed to prohibit billboards within 660 feet of highways in areas not zoned either industrial or commercial," bonus payments would be made to the states. *Scenic Arizona, supra*, at 31. The Bonus Act expired in 1965.

transportation facility.

(3) Strategic Highway Network: highways which are important to the United States' strategic defense policy and which provide defense access, continuity and emergency capabilities for defense purpose.

(4) Major Strategic Highway Network connectors: highways which provide access between major military installations and highways which are part of the Strategic Highway Network. U.S. Department of Transportation, Federal Highway Administration. *See also*, Exhibit B, NHS Map, Reno, Nevada.²

Among other things, the FHBA required states to provide "effective control" of certain advertising signs along the NHS. If a state failed to provide "effective control" the state could face a penalty of a ten-percent reduction of its share of federal highway funds. *Scenic Arizona, supra*, at 31.

In 1971 to comply with the FHBA, Nevada, along with most other states including Arizona, enacted statutes to provide "effective control" of advertising signs along federally funded highways. *Id.* at 32; Nevada Revised Statutes ("NRS") 410.220 et seq. Among other provisions, NRS 410.320 provides in part:

Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-travelled way of the interstate or primary highway systems in this state ... except the following:

- ...
3. Sign, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property on which the advertising sign, display or device is erected.
 4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

Notably, absent from the Nevada *statutes* is any reference to the lighting of billboards.

Furthermore, the FHBA required states to enter into agreement with the federal Secretary of Transportation "for erection and maintenance" of certain billboards along NHS highways within commercial or industrial zones. *Scenic Arizona, supra*, at 32. Consistently, NRS 410.330 required the Board of Directors of the Nevada Department of Transportation ("NDOT") "to enter into an agreement with the Secretary of Transportation" with respect to criteria regarding spacing, size, and *lighting* of certain billboards ("Federal-State Agreement"). On January 28, 1977, NDOT entered into

² This map is for illustrative purposes only as roads may be added or deleted at any time.

a Federal-State Agreement, No. R058-97, and adopted the Outdoor Advertising Control Manual.

On September 25, 2007, the federal government issued a guidance memorandum requiring a "state department of transportation [must] obtain FHWA [Federal Highways Administration] approval for 'any changes to its laws, regulations, and procedure to implement the requirements of outdoor advertising control program.'" *Scenic Arizona, supra*, at 35. Exhibit C. The memorandum further stated: "Proposed laws, regulations, and procedures" that would allow digital billboards subject to 'acceptable criteria ... do not violate a prohibition against 'intermittent,' or 'flashing' or 'moving' lights as those terms are used in the various [federal-state agreements.]" *Id.* The memorandum further contained the following comment: "all of the requirements [of the FHBA] and its implementing regulations, and the specific provisions of the [federal-state agreements] continue to apply." *Id.* Notably, neither Nevada nor Arizona amended its Federal-State Agreement although Arizona has taken some actions to allow LED lighting on billboards.

On December 11, 1998, NDOT adopted *administrative regulations* regarding billboards which modified the provisions of the Outdoor Advertising Control Manual. Nevada Administrative Code ("NAC") 410.200 et seq. Among other things, NAC 410.350 currently provides:

1. ... Signs must not include or be illuminated by flashing, intermittent or moving light, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information ...

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premises outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

...

(b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

...

(e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign ...

Thus, the requirements regarding lighting of billboards are contained in NDOT's regulations.

On November 17, 2011, the Arizona Court of Appeals, Division One, Department B, considering whether a LED billboard violated Arizona statutes, decided that LED lighting constituted intermittent lighting under Arizona statutes. The *Scenic Arizona* court explained it recognized that many technological advances had occurred since the [Federal-State Agreements] were entered into with the states and that the federal guidance memorandum explained that digital billboards could be acceptable "if found to be consistent with the [Federal-State Agreement]," among other things. *Id.* at 35-36. However, Arizona had not amended its statutes. Accordingly, Arizona's statutes prohibited intermittent lighting. The *Scenic Arizona* court explained:

Although the FHWA memorandum may indicate the federal agency's

willingness to allow a state to permit some intermittent billboard lighting, the only standards, rules, or regulations Arizona has adopted to address electronic billboards are the provisions of the [Arizona Highway Beautification Act ("AHBA")]. Nothing in our record indicates there has been any attempt by ADOT to obtain FHWA approval for any proposed law, regulation, or procedure that would exempt digital billboards from the current state prohibition against intermittent lighting. Similarly, we are unaware of any authority suggesting that a guidance memorandum from the FHWA has binding legal effect on the states, and the memorandum itself includes a disclaimer that it is "not intended to amend applicable legal requirements." In a nutshell, the only purpose of the memorandum was to open the door to individual states to work with the FHWA to find acceptable solutions for allowing digital billboards, in the discretion of each state. The memorandum did not eliminate the AHBA's prohibition of intermittent lighting.

Id. at 36. The Scenic Arizona court found that the LED billboard in question was prohibited by Arizona law due to its intermittent lighting.

II. Analysis:

A. Comparison of Arizona statutes and Nevada regulations.

Under Arizona law, the prohibition against intermittent lighting is set forth in state *statutes*; whereas, in Nevada, the prohibition against intermittent lighting is set forth in NDOT *administrative regulations*. NAC 410.330.

In Nevada, political subdivisions, such as the City, must comply with state *statutes*; whereas a political subdivision is not required to comply with state department's *administrative regulations*. An administrative regulation is "an agency rule standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of the agency." NRS 233B.038. *See also*, NRS 233B.020 and 233B.031.

Because NDOT *administrative regulations* do not bind the City, the City may allow LED lighting on billboards. Arguably NDOT could not allow LED lighting on billboards because of the prohibition on intermittent lighting contained in its *administrative regulations* set forth in NAC 410.350. NDOT determines whether LED lighting on billboards is intermittent and, if so, whether such lighting violates its *administrative regulations*.

C. There is concurrent jurisdiction between the City and NDOT regarding billboards located along interstate and primary highways in Nevada.

NRS 410.400 and 410.330 require NDOT to prescribe "[r]egulations governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising sign, displays or devices" and "for the erection and maintenance of [signs, displays and devices] located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway system within this state."

NRS 278.020 provides that "[f]or the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of cities ... are authorized and empowered to regulate and restrict the improvement of land to control the location and soundness of structures."

Reno Municipal Code 18.16.904(a) generally allows billboards in commercial and industrial zoning districts provided other criteria are met.

Accordingly, a person who desires to construct an LED billboard located adjacent to a NHS highway must apply to the City and NDOT for permits to erect a billboard. It is important to understand NDOT applies its own *administrative regulations*, such as, the prohibition against intermittent lighting. Therefore, NDOT's decision may differ from the City's decision with respect to the same billboard. Because NDOT's regulations do not bind the City, a billboard may comply with City ordinances, but not NDOT's regulations. If this were the case, NDOT would not allow the billboard to be erected.

III. Conclusion:

Based upon the above, the *Scenic Arizona* court decision does not impact the Planning Commission's consideration of whether to recommend allowance of LED billboards within the City.

shall use the amount of the incentive payment for transportation safety improvements.

(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.

§ 131. Control of outdoor advertising

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the

sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreements in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultations with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section.

whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State transportation departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

(j) Any State transportation department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State transportation department shall be entitled to such payments unless the State maintains the control required under such agreement: *Provided*, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, dis-

plays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a

payment except to the extent that the State, in its discretion, expends such funds for such a payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) REMOVAL OF ILLEGAL SIGNS.—

(1) BY OWNERS.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) BY STATES.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) **SCENIC BYWAY PROHIBITION.**—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) **PRIMARY SYSTEM DEFINED.**—For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

§ 132. Payments on Federal-aid projects undertaken by a Federal agency

Where a proposed Federal-aid project is to be undertaken by a Federal agency pursuant to an agreement between a State and such Federal agency and the State makes a deposit with or payment to such Federal agency as may be required in fulfillment of the State's obligation under such agreement for the work undertaken or to be undertaken by such Federal agency, the Secretary, upon execution of a project agreement with such State for the proposed Federal-aid project, may reimburse the State out of the appropriate appropriations the estimated Federal share under the provisions of this title of the State's obligation so deposited or paid by such State. Upon completion of such project and its acceptance by the Secretary, an adjustment shall be made in such Federal share payable on account of such project based on the final cost thereof. Any sums reimbursed to the State under this section which may be in excess of the Federal pro rata share under the provisions of this title of the State's share of the cost as set forth in the approved final voucher submitted by the State shall be recovered and credited to the same class of funds from which the Federal payment under this section was made.

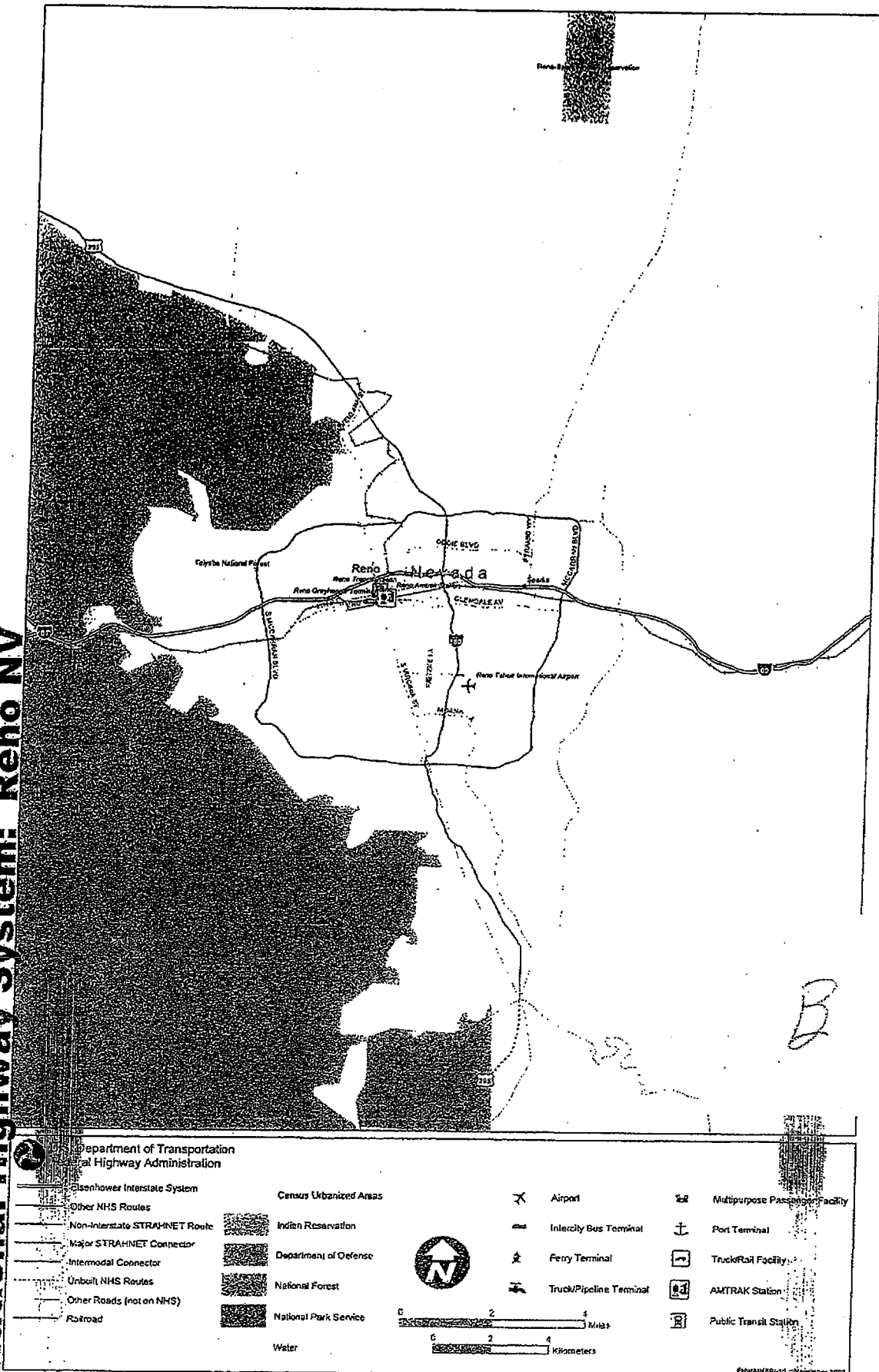
§ 133. Surface transportation program

(a) **ESTABLISHMENT.**—The Secretary shall establish a surface transportation program in accordance with this section.

(b) **ELIGIBLE PROJECTS.**—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any

National Highway System: Reno NV





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Real Estate

[FHWA](#) > [HEP](#) > [Realty](#) > [Outdoor Advertising](#)



U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Guidance On Off-Premise Changeable Message Signs

Date: September 25,
2007

ORIGINAL SIGNED BY: Gloria M. Shepherd

From: Gloria M. Shepherd
Associate Administrator for
Planning, Environment, and Realty

Reply to: HEP-20

To: Division Administrators
ATTN: Division Realty Professionals

Purpose

The purpose of this memorandum is to provide guidance to Division Realty Professionals concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996, memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain the FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and the Division offices should provide a determination as to whether the State should allow off-premises changeable Electronic Variable Message Signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). The Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as, those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for the FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**

This guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

Background

The HBA requires States to maintain *effective control* of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose *size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary*, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, the Office of Real Estate Services issued a memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that the FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual FSAs." It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and the FHWA to interpret the agreements with those changes in mind." The July 17, 1996, memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the July 17, 1996, memorandum.

The policy espoused in the July 17, 1996, memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

Discussion

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, the Divisions should consider all relevant information, including, but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. The Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by the Divisions to date, contain some or all of the following standards:

- Duration of Message
 - Duration of each display is generally between 4 and 10 seconds - 8 seconds is recommended.
- Transition Time
 - Transition between messages is generally between 1 and 4 seconds - 1-2 seconds is recommended.
- Brightness
 - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- Spacing
 - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.

- Locations

- Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that the States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Conclusion

This guidance is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, the Office of Realty Estate Services is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information on guidance on *Off-Premise Changeable Message Signs*, you may contact the Office of Real Estate Services' "Point of Contact" serving your Division or Catherine O'Hara by e-mail: (Catherine.O'Hara@dot.gov).

This page last modified on June 27, 2011

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United States Department of Transportation - Federal Highway Administration

32

RESULT: APPROVED UNANIMOUSLY
MOVER: David Jardon, Council Member
SECONDER: Nathan Jardon, Council Member
AYES: Cassell Brakins, Zandra Delgado, Doreen Jardon, Shiree

J Standard Department Items

Community Development

33

- J.1 Staff Report:** Discussion and potential direction to staff regarding 1) the reallocation of Community Development Block Grant funds; 2) initiating a zone change for city owned properties in the Oliver-Montello Neighborhood (APNs: 004-236-08; 004-235-05; and 004-253-11) acquired with CDBG; and 3) amend the Neighborhood Stabilization Program 3 Action Plan. 1:46 PM

Recommendation: Staff recommends Council direct staff to:

- Take steps necessary to reallocate appropriate CDBG funds to support NSP type projects;
- Initiate the zone change for the City-owned parcels (APNs: 004-236-08; 004-235-05; and 004-253-11) at Oliver Avenue and Montello Street to be SF-6; and
- Take steps necessary to amend the Neighborhood Stabilization 3 Action Plan to include the additional target area(s) and use of funds.

COUNCILPERSON JARDON ABSENT AT 1:46 P.M.

Jodi Royal-Goodwin, Housing and Neighborhood Development Administrator, presented a brief overview of the Staff Report.

The Councilpersons upheld the staff recommendation.

RESULT: APPROVED UNANIMOUSLY
MOVER: David Jardon, Council Member
SECONDER: Cassa Delgado, Council Member
AYES: Cassell Brakins, Zandra Delgado, Doreen Jardon, Shiree
AWAY: Nathan Jardon

J.2 Digital Billboard Moratorium

34

- J.2.1 Staff Report:** Initiation of a Moratorium Ordinance regarding the Digital Billboard Ordinance adopted on October 24, 2012 and effective starting January 24, 2013. 1:47 PM

(34)

Recommendation: Recommendations: Staff recommends Council:

(1) Initiate a moratorium ordinance directing staff to refuse to accept digital billboard application to alter any off-premises advertising display, whether existing or banked, to create a digital off-Premises advertising display as allowed by Ordinance No. 6258, and

(2) Adopt Resolution No. _____ regarding same.

Councilperson Brekhus made a lengthy disclosure regarding her prior affiliation with Scenic Nevada, which is on file with the Staff Report in the City Clerk's Office.

COUNCILPERSON JARDON PRESENT AT 1:49 P.M.

Marilyn Craig, Deputy City Attorney, requested that the Council initiate a moratorium ordinance directing staff to refuse to accept digital billboard applications to alter any off-premises advertising displays, whether existing or banked, create a digital off-premises advertising display as allowed by Ordinance No. 6258, and adopt a resolution regarding the same.

The Councilpersons upheld the staff recommendation.

| | |
|----------|--|
| RESULT | APPROVED UNANIMOUSLY |
| MOVER | Dan Dorn, Council Member |
| SECONDER | Sharon Zeller, Council Member |
| AYES: | Castell, Brekhus, Zeller, Delgado, Dorn, Jardon, Selders |

(35)

J.2.2 Resolution No. 1: Resolution temporarily halting the acceptance of digital billboard applications to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. 6258. 1:53 PM

Recommendation:

Resolution No. 7802 was adopted.

STAFF REPORT

Date: December 12, 2012
To: Mayor and City Council
Thru: Andrew Clinger, City Manager
Subject: Staff Report (For Possible Action): Initiation of a Moratorium Ordinance regarding the Digital Billboard Ordinance adopted on October 24, 2012 and effective starting January 24, 2013.
From: Marilyn Craig, Deputy City Attorney

Summary: Legal is requesting Council initiate a moratorium ordinance directing Staff to temporarily refuse to accept digital billboard applications to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. 6258. Staff also recommends Council adopt moratorium Resolution No. _____, which temporarily halts acceptance of applications to alter static billboards to create digital billboards until such time as the moratorium ordinance can be adopted.

Previous Council action:

October 24, 2012 – Council adopted Ordinance 6258 allowing digital billboards under certain circumstances and making the Ordinance's effective date January 24, 2013.

Discussion: On November 16, 2012, Scenic Nevada filed suit against the City alleging that Ordinance 6258, the Digital Billboard Ordinance, is unconstitutional. On November 21, 2012, Saunders Outdoor Advertising, Inc., filed suit against the City also alleging that Ordinance 6258 is unconstitutional but on different grounds from those of Scenic Nevada.

If an applicant for a digital billboard applied for and obtained a building permit and expended considerable sums of money to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No 6258, the applicant may have a potential legal claim in a digital billboard if the applicant has expended substantial sums with respect to that building permit.

Because of the possibility that an applicant may have a potential legal claim in a digital billboard if the applicant has expended substantial sums with respect to an issued building permit, Legal recommends that the ordinance moratorium be effective until the above lawsuits are finally resolved subject to amendment after hearing unless earlier withdrawn in order to avoid issues regarding removal or payment for any digital billboards converted from static billboards on the basis of an unconstitutional ordinance if the Court rules against the City.

Financial Implications: None at this time.

Recommendation: Recommendations: Staff recommends Council:

(1) Initiate a moratorium ordinance directing staff to refuse to accept digital billboard application to alter any off-premises advertising display, whether existing or banked, to create a digital off-Premises advertising display as allowed by Ordinance No. 6258, and

(2) Adopt Resolution No. _____ regarding same.

Proposed Motion: I move to initiate a moratorium ordinance directing staff to refuse to accept digital billboard application to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. _____,

I move adopt Ordinance No. _____ regarding same.

Links:

Referenced By: 1806 : Resolution temporarily halting the acceptance of digital billboard applications to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. 6258.

Assembly Bill No. 305--Assemblymen Horne
and Carrillo (by request)

CHAPTER.....

AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation specifying the operational requirements for certain signs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Directors of the Department of Transportation is required to prescribe regulations governing the issuance of permits for advertising signs, displays or devices and the inspection and surveillance of such signs, displays or devices. (NRS 410.400) This bill requires the Board to prescribe regulations specifying the operational requirements for signs known as commercial electronic variable message signs which conform to any regulations promulgated by the Secretary of the United States Department of Transportation.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets {omitted-material} is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 410.400 is hereby amended to read as follows:
410.400 1. The Board shall prescribe:

(a) ~~{Regulations}~~ *Except as otherwise provided in paragraph (b), regulations* governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices; ~~{and}~~

(b) *Regulations specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and*

(c) Such other regulations as it deems necessary to implement the provisions of NRS 410.220 to 410.410, inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.



4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

→ The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. *As used in this section, "commercial electronic variable message sign" means a self-luminous or externally illuminated advertising sign which contains only static messages or copy which may be changed electronically.*

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.



1 Code: DISC
JOHN J. KADLIC
2 Reno City Attorney
JONATHAN D. SHIPMAN
3 Deputy City Attorney
Nevada State Bar No. 5778
4 P. O. Box 1900
Reno, NV 89505
5 (775) 334-2050
Attorneys for Defendant, City of Reno

6
7
8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 SAUNDERS OUTDOOR ADVERTISING,
11 INC., a Utah Corporation,

12 Plaintiff,

Case No. CV12-02917

13 vs.

Dept. No. 7

14 CITY OF RENO, a municipal corporation
and political subdivision of the State of
15 Nevada,

16 Defendant.
17 _____/

18 **DEFENDANT CITY OF RENO'S RESPONSE TO**
19 **PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSION**

20 Defendant City of Reno ("City"), by and through its attorneys, John J. Kadlic, Reno City
21 Attorney, and Jonathan D. Shipman, Deputy City Attorney, hereby responds to Plaintiff's First
22 Set of Requests for Admission as follows:

23 **REQUEST NO. 1:**

24 Admit that the City Council made no express findings that the use of an LED display
25 upon a billboard in the City of Reno was a detriment to the City's health, safety, welfare, or
26 aesthetic goals.
27

28 ////

1 **RESPONSE TO REQUEST NO. 1:**

2 The City admits that the City Council made no express findings that the use of an LED
3 display upon a billboard in the City of Reno was a detriment to the City's health, safety, welfare,
4 or aesthetic goals.
5

6
7 **REQUEST NO. 2:**

8 Admit that the City is aware that the billboard industry considers an LED display to be
9 more economically advantageous than a static vinyl board.
10

11 **RESPONSE TO REQUEST NO. 2:**

12 The City admits that City is aware that the billboard industry considers an LED display to
13 be more economically advantageous than a static vinyl board.
14

15 **REQUEST NO. 3:**

16 Admit that more than 75% of the banked receipts currently held by the City a[re] owned
17 by the industry's two largest stakeholders.
18

19 **RESPONSE TO REQUEST NO. 3:**

20 The City admits that as of the date hereof, more than 75% of the banked receipts
21 currently held by the City are owned by the industry's two largest stakeholders.
22

23
24 **REQUEST NO. 4:**

25 Admit that the current iteration of the Ordinance prohibits display of an LED billboard
26 without first complying with the requirements established by the Ratio System, or Special
27 Exceptions, as set forth in the Ordinance.
28

1 **RESPONSE TO REQUEST NO. 4:**

2 The City admits that the current iteration of the Ordinance prohibits display of an LED
3 billboard without first complying with the requirements established by the Ratio System, or
4 Special Exceptions, as set forth in the Ordinance.
5

6
7 **REQUEST NO. 5:**

8 Admit that the primary purpose of the Amendment to the Ordinance was to reduce
9 billboard clutter in the city.
10

11 **RESPONSE TO REQUEST NO. 5:**

12 The City admits that a primary purpose of the Amendment to the Ordinance was to
13 reduce billboard clutter in the city. Other primary purposes are set forth in RMC § 18.16.901(a);
14 specifically:

15 Recognizing that the City of Reno is a unique city in which public safety,
16 maintenance, and enhancement of the city's esthetic qualities are important and
17 effective in promoting quality of life for its inhabitants and the City of Reno's 24-
18 hour gaming/ entertainment/ recreation/ tourism economy; recognizing that the
19 promotion of tourism generates a commercial interest in the environmental
20 attractiveness of the community; and recognizing that the visual landscape is
21 more than a passive backdrop in that it shapes the character of our city,
22 community, and region, the purpose of this article is to establish a comprehensive
23 system for the regulation of the commercial use of off-premises advertising
24 displays. It is intended that these regulations impose reasonable standards on the
25 number, size, height, and location of off-premises advertising displays to prevent
26 and alleviate needless distraction and clutter resulting from excessive and
27 confusing off-premises advertising displays; to safeguard and enhance property
28 values; and to promote the general welfare and public safety of the city's
inhabitants and to promote the maintenance and enhancement of the city's esthetic
qualities and improve the character of our city. It is further intended that these
regulations provide one of the tools essential to the preservation and enhancement
of the environment, thereby protecting an important aspect of the economy of the
city which is instrumental in attracting those who come to visit, vacation, live, and
trade and to permit noncommercial speech on any otherwise permissible sign.

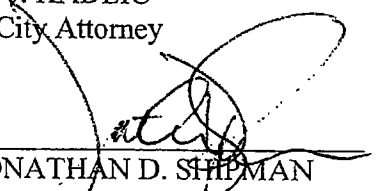
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AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 19th day of September, 2013.

JOHN J. KADLIC
Reno City Attorney

By: 
JONATHAN D. SHIPMAN
Deputy City Attorney
Nevada State Bar No. 5778
P. O. Box 1900
Reno, NV 89505
(775) 334-2050

Attorneys for Defendant, City of Reno

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the RENO CITY
3 ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the
4 party(s) set forth below by:

5 X Placing an original or true copy thereof in a sealed envelope placed for collection
6 and mailing in the United States Mail, at Reno, Nevada, postage prepaid,
following ordinary business practices, addressed as follows:

7 Frank C. Gilmore, Esq.
8 Robison, Belaustegui, Sharp & Low
9 71 Washington Street
Reno, Nevada 89503

10 _____ ECF electronic notification system

11 _____ Personal delivery.

12 _____ Facsimile (FAX).

13 _____ Federal Express or other overnight delivery.

14 _____ Reno/Carson Messenger Service.

15 Dated this 20th day of September, 2013.

16
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19 Jill Zarker
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Billboards Workshop Draft Minutes

Tuesday, May 24, 2011 – 4:00 p.m.
Community Development Department – 2nd Floor Conference Room
450 Sinclair Street, Reno, Nevada

Staff Present: Claudia Hanson – Planning and Engineering Manager, Vern Kloos, Senior Planner, Marilyn Craig – Deputy City Attorney and Michelle Fournier – Secretary.

Claudia Hanson, Planning and Engineering manager started the meeting at 4:02 p.m.

Ms. Hanson stated that this process since 2007. This item has been to Planning Commission, City Council and back to Planning Commission. She stated that the draft ordinance and copies of the meeting minutes from the May 13, 2009 City Council meeting which includes direction from the Council. In regards to the draft ordinance, there was a question as to whether or not electronic billboards would be allowed in the City of Reno. Once this has been decided, then standards will be reviewed. In regards to the draft ordinance, Ms. Hanson stated that not much was changed except some sections were removed. She highlighted the areas that seem to be the main points of discussion over the last couple of years. Located at the back of the draft ordinance, Ms. Hanson listed questions from the Planning Commission. She also stated that the issue regarding banked receipts and what happens after the 10 year expiration period needs to be discussed.

In response to Jenny Brekhus – Scenic Nevada, regarding the draft Off-Premise Advertising Display (AT-32-07) posted on the City's website under Hot Topics and Current Projects, Ms. Hanson stated that the information that was being handed out at today's meeting is the most accurate.

Ms. Hanson indicated that the areas in the ordinance that are highlighted indicate number have been removed, types of streets, spacing, flip time, brightness, hours of operation. Ms. Hanson asked the attendees if there were any other questions regarding anything in the ordinance that was not highlighted as the main discussion items.

Ms. Brekhus stated that she had a comment. Mr. Brekhus discussed the 2000 vote of the people, the Reno Municipal Code Ordinance and the digital billboard technology and where it stands today. Ms. Brekhus stated that the position Scenic Nevada's is that they are not going to discuss standards, weigh in on illumination, streets, flip time, etc. According to the Scenic Nevada Board, they don't feel that the standards are consistent with the vote of the people. According to Ms. Brekhus, Scenic Nevada does want to participate in the Legislative Policy making activity and initiative but they do not want to offer input on standards that take them further in the continuum than where they feel this should be going. If that involves proposing an ordinance, resolution, or administrative policies that get the City back to where they feel the City needs to be then Scenic Nevada will do that. However, they will not engage in standards on an ordinance they feel gets them farther away from the vote of the people in 2000.

EX-24

Ms. Hanson asked Ms. Brekhus for clarification of Scenic Nevada's position. In response to Ms. Hanson, Ms. Brekhus stated that they were here to participate in the meeting but only want to speak from generalities as to where they are from the 2000 vote, what is in code now and where this is moving.

Ms. Hanson asked the rest of the participants if they had any further questions. She also stated that Planning Commission has asked for a technical Workshop to discuss the measurement of NITS and explanation of what those terms mean, also an explanation of the safety regulations that are coming from the Feds and any other issues that came up during their meetings.

Ms. Hanson moved on to discuss the Location Criteria and what types of streets the digital billboards would be permitted and prohibited. Leaning towards the arterials (Item 2B) that states "Digital off-premises advertising displays shall be prohibited on minor arterials, collectors and local streets" of the draft ordinance. Per Ms. Hanson, the way that the draft ordinance reads right now, digital billboards would be allowed on major arterials and freeways. Ms. Hanson asked if anyone had any comments.

Aaron West - Clear Channel Outdoor, stated that one of the challenges with this ordinance is that it is written around the idea that, according to Code, there is only one size billboard which is a maximum of 672 square feet, which is the largest one that they have. Something that was contemplated is that you don't typically see as many bulletins on minor arterials and collector streets. Smaller products such as poster projects are typically used areas such as these. So, looking at how the digital ordinance is now structured, it is along the same premise as the current code with an assumption being made that the signs are all the same size. In conversation with some of the Council members regarding their concerns about the billboards and what can be done to clean up some areas. A lot of the issues have to do with the smaller poster units and whether or not they can be swapped out multiple number of posters, or however that works out, basically reducing the number of structures at the end of the day and end up with a newer structure that would work. Mr. West stated that if the City continues with the "one size fits all" perspective, then he suggests leaving the "minor arterial" in the ordinance to give them the flexibility to clean up some of these areas.

Ms. Hanson wanted clarification from Mr. West regarding the exchange rate.

Mr. West stated that according to this version, where it proposes a flat square footage for exchange, he thinks it should be based on a multiplier of the size of the board that is being proposed. Again, the assumption is being made that all signs are 672 square feet. Whereas, he thinks it should be driven by the digital face size that is being proposed. In his opinion, whether the calculation of 3:1 or 6:1, it should be based off of the digital face size.

Ms. Hanson moved on to the section of code stating digital off-premise advertising display shall be no less than a certain amount of lineal feet on either side of the same freeway or street. Ms. Hanson asked for questions or comments for this issue.

Mr. West stated that part of what he was looking to talk about was that Provision B stated that it was pretty redundant with other provisions that were already provided for in 18.16.905(a). He stated that a billboard is a billboard and that digital is a modern way of changing copy. From that standpoint, there should be parameters as to where billboards should go regardless of whether they are static or digital. Mr. West talked about digital off-premises advertising displays

shall not be located in a scenic by-way. He stated that if it was the City's intent to protect scenic by-ways, then it should apply to both static and digital. In his opinion, if the City doesn't want them in Historic or Conservation Districts, then it should apply to both as well. Mr. West suggested that in order to avoid revisiting this, the City should do something dynamic that can grow with the community that identifies zoning districts, major or minor arterials, separations from residential. If you look at 18.16.904 under Permitted and Prohibited Locations, it talks about McCarran Boulevard and the only place signs are permitted is from Talbot Lane to Mill Street and Northtowne to Sutro. If you look at the residential separations that are already in place, that's the only place that they could go anyway. So the idea of calling out specific streets and then drilling down into that type of detail when, if we come up with very clear standards stating that as long as you are certain distance from residential areas and located within these zones, it provides a lot more flexibility as the community grows. You could have an area downtown that is residential but is blighted and someone comes in and mows it over and does commercial and at that point, maybe it's more appropriate to consider some signage.

Ms. Hanson confirmed with Mr. West that he thinks that the traditional type should be the same regarding spacing.

Mr. West asked for clarification in the code regarding spacing. He suggested that 750 feet between static and 1,000 feet between changeable signs or tri-visions. The word that is actually used in Code is "animated" and these are not animated signs as there is no movement that implies that. Mr. West stated that these are static messages and suggested changing the language to "changeable signs".

Lori Wray, Scenic Nevada, asked that if digital billboards are modern ways of copy, then can we leave them up for six months at a time or whatever is the normal period of time? Mr. West advised that it can be anywhere from a week to a year. We are not sending employees up on boards every month or generating vinyl waste going into a landfill. Ms. Hanson will be looking into that. That is on our list from the PC. We are looking into answering how much goes into landfills from the traditional ones and what is the energy draw.

Ms. Wray asked if this is just the modern way and nothing else, if replacing vinyl with light bulbs and air conditioning, where is the energy savings and green impact? We don't want to argue about it, but we don't want it to be left on table as if Scenic Nevada agrees with the statements that are coming out. Ms. Hanson will look back at spacing on the standard ones we have.

Mr. West - as matter of practice, there was a provision that called for 2,000 feet between LEDS and digital billboards, and he wants to clarify that it is 2000 feet and facing the same direction. He would hate to be in a situation where billboards are on opposite sides of the road that are 1,000 feet apart appealing to two different directions of traffic but held to the 2,000 foot standard. He thinks the intent was to have it in line.

Ms. Hanson would like to see and a couple of Council people brought up on 5/13/09 that, if an electronic sign goes up, it would meet the spacing requirements that are in place now so you wouldn't replace an existing non-conforming sign. If they don't currently meet spacing requirements and they were replaced, any new electronic sign would have to meet spacing requirements. You couldn't replace one that is non-conforming that doesn't meet spacing requirements with a new electric one. Mr. West stated that it is an improvement, and just like

any improvement or replacement, it has to comply with new spacing requirements and he believes the industry is on board with that.

Ms. Brekhus has observed that it seems like the City has a difficult time administering the existing code and keeping an accurate inventory of billboards. She thinks this ordinance applies another layer of administrative activity and concentration. With the reduced staffing level, the City does not have the capacity to do it and doesn't think CD has the capacity or staff to verify or to move forward.

The last billboard survey that Ms. Wray received was in July 2009, almost three years ago. Ms. Hanson advised that we are in the process of contacting all owners of billboards. We are trying to get information from individual owners and catching up with those few. We should have a new survey in the near future.

Ms. Hanson referred to school separation and spacing. Mr. West has seen a lot of digital ordinances around the country and very rarely sees any reference to schools. Ms. Hanson stated that this was brought up by Scenic Nevada at the last hearing with angles, and if visible from classrooms and outdoor recreation areas. Ms. Wray added and also when kids drop off their kids at school and streets they are driving on. Mr. West stated that Clear Channel just entered into an agreement with the school district in Albuquerque, New Mexico where they are installing signs on school district property for purposes of generating revenue for the school district. Mr. Schulte, Yesco, stated that there are several communities across the country which have done that. Mr. West doesn't know if the billboards are that big of a distraction but would hate for an opportunity for school districts to be eliminated by this.*

Ms. Hanson had a question about zoning. Mr. Schulte asked that when that came up regarding school districts, how was that worded? Scenic NV brought up that they didn't want it visible or distractions to students if they were sitting in a classroom and being able to see the sign changing. Also included were drop off areas and recreation areas from the campus, but basically distracting students from doing what they are supposed to be doing when they are at school. Mr. Schulte asked if the PC commented and Ms. Hanson replied yes, they did discuss the angles of the signs and the degree. They discussed 45 degree angle from the property, if near school, what angle would it be directed to or away from the school property. The PC decided it was not going to be solved that night and ended the discussion.

Ms. Hanson thinks everyone is in agreement on Historical Conservation Districts and scenic byways.

Mr. West pointed out a technical issue on Item L regarding NDOT approval. An NDOT permit application requires a City of Reno signature so it is a chicken and egg. In the City of Sparks, technically it goes through the planning approval and review and essentially, then it comes back to planning for signature. Ms. Hanson stated that there are other NDOT issues like that. Mr. West stated even if said that it is required where applicable, but it is not applicable in every situation.

Ms. Hanson discussed #3-Section A-Display Criteria. This section was the most detailed one. It would be very difficult to enforce this level of detailed requirement. The main issue would be flip time. Hours of operation keeps coming up from various people. She has seen it in various cities in ordinances where billboards are shut off from midnight - 4:00. It is based on light

intrusion. Ms. Hanson threw in 11:00 - 6:00 because those are the hours of operation required for Special Use Permits. We could put it in a special use permit also for 11:00 - 6:00 in certain areas. That is another option. Mr. West's understanding of the SUP requirement is that it is for a 24 hour operation that is typically associated with a retail center or more importantly with gaming or a food/beverage location that turns into a bar. The idea of a SUP is to let folks know that people may be there late, getting rowdy, making noise, potentially creating issues, etc. These signs don't make noise, create issues or get into fights. These are two totally separate issues. Ms. Hanson advised that on the SUP, in most cases it would be okay, but in certain cases it may not be. In certain areas it may not be because of location or lighting in that certain area. Maybe it would be allowed from 11-6, but we need to look at it on a case by case basis.

Mr. West stated that there are other ways to look at the light intrusion side of it. He believes that NITS is an antiquated system of measuring the output of the sign. The more modern and appropriate means is the foot candle standard. This is recommended by AAA and everyone else. It is in our operating criteria based on .3 foot candles over ambient light so that photo cells that are real time are reading what is going on every couple of minutes with outside light and adjusting the output accordingly. One of the more recent ideas catching on is the use of photo metric plans. We work with lighting professionals and prepare a photo metric plan prior to installation that would provide the necessary assurances so you won't get the light spillage that folks are concerned about.

Ms. Wray has been on the NAB for 8 years, and there are complaints other than about the lighting about the billboards being intrusive. People don't know why they are approved and don't know about Special Use Permits.

Ms. Brekhus had a question about the first sentence in A. Is it the City and industry's position that a minimum of 15 seconds...is it not regulated? Mr. West stated we have some concerns about 15 seconds. Ms. Brekhus questioned if it is an unnecessary restriction on speech. Mr. West stated no, not from a speech perspective, but it is an interference with business practices and business models. It is the equivalent of having a restaurant open up and telling them that they can only charge \$6 for a steak sandwich. We work on a national scale and have digitals in 37 markets. We go to national advertisers and say we can without question put your message up in 37 markets and here are the parameters. You will receive an 8 second flip for this time period and these are the impressions. It is more of an interference of the business model.

Mr. West stated that there is actually a memo from the Federal Highway Administration dated September 25, 2007 that actually indicates that digital billboards are in compliance with the Federal Highway Beautification Act. Also, in response to the message duration, it indicates that the duration of each display is generally bet 4 and 10 seconds, but 8 seconds is recommended. Ms. Hanson did see that and Mr. West gave Ms. Hanson a copy.

Ms. Hanson wondered why 8 seconds is recommended, and why not more? Less is obvious, but why not more? Mr. West stated that we often hear about the FHWA and their involvement in this process, and in some cases, we like to refer to them as the experts. Ms. Hanson stated that one Councilperson said that he wanted the flip on digital signs to be between 30 seconds and one minute. Mr. Schulte stated correct me if I'm wrong but NDOT recognizes that the flip time that is allowed at 6 seconds or longer allowed by State. Under our operating parameters, we work at 8 second intervals. Ms. Hanson stated that it is not less safe if it is longer. It is a business model and not a safety issue if it is longer. I would say there is a safety issue if less but not longer.

Mr. West – we can argue that fact also. There is lots of data that support the fact that they are not unsafe regardless. Mr. Schulte stated that we have had trivisions in the existing ordinance since its inception and allowed six second changes supported by the State of Nevada.

Ms. Hanson stated that they require a certain font size on the letters because if you have the small font, people have more difficult time reading. There is one state that had safety concerns if fonts are too small for people to read and people are staring at it too long because they can't figure out what the words say on the bottom. They had a minimum font size. We cannot get into content, but it has to be a good ad that people can actually read.

Mr. West stated that it's a challenge and we have very specific guidelines that we work under. Susan can speak to it more. As one of the leaders in the industry, it has been kind of an education process with our advertisers. They tend to think I have this message up over here and it worked great, and we are going to throw it onto digital, and it is not always apples to apples. There are different standards for requirements, size of lettering, things like that. Whether that is something that needs to be codified or put into operating parameters is open for debate.

Ms. Hanson would be open to suggestions. We don't want to regulate copy in any way, but if you think there is anything that would be appropriate to require certain letter size or contrast or whatever it is, you are the experts on what makes it more readable and what would be the standards that would potentially go into the code. Mr. West can send over creative guidelines on text. Basically, use large text, bold fonts, stick to one message or idea. Be short and sweet and avoid white backgrounds. Ms. Hanson requested a copy of the guidelines.

Regarding the font issue, Ms. Holthouser thinks it would be difficult for the City to regulate, but the reality is that if clients come up with wanting something that is too small, the ad is not going to work with them. What we have been doing with some advertisers is put on single copy and tell the advertisers that this is what it is going to look like. Usually that is the story right there, and they get it and they revise the artwork. They did that for the River Festival that was downtown. They made recommendations that they should make the logo bigger and take away some copy and the client didn't want to do that. They saw it up the first day, and didn't like it. That is the beauty of digital; you can fix it right then.

Mr. Schulte stated that another outside force that they don't have a lot of control over, especially with Clear Channel, is dealing with consistency in national advertisers and multiple markets. They want the same ad consistent ad across the country. They want it to look the same. When I drive through Missouri, Nebraska, Nevada and California, it has got to look the same. We are dealing with ad agencies which can be very insistent because it is their creation. There is some truth to that in terms of consistency of the ad itself. I saw it here and there, and it has an impact because I saw it multiple times.

Mr. West asked what section we are working down through. Ms. Hanson stated that we are going through the points, but if you need to jump to something else, that is fine. Mr. West – Regarding Section 3D, such advertising device will contain a default design that will freeze the device in one position if a malfunction occurs. We were just thinking if you added "or black" after "in one position". Ms. Hanson agreed.

Mr. West stated that in 6 where it has maintenance requirements, because it claims that the advertising display shall contain a discernable message or graphic at all times. We need to have some provision for repairs to be able to essentially be able to shut it down. I think I have some language that I proposed on that. It is ambiguous; it doesn't provide timeframes. Ms. Hanson advised that if you have some wording, that would be okay.

Ms. Craig requested a remedy for that section. If not in compliance and not being repaired and not being maintained, what is the remedy? There is no remedy listed.

Ms. Brekhus asked where they are all deemed conforming and Ms. Hanson responded 86903A.

Ms. Craig asked if anybody had a remedy language they wanted to throw in. Mr. West thinks there are a couple of places in the code where the City needs remedy language. One area that is vague is the inventory. Inventory shall be submitted or what? It does not provide the "or what" or specific timeframes. We are all on board with providing and making sure everyone understands clearly what inventory is and what banked inventory is and providing a little more detail.

Mr. Schulte stated that part of the remedy is in itself controlled by the billboard companies because we have controls that look at this inventory on a weekly basis. But, our biggest controller is our advertiser. If it isn't working, they want a credit and we don't want to give credits. So we want them working as often as possible. So, we are self controlled from a remedy standpoint. But, that doesn't solve your legal issue that you are thinking about, Marilyn. Ms. Hanson stated that it is your best interest to keep them working. Mr. Schulte added and to the customer and community. We put up a lot of public service announcements, and we want to make sure they are displayed properly and equally as the other advertisers are.

Ms. Craig asked for Mr. Schulte to clarify are you saying that we don't need a section on maintenance requirements? Mr. Schulte doesn't think that we do, but I am just saying that there is already a built in remedy, but not a legal remedy. Ms. Craig added you know very well that I am looking at legal, what can we do to you? Mr. Schulte stated that unfortunately, I have run into this in other areas and with other contractors. It is not the guys sitting around this table that you need to worry about. There are some remote operators, not necessarily in this area, who don't keep an eye on their products. I understand your need to protect yourself.

Ms. Hanson asked if there was anything before 4C. Mr. West stated that regarding Item 4 in its entirety, I want to thank Scenic Nevada because they gave a really good example in their PowerPoint presentation. By industry standards, this is a poor example of digital. This is what happens when you regulate the output by NITS and not by foot candles based on ambient light. This was set to a maximum daytime setting, and then it got overcast and it severely affected the ambient light, and what happens is you get a blown board. You have been working on this since 2007, and this is very dynamic since the technology is changing and a lot of new stuff is going on.

Mr. West just brought a copy of a proposed replacement for section 4 that would really just change that standard. Also from an enforcement standpoint, you can get a foot candle measuring device for a couple of hundred dollars where a NIT device is a couple of thousand. A lot of the complaints and consternation has to do with that intrusion of light and if we can control it

relative to the ambient light. Ms. Hanson thinks that PC would like to discuss how signs can actually adjust through the day. Mr. West can bring that in and the necessary technical folks.

Ms. Hanson asked if there was anything else on 4. Lori? Jenny? Then let's move onto 5. At Council, the discussion on the replacement or removal ratio was all over the place. Ms. Hanson had very wide direction from Council. The Mayor wanted to look at the ratio of regular compared to digital. Ms. Sferrazza wanted to take down the ones that don't meet spacing requirements. Ms. Hanson asked if there were any comments on proposed ratios.

Mr. West already expressed concerns about the use of flat square footage and thinks six to one is excessive. Regarding the removal of one existing non-conforming, his concern is if looking at entirely new location, idea is to take one structure down and put up new structure and have a trade in on banked credits. There are a lot of instances where existing structures do meet various requirements for installation of digital and we could do it on structure that is there. Obviously, we would have to be conforming, meeting setbacks and things of that nature. He is hoping to see is the use of existing structures or banked credits to satisfy that requirement.

Mr. West stated that the whole intent of the 2001 vote by Scenic Nevada was to cap the number of boards at that time. Or maybe that wasn't their intent, but it was how everything was interpreted at the end of the day by the time it went to the Supreme Court and came back. It fairly clearly states that we set that number based on what it was and from there it was the intent of the City of Reno to reduce that number going forward. CCO has been very aggressively taking down structures where they need to be taken down and trying to do our part to clean up the areas. At the end of the day, if we have some kind of ratio for banked credits for digital installation, that is the best assurance we can provide that at the end of the day we are going to reduce the overall number of boards. I would say with digital we can be very effective in reducing the overall number of boards in the community and the impact that you guys are worried about. I just think six to one is a little excessive.

Ms. Wray - Features and characteristics are different. I don't understand the last statement about the bank and I don't see how that is reducing the number of signs on the street by taking credits out of the bank. Mr. West - At the end of the day, as long as the bank receipt is sitting there, it has the potential of becoming a sign within the community, and my understanding is that you are trying to reduce the overall number of signs. And, if through this mechanism, if we can provide a more efficient, more modern product and reduce the overall liability, it seems like it would be a win for both sides.

Ms. Wray stated that the vote was about putting a ban on it, and then having attrition when the billboard comes down so it does not go into the bank. It just never existed again. So eventually we would get fewer and fewer billboards. I don't see his approach reducing the number of signs. Mr. West stated that the legal interpretation he read puts a cap in place with the bank credit system based on wording of the ballot question. We are not going to re-open what happened in 2000/2001.

Ms. Hanson - one item that we can bring in is what happens after the 10 years? Code says that the bank receipt is effective for 10 years, and I have discussed this with people from the sign industry and Scenic Nevada. And from what I gather, it is everybody's understanding, that it goes away after 10 years.

Ms. Craig will write a legal interpretation because she believes miscommunication has occurred on all of this. Council can change how it stands now. Ms. Hanson agreed. Ms. Craig stated that because I don't know what I think right now, if you want some adjustments, you guys can talk about that and how you want to proceed from there. Ms. Hanson stated that we will come up with a recommendation and will need that interpretation before we come to an ultimate recommendation on the exchange rate because that will make a difference on the exchange rate. If a banked receipt is nine years old and in the 10th year it goes away or becomes a free agent, for lack of a better term, then that is going to change.

Ms. Craig stated that she can appreciate that. She thinks we have gone beyond that in resolving the legal interpretations and issues as we have worked through that. So, Ms. Craig just needs to write that out and work through that and make sure everyone has the same understanding. Ms. Wray added she would enjoy talking rather than just in generalities. Outside of planning and zoning regulations, what is the government's responsibility to implement? We are also listening very carefully to the non-conformance issues, what is non-conforming and who is in non-conformance. She would like to touch on those two issues. Ms. Craig stated that we will keep it to what happens at the end of 10 years and then proceed in that fashion. There are a myriad of questions and thousands of legal questions.

Ms. Hanson thinks those are the main issues of the draft ordinance. She just wanted to touch on those issues so we are all focused on the same issues. The question that PC came up with was who is conducting the safety study and Ms. Hanson has that. The other question was who negotiated the original ordinance and Ms. Hanson advised that we can have that. Ms. Craig recalled that it was a major discussion that went on for some period of time and she remembers considerable participation.

Ms. Brekhus asked for clarification on whether the Supreme Court ruled on the ordinance or the initiative. She believes they just ruled on the validity of the initiative itself, not on the City's implementation of it. Mr. West believes that Ms. Brekhus is correct and then that language was used in various forms. Ms. Craig asked how the City interprets the language if it is ambiguous. She doesn't think there are any settlement agreements. The Supreme Court spoke and Council made its decision. Obviously, there were disagreements and everyone had a chance to persuade Council. Ms. Hanson can track down how the ordinance was written, but is not sure if it was a working group, City staff or PC, but we can do the research on that.

Ms. Hanson stated that we discussed before the comparison of energy used for electronic signs versus traditional signs. I would appreciate any information either side has for me on the amount of electricity used on electronic signs, and then materials that would be put into landfills, and the balance of the energy efficiencies of those items. Mr. West sought that information, but unfortunately the power consumption is proprietary by the manufacturers, at least Yesco and Techtronics. They won't share that information. I can tell you that it is becoming amazingly efficient. There are numerous claims by their opponents that billboards consume power equivalent to 14 houses. All this stuff is dynamic, and it is very old and antiquated information. Four years ago, when digital billboards were installed, a 400 amp meter service was required, which was the equivalent of 2 homes. The newer units are down to 80 amps, considerably less than one house to power that unit. Since we are paying that power bill, it is in our best interests to become more efficient and to reduce those bills. That is the best reference I can give you, but I think it is substantial.

Ms. Wray has some current information that an LED expert gave them, and she thinks the information is available on the website.

Mr. West stated that we have gone from 400 amps to 80 amps. Ms. Hanson will check with our environmental specialist on staff and see if he has any information. Mr. Hara asked if you guys get a power bill, wouldn't you know the power usage? That should be easy to figure out. Mr. West replied that he wishes it was that easy. There are multiple boards linked together on one bill. We have static and digital on one bill, and we are not getting a bill for just that one unit.

Ms. Hanson has covered everything that was brought up in past meetings, with PC, Council and these meetings. Are there any questions at this time? Our next step is to have a more technical and educational workshop with PC probably toward the end of summer to give them a background and some data to make them more knowledgeable on the topic in general.

Mr. Hara had one question as to the rationale for Point 3 – foot candles over ambient. Mr. West advised that it is essentially what has been developed in the industry as an industry standard.

Ms. Craig asked if there are signs around town, not necessarily billboards, on premises that are brighter than that? There are those that tend to stand out. Mr. West stated that there are a considerable amount of them. Unfortunately, he doesn't believe there is a luminescence standard within the on premise code and that can be a challenge. Ms. Hanson confirmed that there is not a luminescence standard yet.

Ms. Brekhus asked if the on premise ordinance in on the work program and if we would tackle that after this is tackled. Ms. Hanson stated that it is on the work program, but these are two separate issues that we have been asked to keep separate.

Ms. Hanson stated that the technical workshop is open to the public.

Ms. Hanson stated that the issues that we will be presenting to PC are known, so if you have any information that you want to share with us, please feel free to send that in, and we will put together some sort of presentation.

The meeting was adjourned at 5:10 p.m.

1 Code: DISC
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6
7
8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 SAUNDERS OUTDOOR ADVERTISING,
11 INC., a Utah Corporation,

12 Plaintiff,

13 vs.

Case No. CV12-02917

Dept. No. 7

14 CITY OF RENO, a municipal corporation
and political subdivision of the State of
15 Nevada,

16 Defendant.
17 _____/

18 **DEFENDANT CITY OF RENO'S ANSWERS TO**
PLAINTIFF'S FIRST SET OF INTERROGATORIES

19 Defendant City of Reno ("City"), by and through its attorneys, John J. Kadlic, Reno City
20 Attorney, and Jonathan D. Shipman, Deputy City Attorney, hereby answers Plaintiff's First Set
21 of Interrogatories as follows:
22

23 **INTERROGATORY NO. 1:**

24 For all responses to the Requests for Admissions that are anything other than an
25 unqualified admission, please set forth and describe in detail all facts, documents, and other
26 information which prevents the City from offering a qualified admission thereto.
27

28 ////

City Attorney
P.O. Box 1900
Reno, NV 89505

1 **ANSWER TO INTERROGATORY NO. 1 :**

2 With regard to Response to Request No. 5, the City relies on RMC § 18.16.901(a);
3 specifically:

4 Recognizing that the City of Reno is a unique city in which public safety,
5 maintenance, and enhancement of the city's esthetic qualities are important and
6 effective in promoting quality of life for its inhabitants and the City of Reno's 24-
7 hour gaming/ entertainment/ recreation/ tourism economy; recognizing that the
8 promotion of tourism generates a commercial interest in the environmental
9 attractiveness of the community; and recognizing that the visual landscape is
10 more than a passive backdrop in that it shapes the character of our city,
11 community, and region, the purpose of this article is to establish a comprehensive
12 system for the regulation of the commercial use of off-premises advertising
13 displays. It is intended that these regulations impose reasonable standards on the
14 number, size, height, and location of off-premises advertising displays to prevent
15 and alleviate needless distraction and clutter resulting from excessive and
16 confusing off-premises advertising displays; to safeguard and enhance property
17 values; and to promote the general welfare and public safety of the city's
18 inhabitants and to promote the maintenance and enhancement of the city's esthetic
19 qualities and improve the character of our city. It is further intended that these
20 regulations provide one of the tools essential to the preservation and enhancement
21 of the environment, thereby protecting an important aspect of the economy of the
22 city which is instrumental in attracting those who come to visit, vacation, live, and
23 trade and to permit noncommercial speech on any otherwise permissible sign.

17 **AFFIRMATION**

18 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
19 document does not contain the social security number of any person.
20

21 Dated this 19th day of September, 2013.

22 JOHN J. KADLIC

23 Reno City Attorney

24 By: 

25 JONATHAN D. SHIPMAN

26 Deputy City Attorney

27 Nevada State Bar No. 5778

28 P. O. Box 1900

Reno, NV 89505

(775) 334-2050

Attorneys for Defendant, City of Reno

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the RENO CITY ATTORNEY'S OFFICE, and that on this date, I am serving the foregoing document(s) on the party(s) set forth below by:

X Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices, addressed as follows:

Frank C. Gilmore, Esq.
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, Nevada 89503

 ECF electronic notification system

 Personal delivery.

 Facsimile (FAX).

 Federal Express or other overnight delivery.

 Reno/Carson Messenger Service.

Dated this 20th day of September, 2013.


Jill Zarker

Electronically Filed
Dec 19 2014 03:42 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCENIC NEVADA, INC.

Appellant,

Case No. 65364

v.

CITY OF RENO, a Political Subdivision
of the State of Nevada,

Respondent.

JOINT APPENDIX

VOL. 6

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Attorney for Appellant
SCENIC NEVADA, INC.

INDEX OF APPENDIX

| <u>NO.</u> | <u>DOCUMENT</u> | <u>DATE</u> | <u>VOL.</u> | <u>PAGE NO.</u> |
|------------|--|-------------|-------------|-----------------|
| 1 | Answer to First Amended Complaint | 7/30/2013 | 1 | 059-067 |
| 2 | Case Appeal Statement | 3/28/2014 | 3 | 511-515 |
| 3 | Complaint for Judicial Review to Invalidate City of Reno Digital Billboard Ordinance | 11/16/2012 | 1 | 001-019 |
| 4 | Defendant's Trial Statement | 2/13/2014 | 1 | 097-127 |
| 5 | First Amended Answer to First Amended Complaint | 8/6/2013 | 1 | 068-077 |
| 6 | First Amended Complaint to Invalidate City of Reno Digital Billboard Ordinance | 4/15/2013 | 1 | 032-051 |
| 7 | Minutes of Non-Jury Trial | 2/25/2014 | 2 | 458-475 |
| 8 | Minutes of Oral Arguments | 3/28/2013 | 1 | 027 |
| 9 | Minutes of Oral Arguments | 11/6/2013 | 1 | 092 |
| 10 | Minutes of Pre-Trial Conference | 2/3/2014 | 1 | 096 |
| 11 | Notice of Appeal | 3/28/2014 | 3 | 507-510 |
| 12 | Notice of Entry of Order | 3/28/2014 | 3 | 503-506 |
| 13 | Order (to set oral argument) | 3/12/2013 | 1 | 025-026 |
| 14 | Order (granting motion to dismiss/motion to amend) | 3/29/2013 | 1 | 028-031 |
| 15 | Order (to set oral argument) | 6/7/2013 | 1 | 052-053 |
| 16 | Order (granting motion to supplement motion to dismiss) | 6/27/2013 | 1 | 054-056 |
| 17 | Order (denying motion to dismiss first amended complaint) | 7/23/2013 | 1 | 057-058 |
| 18 | Order (denying motion to dismiss Saunders' complaint) | 9/19/2013 | 1 | 088-091 |
| 19 | Order (denying motion for summary judgment) | 2/18/2014 | 1 | 142-144 |
| 20 | Order (judgment in favor of defendant) | 3/27/2014 | 3 | 476-502 |
| 21 | Plaintiff's Trial Statement | 2/13/2014 | 1 | 128-141 |
| 22 | Pretrial Order | 8/27/2013 | 1 | 078-085 |
| 23 | Proof of Service of Summons and Complaint | 11/16/2012 | 1 | 020-024 |
| 24 | Stipulation and Order to Consolidate Actions | 9/11/2013 | 1 | 086-087 |

| | <u>NO.</u> | <u>DOCUMENT</u> | <u>DATE</u> | <u>VOL.</u> | <u>PAGE NO.</u> |
|----|------------|---|-------------|-------------|---------------------|
| 1 | 25 | Stipulation and Order to Continue Trial | 1/10/2014 | 1 | 093-095 |
| 2 | 26 | Transcript of Proceedings – Trial, Part 1 | 9/26/2014 | 1 | 145-250 |
| 3 | | Transcript of Proceedings – Trial, Part 2 | 9/26/2014 | 2 | 251-457 |
| 4 | 27 | Trial Exhibit 1 | | 3 | 516-518 |
| 5 | 28 | Trial Exhibit 2 | | 3 | 519 |
| 6 | 29 | Trial Exhibit 3 | | 3 | 520-541 |
| 7 | 30 | Trial Exhibit 4 | | 3 | 542-576 |
| 8 | 31 | Trial Exhibit 5 | | 3 | 577-586 |
| 9 | 32 | Trial Exhibit 6 | | 3 | 587-589 |
| 10 | 33 | Trial Exhibit 7 | | 3 | 590-594 |
| 11 | 34 | Trial Exhibit 8 | | 3 | 595-614 |
| 12 | 35 | Trial Exhibit 9 | | 3 | 615-619 |
| 13 | 36 | Trial Exhibit 10 | | 3 | 620-631 |
| 14 | 37 | Trial Exhibit 11 | | 3 | 632-644 |
| 15 | 38 | Trial Exhibit 12 | | 3 | 645-655 |
| 16 | 39 | Trial Exhibit 13 | | 3 | 656-657 |
| 17 | 40 | Trial Exhibit 14 | | 3 | 658-666 |
| 18 | 41 | Trial Exhibit 15 | | 3 | 667-684 |
| 19 | 42 | Trial Exhibit 16 | | 3 | 685-689 |
| 20 | 43 | Trial Exhibit 17 | | 3 | 690-704 |
| 21 | 44 | Trial Exhibit 18 | | 4 | 705-854 |
| 22 | 45 | Trial Exhibit 19 | | 4 | 855-866 |
| 23 | 46 | Trial Exhibit 20 | | 4 | 867-873 |
| 24 | 47 | Trial Exhibit 21 | | 4 | 874-895 |
| 25 | 48 | Trial Exhibit 22 | | 4 | 896-917 |
| 26 | 49 | Trial Exhibit 23 | | 4 | 918-934 |
| 27 | 50 | Trial Exhibit 24 | | 4 | 935-952 |
| 28 | 51 | Trial Exhibit 25 | | 5 | 953-959 |
| | 52 | Trial Exhibit 26 | | 5 | 960-992 |
| | | | | | 993- |
| | 53 | Trial Exhibit 27 | | 5 | 1037 |
| | | | | | 1038- |
| | 54 | Trial Exhibit 28 | | 5 | 1052 |
| | | | | | 1053- |
| | 55 | Trial Exhibit 29 | | 5 | 1055 |
| | | | | | 1056- |
| | 56 | Trial Exhibit 30 | | 5 | 1061 |

| | <u>NO.</u> | <u>DOCUMENT</u> | <u>DATE</u> | <u>VOL.</u> | <u>PAGE NO.</u> |
|----|------------|------------------|-------------|-------------|---------------------|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | 57 | Trial Exhibit 31 | | 5 | 1062- 1064 |
| 5 | 58 | Trial Exhibit 32 | | 5 | 1065- 1070 |
| 6 | | | | | 1071- |
| 7 | 59 | Trial Exhibit 33 | | 5 | 1083 1084- |
| 8 | 60 | Trial Exhibit 34 | | 5 | 1093 1094- |
| 9 | | | | | 1095 |
| 10 | 61 | Trial Exhibit 35 | | 5 | 1096- 1113 |
| 11 | 62 | Trial Exhibit 36 | | 5 | 1114- |
| 12 | | | | | 1131 |
| 13 | 63 | Trial Exhibit 37 | | 5 | 1132- 1145 |
| 14 | 64 | Trial Exhibit 38 | | 5 | 1146- 1150 |
| 15 | 65 | Trial Exhibit 39 | | 5 | 1151- 1162 |
| 16 | | | | | 1163- |
| 17 | 66 | Trial Exhibit 40 | | 5 | 1164 1165- |
| 18 | 67 | Trial Exhibit 41 | | 5 | 1167 1168- |
| 19 | | | | | 1182 |
| 20 | 68 | Trial Exhibit 42 | | 5 | 1183- 1188 |
| 21 | 69 | Trial Exhibit 43 | | 5 | 1189- 1191 |
| 22 | | | | | 1192- |
| 23 | 70 | Trial Exhibit 44 | | 5 | 1193 1194- |
| 24 | 71 | Trial Exhibit 45 | | 5 | 1197 1198- |
| 25 | | | | | 1202 |
| 26 | 72 | Trial Exhibit 46 | | 5 | |
| 27 | 73 | Trial Exhibit 47 | | 5 | |
| 28 | 74 | Trial Exhibit 48 | | 5 | |

| | <u>NO.</u> | <u>DOCUMENT</u> | <u>DATE</u> | <u>VOL.</u> | <u>PAGE NO.</u> |
|----|------------|------------------|-------------|-------------|---------------------|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | 1203- |
| 4 | 75 | Trial Exhibit 49 | | 6 | 1206 |
| 5 | | | | | 1207- |
| 6 | 76 | Trial Exhibit 50 | | 6 | 1213 |
| 7 | | | | | 1214- |
| 8 | 77 | Trial Exhibit 51 | | 6 | 1223 |
| 9 | | | | | 1224- |
| 10 | 78 | Trial Exhibit 52 | | 6 | 1229 |
| 11 | | | | | 1230- |
| 12 | 79 | Trial Exhibit 53 | | 6 | 1232 |
| 13 | | | | | 1233- |
| 14 | 80 | Trial Exhibit 54 | | 6 | 1235 |
| 15 | | | | | 1236- |
| 16 | 81 | Trial Exhibit 55 | | 6 | 1239 |
| 17 | | | | | 1240- |
| 18 | 82 | Trial Exhibit 56 | | 6 | 1246 |
| 19 | | | | | 1247- |
| 20 | 83 | Trial Exhibit 57 | | 6 | 1249 |
| 21 | | | | | 1250- |
| 22 | 84 | Trial Exhibit 58 | | 6 | 1252 |
| 23 | | | | | 1253- |
| 24 | 85 | Trial Exhibit 59 | | 6 | 1259 |
| 25 | | | | | 1260- |
| 26 | 86 | Trial Exhibit 60 | | 6 | 1264 |
| 27 | | | | | 1265- |
| 28 | 87 | Trial Exhibit 61 | | 6 | 1269 |
| | | | | | 1270- |
| | 88 | Trial Exhibit 62 | | 6 | 1271 |
| | | | | | 1272- |
| | 89 | Trial Exhibit 63 | | 6 | 1273 |
| | | | | | 1274- |
| | 90 | Trial Exhibit 64 | | 6 | 1293 |
| | | | | | 1294- |
| | 91 | Trial Exhibit 65 | | 6 | 1315 |
| | | | | | 1316- |
| | 92 | Trial Exhibit 66 | | 6 | 1320 |

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| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | 1321- |
| 4 | 93 | Trial Exhibit 67 | | 6 | 1344 |
| 5 | | | | | 1345- |
| 6 | 94 | Trial Exhibit 68 | | 6 | 1396 |
| 7 | | | | | 1397- |
| 8 | 95 | Trial Exhibit 69 | | 6 | 1411 |
| 9 | | | | | 1412- |
| 10 | 96 | Trial Exhibit 70 | | 6 | 1415 |
| 11 | | | | | 1416- |
| 12 | 97 | Trial Exhibit 71 | | 6 | 1417 |
| 13 | | | | | 1418- |
| 14 | 98 | Trial Exhibit 100 | | 6 | 1422 |
| 15 | | | | | 1423- |
| 16 | 99 | Trial Exhibit 101 | | 6 | 1432 |
| 17 | | | | | 1433- |
| 18 | 100 | Trial Exhibit 102 | | 6 | 1435 |
| 19 | | | | | 1436- |
| 20 | 101 | Trial Exhibit 200 | | 7 | 1492 |
| 21 | | | | | 1493- |
| 22 | 102 | Trial Exhibit 201 | | 7 | 1552 |
| 23 | | | | | 1553- |
| 24 | 103 | Trial Exhibit 202 | | 7 | 1568 |
| 25 | | | | | 1569- |
| 26 | 104 | Trial Exhibit 203 | | 7 | 1576 |
| 27 | | | | | 1577- |
| 28 | 105 | Trial Exhibit 204 | | 7 | 1593 |
| | | | | | 1594- |
| | 106 | Trial Exhibit 205 | | 7 | 1595 |
| | | | | | 1596- |
| | 107 | Trial Exhibit 206 | | 7 | 1606 |
| | | | | | 1607- |
| | 108 | Trial Exhibit 207 | | 7 | 1608 |
| | 109 | Trial Exhibit 208 | | 7 | 1609 |
| | | | | | 1610- |
| | 110 | Trial Exhibit 209 | | 7 | 1611 |
| | 111 | Trial Exhibit 210 | | 7 | 1612 |

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| 1 | | | | | 1613- |
| 2 | 112 | Trial Exhibit 211 | | 7 | 1622 |
| 3 | | | | | 1623- |
| 4 | 113 | Trial Exhibit 212 | | 7 | 1624 |
| 5 | | | | | 1625- |
| 6 | 114 | Trial Exhibit 213 | | 7 | 1644 |
| 7 | | | | | 1645- |
| 8 | 115 | Trial Exhibit 214 | | 7 | 1647 |
| 9 | | | | | 1648- |
| 10 | 116 | Trial Exhibit 215 | | 7 | 1649 |
| 11 | 117 | Trial Exhibit 216 | | 7 | 1650 |
| 12 | | | | | 1651- |
| 13 | 118 | Trial Exhibit 217 | | 8 | 1790 |
| 14 | | | | | 1791- |
| 15 | 119 | Trial Exhibit 218 | | 8 | 1799 |
| 16 | | | | | 1800- |
| 17 | 120 | Trial Exhibit 219 | | 8 | 1824 |
| 18 | | | | | 1825- |
| 19 | 121 | Trial Exhibit 220 | | 8 | 1830 |
| 20 | | | | | 1831- |
| 21 | 122 | Trial Exhibit 221 | | 8 | 1834 |
| 22 | | | | | 1835- |
| 23 | 123 | Trial Exhibit 222 | | 8 | 1854 |
| 24 | | | | | 1855- |
| 25 | 124 | Trial Exhibit 223 | | 8 | 1867 |
| 26 | | | | | 1868- |
| 27 | 125 | Trial Exhibit 224 | | 8 | 1869 |
| 28 | 126 | Trial Exhibit 225 (DVD) | | | |
| | | | | | 1870- |
| | 127 | Trial Exhibit 226 | | 8 | 1876 |
| | | | | | 1877- |
| | 128 | Trial Exhibit 227 | | 8 | 1882 |
| | | | | | 1883- |
| | 129 | Trial Exhibit 228 | | 8 | 1888 |
| | | | | | 1889- |
| | 130 | Trial Exhibit 229 | | 8 | 1900 |

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| 131 | Trial Exhibit 230 | | 9 | 1901- 1951 |
| 132 | Trial Exhibit 231 | | 9 | 1952- 1958 |
| 133 | Trial Exhibit 232 | | 9 | 1959- 1961 |
| 134 | Trial Exhibit 233 | | 9 | 1962 |
| 135 | Trial Exhibit 234 | | 9 | 1963 |
| 136 | Trial Exhibit 235 | | 9 | 1964- 1969 |
| 137 | Trial Exhibit 236 | | 9 | 1970- 1974 |
| 138 | Trial Exhibit 237 | | 9 | 1975- 1980 |

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|---------------|--|-------|---------------|
| Meeting Type: | SPECIAL SESSION OF THE RENO CITY COUNCIL | Date: | MARCH 6, 2012 |
| Item: | A.6 | | |

Staff Report (For Possible Action): (Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Discussion and potential direction to staff regarding a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

E-mails in opposition to digital billboards:
 1) Robert Callahan, 473 James Drive
 2) Janice Flanagan, 1466 Bermuda Circle
 3) Goli Pavich, 4315 Seaward Lane
 4) John W. Maroki, 7090 Marino Place
 5) Shelma Matten, 4755 Bradford Lane
 6) Lori Whay, 608 Lander Street
 7) David VonSeggan, 2585 Sunline Dr.
 8) Penny Roskoski, 1930 Mampanita Lane
 9) Jodie Barber, 2665 Outlook Dr.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|------------------------------|-----------------------------|---------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>Absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| CARRIED? | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> | |

*Continued to 6:00pm
 on April 25, 2012
 Workshop setting*

ITEM A.6

STAFF REPORT

To: Mayor and City Council

Agenda Item: A.6
Date: 3-6-2012.

Thru: Andrew Clinger, City Manager

A.6

Subject : Staff Report (For Possible Action): (Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED])) Discussion and potential direction to staff regarding a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

A.6.1 ORDINANCE, INTRODUCTION (Discussion and Informational Item): Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Bill No. Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", "Off-Premise Advertising Displays," and Section 18.24.203.4570 (definition of sign) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Claudia C. Hanson, AICP, Planning and Engineering Manager, Community Development Department

Summary: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada.

The Planning Commission recommends Council approve the requested text amendment by ordinance.

Discussion: At the January 4, 2012 Planning Commission hearing there was extensive testimony both for and against digital billboards and the proposed ordinance. The Planning Commission discussed the issues raised during public comment. Four primary changes to the

draft ordinance were made by the Planning Commission. Those changes have been incorporated into the attached ordinance and are summarized below.

Section 18.16.904(b)4 was originally proposed to require a special use permit for any digital billboard located within 1,000 feet of a primary or secondary school classroom building or a residentially zoned and used parcel. The Planning Commission added the statement that only requires the special use permit if the digital billboard is located on the same side of the street as the school classroom building or residentially zoned and used parcel. The new proposed wording states: "No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. No permanent off-premises digital display shall be erected within 1,000 lineal feet of a primary or secondary school classroom building or a residentially zoned and used parcel on the same side of the street without the approval of a special use permit."

Section 18.16.904(b)10 as originally proposed prohibited digital billboards from locating on parcels which are adjacent to a collector or local street. The Planning Commission added that this is not required when the parcel is located within a commercial or industrial zone. By adding this wording this section, in most cases, would then be in conflict with Section 18.16.904(a)2 which requires all billboards to be located within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway. This additional wording was requested by a representative from Clear Channel Outdoor. Following the Planning Commission meeting, staff met the representative to discuss the conflict. Staff and the Clear Channel Outdoor representative agree that Section 18.16.904(b)10 should be removed entirely to avoid the conflict and any confusion on this issue.

Section 18.16.904(b)12 limits the areas where digital billboards can be located. There was extensive discussion regarding the prohibition of digital billboards north and west of McCarran Boulevard. Commissioner Woosley and Commissioner Stapleton did not support allowing digital billboards north and west of McCarran and suggested that the sign industry bring the issue to the Neighborhood/Citizen Advisory Boards in these areas to receive their input. Ultimately no decision was made to change the limit to the north and west. At the request of Clear Channel Outdoor, the Planning Commission extended the southern limit to the US395/South Virginia Street interchange (located approximately 4,000 feet south of the Arrowcreek/South Virginia Street intersection).

Section 18.16.905(n)14 discusses the exchange ratio to construct a digital billboard. The draft language presented to the Planning Commission recommend an 8:1 ratio which would have required the removal of existing static boards or banked receipts at a rate of eight times the square footage of a proposed digital board. The 8:1 ratio was proposed to reflect the ability to display eight advertisements within one minute on a digital billboard. Planning Commission removed this requirement. However, knowing that the South Virginia Street corridor does contain a large number of existing billboards within a relatively small area, the Planning Commission discussed and approved a higher ratio for the area along South Virginia Street between California Avenue and Plumb Lane. Within this area, the removal of existing static boards would be required at a rate of four times the square footage of a proposed digital board. Any removed boards could not be banked or relocated and the cap would be reduced

accordingly. The spacing between digital boards was reduced to 500 feet within this area. A maximum of 3 digital boards would be allowed within this area. No other billboards would be allowed to be relocated to this area.

Advisory Commission Vote: Four in favor; two opposed; one absent.

Recommendation: The Planning Commission recommends Council approve the requested text amendment by ordinance.

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

Text Amendment

First Reading: I move to refer Bill No. _____ to the Committee of the Whole.

**SPECIAL SESSION
RENO CITY COUNCIL
BRIEF OF MINUTES
April 25, 2012**

The Reno City Council held a special meeting at 6:09 p.m. on Wednesday, April 25, 2012 in the Council Chambers in City Hall.

PRESENT: Councilpersons Zadra, Sferrazza, Dortch, Aiazzi and Hascheff.

ABSENT: Councilperson Gustin and Mayor Cashell.

ALSO PRESENT: Assistant City Manager Thomas, Deputy City Attorney Bony and City Clerk Jones.

ASSISTANT MAYOR AIAZZI PRESIDED IN MAYOR CASHELL'S ABSENCE.

A.3 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

A.4 APPROVAL OF THE AGENDA – April 25, 2012.

It was moved by Councilperson Dortch, seconded by Councilperson Hascheff to approve the agenda.

Motion carried with Councilperson Gustin and Mayor Cashell absent.

- A.5 Staff Report:** Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED); together with other matters properly relating thereto. **Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).**

This project was appealed by Lori Wray on behalf of Scenic Nevada.

Assistant Mayor Aiazzi and Mr. Bony agreed that the only action that could be taken tonight would be to discuss the changes that were suggested at the March 6, 2012 special meeting and, if the Council so desired, request that a first reading of the ordinance be placed on a future Council agenda.

**AGENDA
ITEM
NO.**

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Aaron West, 4945 Joule Street, representing Clear Channel Outdoor (Clear Channel), discussed their proposals for handling current billboard inventories, and establishing a cap on new billboards.

Ryan Saunders, representing Saunders Outdoor Advertising, stated that this is a land use issue, and voiced their support of the staff recommendations.

Kevin Johnson, 562 View Point Avenue, Oakdale, California 95361, representing CBS Outdoor, said that they are willing to sacrifice something else to add digital billboards, but would prefer a 1:1 replacement ratio.

Lori Wray, 2802 Outlook Drive, representing Scenic Nevada, discussed the proposed incentives for removing existing billboards and replacing them with digital boards, and stated that most of the billboard companies have indicated their unwillingness to participate in a trade-off scenario.

Mark Wray, 608 Lander Street, representing Scenic Nevada, showed slides of nonconforming billboards, and discussed property rights issues and their opposition to digital billboards. Mr. Wray suggested that the Neighborhood Advisory Boards should have a say in determining where billboards are allowed.

John Hara, 65 Woodchuck Court, discussed traffic safety issues and his opposition to digital billboards.

John Walker, 10150 Donnay Drive, presented a Public Comment Form in opposition to digital billboards, but did not wish to speak.

Mr. West discussed Clear Channel's support for reducing the billboard inventory in Reno's high concentration areas, and noted that the billboards shown in Mr. Wray's presentation were approved prior to the current standards having been put in place (residential adjacency, spacing requirements, etc.). Mr. West also discussed their position on relocating and removing billboards.

Assistant Mayor Aiazzi disclosed that he met with Mr. West.

Assistant Mayor Aiazzi and Mr. West discussed Clear Channel's proposals for removing and banking billboards, upgrading regular billboards to digital billboards, and meeting spacing requirements.

Councilperson Sferrazza and Mr. West discussed Clear Channel's proposal to bring specific nonconforming billboards into compliance.

AGENDA
ITEM
NO.

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Councilperson Zadra and Mr. West discussed the possibility of strictly regulating billboards in the south central portion of the Virginia Street Transit Oriented Development (TOD) Corridor as far south as the Convention Center.

Ms. Hanson indicated on a map the location of billboards near the Convention Center, as well as billboards that would be affected by the Moana Lane widening project.

Mr. West discussed encouraging the removal of existing billboard inventory that does not meet zoning and/or spacing requirements, reducing banked inventory in targeted areas, protecting the view shed, setting standards along with providing recourse for those who could not meet the standards, and establishing a relocation process.

Discussion ensued regarding details of Clear Channel's proposals with respect to removing nonconforming signs and meeting spacing and relocation requirements.

Mr. Saunders discussed his concerns about the proposed relocation agreement and exchange ratio, and noted that the decisions making process would be subjective.

Gina Stratford, 1605 South Gramercy Road, Salt Lake City, Utah, representing Jared Johnson of YESCO (Young Electric Sign Company), said that they do not currently have any banked billboards.

Mr. Johnson said that CBS had 21 structures and 4 banked billboards.

Ms. Wray said that the relocation agreement would allow billboard companies to come to the Council for relief if they cannot meet all of the requirements, and questioned whether a neighbor or business would have the same rights.

Discussion ensued regarding transferring or purchasing banked receipts, and the expiration of the 15-year banked receipts.

Mr. West suggested that any billboards that are removed in order to replace them with a digital billboard could not be banked.

Mr. Wray stated that the Council was complicating the issue, the people's vote was that no new billboards should be constructed, and there should be no banking of additional billboards.

**AGENDA
ITEM
NO.**

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Assistant Mayor Aiazzi and Councilperson Dortch discussed the lawsuit filed by the industry after the ballot question was decided, and noted that the existing ordinance was a result of the settlement agreement.

Mr. Hara said that the workshops should have included a professional third-party arbitrator or facilitator because the format did not seem to provide a thorough consideration of the substantive issues that would affect residents and the billboard industry. He noted that some people had obviously met with Ms. Hanson, while others had met with members of the City Council before the workshop, and a multi-page document had been developed that the other players had not been given sufficient time to review before the meeting.

Ms. Wray questioned how and where it would be determined which billboards would be removed.

Assistant Mayor Aiazzi explained that the applicant would file a development agreement with staff, which would be reviewed by staff and brought before the Council for consideration.

Councilperson Hascheff clarified that if the billboard was in the target area (area in which the Council hopes to reduce the number of nonconforming signs), the replacement ratio would be 4:1, and when a board was taken down it could not be banked. In addition to the other requirements mentioned at the table, he said, nonconforming billboards would have to be removed first.

Councilperson Hascheff and Ms. Hanson discussed the need for adding more detail to the proposed relocation agreement.

Councilperson Hascheff stated that it would be very difficult to get the Council's approval to put up a digital sign in the target area, largely because the necessary findings could not be made.

Discussion ensued regarding objections to the banking of billboards.

Councilperson Sferazza discussed the public process that has continued over the past five years, and noted that the Council is dedicated to eliminating billboard clutter in Reno. She said that the discussions need to come to an end, and removal of the billboards needs to begin.

Councilperson Zadra mentioned the difficulties placed on Saunders Outdoor Advertising because of their limited billboard inventory, and suggested using zoning as a means of determining exchange ratios.

**AGENDA
ITEM
NO.**

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Councilperson Dortch suggested that setting higher exchange ratios in the target areas would create a billboard monopoly for Clear Channel.

Councilperson Hascheff suggested relaxing the rules for billboard companies with a smaller number of billboards.

Assistant City Manager Thomas discussed ways of formulating the exchange agreement to meet the City's needs, and noted that as long as there are findings and standards in the relocation option, an applicant could make the case that they would be entitled to an exception to the rules.

Mr. West noted that there were approximately 16 independent operators who had only one billboard.

Discussion ensued regarding providing staff the necessary flexibility to decide where billboards could and could not be placed.

Mr. Saunders stated his concern that the only way to change anything would be under the relocation agreement, the terms of which were unclear, and suggested following the Planning Commission's 1:1 recommendation and making the restrictions tighter in the target areas.

Assistant Mayor Aiazzi replied that if the Council voted to move forward with the proposal, staff would come back at a future meeting with the proposed findings and standards.

Councilperson Sferrazza said that the current ordinance, which does not allow digital billboards, could be kept in place.

Mr. Saunders suggested that he could probably put up a digital billboard regardless of current restrictions.

Assistant Mayor Aiazzi recommended that Mr. Saunders provide the Council with written suggestions for ordinance changes they would like to have made.

Councilperson Dortch discussed the possibility of having relaxed standards in the outer (non-target) areas, noted that he preferred the 1:1 replacement ratio, and asked the CBS representative if he would be comfortable with a 4:1 ratio in the target areas.

AGENDA
ITEM
NO.

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Mr. Johnson said that he was not familiar with the target areas, and noted that most of their billboards were located in outlying areas along the freeways and on South Virginia Street. He said that CBS would be comfortable with taking some billboards down to put up a digital billboard, and would prefer a 1:1 ratio in the outlying areas.

Assistant Mayor Aiazzi said that Clear Channel's suggestions helped the Council get closer to what might work, and requested that CBS also bring back written comments with respect to changes they would like to have made to the ordinance.

Councilperson Hascheff suggested that staff should continue to work on the ordinance amendments and findings, distribute the current version and proposed changes to everyone for consideration, hold a stakeholders meeting to vet the issues, and then return to the Council with a first reading of the ordinance.

Ms. Hanson said that staff could probably return with a first reading by the second meeting in June 2012, and a second reading at the first meeting in July 2012. She noted that the Council would also hear Scenic Nevada's appeal at the time of the first reading of the ordinance.

Discussion ensued regarding the procedure for hearing the appeal.

Ms. Hanson said that legal counsel advised her that the Council, at their discretion, could determine whether the issue should be sent back to the Planning Commission.

Councilperson Dortch said that the Council would be modifying the Planning Commission's decision, and Assistant Mayor Aiazzi said that the Council would be hearing the appeal as part of the modification, and not separate from the first reading.

Ms. Hanson agreed that the appeal would be heard during the public hearing portion of the first reading of the ordinance.

Susan Schulte, Saunders Outdoor Advertising, requested clarification regarding the meeting dates.

**AGENDA
ITEM
NO.**

A.5 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Councilperson Hascheff said that staff recommendations would be sent out in mid-May 2012, a stakeholders' meeting would be held in early June 2012, and the first reading of the ordinance would be held on June 27, 2012.

NO ACTION WAS TAKEN ON THIS ITEM.

A.6 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

MEETING ADJOURNED AT 7:49 P.M.

| | | | |
|---------------|---|-------|-----------------------|
| Meeting Type: | SPECIAL SESSION RENO CITY COUNCIL WORKSHOP | Date: | APRIL 25, 2012 |
| Item: | A.5 | | |

Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada.

Notice was given.

Letters in opposition was received from:

- 1) Lori Wray, Scenic Nevada*
- 2) John Doherty, 65 Woodchuck Ct.*

| Moved | Seconded | Council Member | Yes | No | Motion: |
|--------------------------|--------------------------|----------------|--------------------------|------------------------------|---------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | <i>Staff received direction</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | <i>no action</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

ITEM A.5

143/286

COR-00700

JA 1214

STAFF REPORT

To: Mayor and City Council

Agenda Item: A.5

Date: 4-25-2012

Thru: Andrew Clinger, City Manager

A.5

Subject : Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada.

From: Claudia C. Hanson, AICP, Planning and Engineering Manager, Community Development Department

Summary: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada.

The Planning Commission recommends Council approve the requested text amendment by ordinance.

Background: At the January 4, 2012 Planning Commission hearing there was extensive testimony both for and against digital billboards and the proposed ordinance. The Planning Commission discussed the issues raised during public comment. Four primary changes to the draft ordinance were made by the Planning Commission. Those changes have been incorporated into the attached ordinance and are summarized below.

Section 18.16.904(b)4 was originally proposed to require a special use permit for any digital billboard located within 1,000 feet of a primary or secondary school classroom building or a residentially zoned and used parcel. The Planning Commission added the statement that only requires the special use permit if the digital billboard is located on the same side of the street as

the school classroom building or residentially zoned and used parcel. The new proposed wording states: "No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. No permanent off-premises digital display shall be erected within 1,000 lineal feet of a primary or secondary school classroom building or a residentially zoned and used parcel on the same side of the street without the approval of a special use permit."

Section 18.16.904(b)10 as originally proposed prohibited digital billboards from locating on parcels which are adjacent to a collector or local street. The Planning Commission added that this is not required when the parcel is located within a commercial or industrial zone. By adding this wording this section, in most cases, would then be in conflict with Section 18.16.904(a)2 which requires all billboards to be located within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway. This additional wording was requested by a representative from Clear Channel Outdoor. Following the Planning Commission meeting, staff met the representative to discuss the conflict. Staff and the Clear Channel Outdoor representative agree that Section 18.16.904(b)10 should be removed entirely to avoid the conflict and any confusion on this issue.

Section 18.16.904(b)12 limits the areas where digital billboards can be located. There was extensive discussion regarding the prohibition of digital billboards north and west of McCarran Boulevard. Commissioner Woosley and Commissioner Stapleton did not support allowing digital billboards north and west of McCarran and suggested that the sign industry bring the issue to the Neighborhood/Citizen Advisory Boards in these areas to receive their input. Ultimately no decision was made to change the limit to the north and west. At the request of Clear Channel Outdoor, the Planning Commission extended the southern limit to the US395/South Virginia Street interchange (located approximately 4,000 feet south of the Arrowcreek/South Virginia Street intersection).

Section 18.16.905(n)14 discusses the exchange ratio to construct a digital billboard. The draft language presented to the Planning Commission recommend an 8:1 ratio which would have required the removal of existing static boards or banked receipts at a rate of eight times the square footage of a proposed digital board. The 8:1 ratio was proposed to reflect the ability to display eight advertisements within one minute on a digital billboard. Planning Commission removed this requirement. However, knowing that the South Virginia Street corridor does contain a large number of existing billboards within a relatively small area, the Planning Commission discussed and approved a higher ratio for the area along South Virginia Street between California Avenue and Plumb Lane. Within this area, the removal of existing static boards would be required at a rate of four times the square footage of a proposed digital board. Any removed boards could not be banked or relocated and the cap would be reduced accordingly. The spacing between digital boards was reduced to 500 feet within this area. A maximum of 3 digital boards would be allowed within this area. No other billboards would be allowed to be relocated to this area.

Discussion: Following the March 6, 2012 City Council Workshop, staff has met with representatives from Scenic Nevada, Clear Channel, and CBS Outdoors. At this workshop Council requested identification of the prohibited areas within the City of Reno. Those are

identified on the attached maps. In discussions with the above mentioned groups, none of them suggested any additional areas. One suggestion that was not opposed by the above groups was to no longer allow boards to be placed into the "bank". This would prevent the "bank" from growing any larger. Staff is in support of that suggestion.

Other suggestions that have been brought forward include:

1. Target the cluttered areas as the first areas to be cleaned up. These would be areas that don't meet current spacing and location criteria. The next target areas for exchange should be existing signs and banked boards. (Scenic Nevada)
2. Increase the ratio but allow a company to obtain the right to construct an electronic billboard through a "relocation agreement" if they do not have enough boards to meet the established ratio. (CBS & Clear Channel)
3. Staff recognizes that Council would like to decrease the number of boards in the bank. Requiring a higher exchange ratio for banked boards, using the 1,000 foot spacing requirement as currently contained in code, and requiring any conversions to electronic signs to meet all spacing and location requirements would decrease the number of boards in the bank and potentially some existing boards.
4. Allow electronic billboards on City owned property (CBS).

Below are the main sections of RMC 18.16 that contain the proposed standards for electronic billboards.

Section 18.16.904. Permanent Off-Premises Advertising Displays--Permitted and Prohibited Locations.

(a) Permitted Locations.

- (1) Permanent off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business), IC (Industrial Commercial), AC (Arterial Commercial), and CC (Community Commercial) District when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited by this section.
- (2) Off-premises advertising displays shall be permitted in the MU (Mixed Use) zoning district where off-premises advertising displays were permitted in the zoning district immediately preceding the Mixed Use zoning district and when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited by this section.

(b) Prohibited Locations.

- (1) No permanent off-premises advertising display shall be erected closer to a street than the right-of-way line. No portion of any permanent off-premises advertising display may be placed on or extend over the right-of-way line of any street.
- (2) No permanent off-premises advertising display, or part thereof, shall be located

on any property without the consent of the owner, holder, lessee, agent, or trustee.

- (3) No permanent off-premises advertising display shall be located within 300 feet of the centerline of the Truckee River or within 300 feet of the outer boundary of any areas ~~reservated~~ in this title as the Truckee River Corridor or its successor, or as open space adjacent to the Truckee River.
- (4) No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. ~~Any permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. Any permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. Any permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street.~~
- (5) The number of permanent off-premises advertising displays located within 300 feet of the centerline of the following areas shall not exceed the number of legally existing permanent off-premises advertising displays in that location on November 14, 2000, as set forth in Section 18.16.902(b):
 - a. Interstate 80 from Robb Drive to Keystone Avenue.
 - b. U.S. 395 from Panther Drive to North McCarran Boulevard.
 - c. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (6) No permanent off-premises advertising displays shall be located within 200 feet of the right-of-way of McCarran Boulevard except within the following locations:
 - a. Talbot Lane east to Mill Street.
 - b. Northtowne Lane west to Sutro Street.
 - c. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (7) The number of permanent off-premises advertising displays within 300 feet of the centerline of U.S. 395 from Patriot Boulevard to Del Monte Lane shall not exceed seven permanent off-premises advertising displays. This subsection neither prohibits relocation of existing permanent off-premises displays within the above location nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (8) The number of permanent off-premises advertising displays located within the following cooperative planning areas of the City of Reno that are regulated by Washoe County specific plans shall not exceed the number of legally existing off-

premises permanent advertising displays as of their respective effective dates of annexation, as set forth in Section 18.16.920(b):

- a. If permanent off-premises advertising displays are not specifically listed as an allowed use in the pertinent specific plan, permanent off-premises advertising displays shall be prohibited.
- b. Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.

| | |
|-----------|--|
| 18.16.920 | Any permanent off-premises advertising display not specifically listed as an allowed use in the pertinent specific plan shall be prohibited. |
| 18.16.921 | Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter. |
| 18.16.922 | Section 18.16.920(b) shall not apply to any off-premise advertising display that is a reconstruction of an existing off-premise advertising display that was lawfully in place prior to the effective date of the specific plan. |
| 18.16.923 | Any off-premise advertising display shall be subject to the following standards: |
| 18.16.924 | Any off-premise advertising display shall be subject to the following standards: |

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5595, §1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 6155, § 1, 7-7-10)

Section 18.16.905. General Standards for Permanent Off-Premises Advertising Displays.

- (a) The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.
- (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than 672 square feet.
- (c) A cut-out shall not exceed ten percent of the primary surface area of the off-premises display.
- (d) No off-premises advertising display shall exceed 35 feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-

premises advertising display. If the off-premises advertising display is oriented to more than one road grade, the lowest road grade shall be the reference point.

- (e) No off-premises advertising display shall be located closer than 750 feet to the next off-premises advertising display on either side of the same street. No animated off-premises advertising display shall be located closer than 1,000 feet to the next animated off-premises advertising on either side of the same street.
- (f) All off-premises advertising displays shall be maintained in a clean and workmanlike condition. Surface shall be neatly painted. Property immediately surrounding off-premises advertising displays shall be maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in RMC Section 8.22.100 shall be enforced as provided for in RMC Chapter 1.05.
- (g) The permit number, as assigned by the administrator or the identity of the owners and his address shall be displayed on every permanent off-premises advertising display.
- (h) The reverse side of a cut-out shall be dull and non-reflective.
- (i) The reverse side of a single-face off-premises advertising display shall be dull and non-reflective.
- (j) No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements of Sections 18.16.904 and 18.16.905, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may removed. If the variance to spacing requirements is approved, the tree may not be removed.
- (k) Off-premises advertising displays shall be of monopole design.
- (l) ~~Existing off-premises digital advertising displays.~~ All lighting shall be directed toward the off-premises advertising display.
- (m) An off-premises advertising display may not contain more than two faces and one face may not be angled from the other face by more than 20 degrees as measured from the back of the structure supporting the face.

~~In addition to the other standards outlined in Chapter 18.16 for off-premises advertising displays, off-premises digital displays shall comply with the following standards:~~

~~1. Each message or copy shall remain fixed for a minimum of eight seconds.~~

~~2. Maximum time allowed for transition between message displays shall be one second.~~

~~3. Displays shall not be presented in motion, appear to be in motion or vibrate.~~

~~4. Illumination shall not change during a display period.~~

~~5. Displays shall not flash or move.~~

~~6. Displays shall not imitate or resemble any official traffic signal, traffic sign or other official warning signs.~~

The luminance Display shall have a light-emitting device that will illuminate the entire display as uniform light and this device shall be able to illuminate the entire screen or any display shall include a means to illuminate a portion of the screen so that the digital display's maximum light intensity, in foot candles, does not exceed 100. Display shall not operate at brightness levels that cause glare or discomfort to the user. The light source shall be a light-emitting diode or equivalent. The device shall be able to operate at the brightness level for the expected operating life span of the display.

| Plot Size | Distance from which to take measurement |
|---------------------------------------|---|
| 1/2 Acre (1/4 Acre) (300 square feet) | 150 feet |
| 1/4 Acre (1/8 Acre) (150 square feet) | 75 feet |
| 1/8 Acre (1/16 Acre) (75 square feet) | 37.5 feet |

[illegible]

[REDACTED]

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.906. Reserved.

Section 18.16.907. Prohibited Types of Off-Premises Advertising Displays.

The following off-premises advertising displays are prohibited:

- (a) Signs which emit noise via artificial devices.
- (b) Roof signs.
- (c) Signs which produce odor, sound, smoke, fire or other such emissions.
- (d) Stacked signs.
- (e) Temporary signs except as otherwise provided in Sections 18.16.910 and 18.16.911.
- (f) Wall signs.
- (g) Signs with more than two faces.
- (h) Building wraps.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.908. Relocation of Existing, Legally Established Permanent Off-Premises Advertising Displays.

[REDACTED]

- (a) Except as otherwise provided in this chapter, an existing, legally established, permanent off-premises advertising display may be relocated to a permitted location as described in Section 18.16.904 provided that such existing, legally established, permanent off-premises advertising display complies with all requirements of this chapter and Chapter 18.08, as amended.
- (b) Two permits shall be required prior to relocation or banking of an existing, legally established, permanent off-premises advertising display, one to remove the existing off-premises advertising display from its current physical location and one to relocate the existing off-premises advertising display to a different physical location or to a bank of currently not erected but previously existing, legally-established, permanent off-premises advertising displays which are eligible to be erected on a physical location at a later date provided they comply with all requirements of this chapter, as amended.

(c) A person who is granted a permit to remove an off-premises advertising display proposed to be relocated under this section shall remove the existing, legally established, permanent off-premises advertising display in all visual respects from the original location and return the site to a condition consistent with immediately surrounding area, unless otherwise required by the permit, within the time set by the permit and prior to the issuance of the permit to relocate the existing, legally established, permanent off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising displays, including any parts located below ground, on property in which any governmental entity has a property interest.

(d) Existing, legally established, permanent off-premises advertising displays which have a display area less than the maximum allowed under Section 18.16.905 and are proposed to be increased in display area, shall require a two for one removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises existing, legally established, permanent advertising displays under Section 18.16.902(b) will be reduced accordingly. When a static off-premises advertising display is being altered to create an electronic off-premises advertising display, like square footage shall be used. For example, if a 672 square foot electronic off-premises advertising display is being constructed, a minimum of 672 square feet of static off-premises advertising display shall be removed.

(e) A person who requests a permit to relocate an existing, legally established, permanent off-premises advertising display shall:

- (1) Identify the existing, legally established, permanent advertising display to be relocated, by number assigned by the City of Reno.
- (2) Present to the community development department a notarized statement from the owner(s) of the existing, legally established, permanent advertising display to be relocated that he/they has/have removed, or caused to be removed, the existing, legally established, permanent off-premises advertising display in accordance with subsection (c) above.
- (3) The owner of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b) has fifteen years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. The fifteen years shall run from the date the city approves all work performed under subsection (c), in writing, and/or releases the letter of credit. The permit to relocate an existing, legally established, permanent off-premises advertising display may be sold or otherwise conveyed at the discretion of the owner. If the banked advertising displays are not used within the fifteen years they will become unrelocatable.
- (4) Nothing in this section shall be construed to mandate relocation of any existing, legally established, permanent off-premises advertising display.

**AGENDA
ITEM
NO.**

- N.1.3 Resolution No.** Resolution to Authorize the Recordation of Ordinance No. 6174 and a Schedule of Estimated Maximum Special Benefits to the tracts and parcels in the City of Reno, Nevada 2011 Special Assessment District No. 1.

It was moved by Councilperson Gustin, seconded by Councilperson Hascheff to adopt Resolution No. 7750.

Motion carried.

- N.2 Staff Report:** Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED); together with other matters properly relating thereto. **Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).**

Recommendation: Staff recommends that the Council approve the requested zoning map amendment by ordinance.

This project was appealed by Lori Wray on behalf of Scenic Nevada. This appeal will be heard at this time.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and 14 letters and e-mails of concern or in opposition were received from: 1) Lori Wray, on behalf of Scenic Nevada; 2) David Von Seggern, 2585 Sunline Drive; 3) Jakki Ford, 17 South Virginia Street #303; 4) Marjorie Sill, 720 Brookfield Drive; 5) Mary Tracy, President of Scenic Nevada; 6) Stephanie Hogen, 115 Mark Twain Avenue; 7) Thelma Matlin, 4755 Bradford Lane; 8) Nicholas Hara, 65 Woodchuck Court; 9) Jana Vanderhaar, 870 Daniel Drive; 10) Sally Hanrahan, 1280 Patrick Avenue; 11) Lloyd Scott, 1530 Mayberry Drive; 12) Kimberly Rhodemyre, klrhode.re@sbcglobal.net; 13) Smith Doug, 2845 Idlewild Drive #111; and 14) Joan and Mike Cassity, 543 Ridge Street.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

John Hara, 65 Woodchuck Court, representing Scenic Nevada, stated that he was an alternate speaking on behalf of Lori and Mark Wray, and discussed details of the appeal.

**AGENDA
ITEM
NO.**

N.2 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Chris Wicker, 1718 Evening Rock Court, said that the billboard industry is notorious for suing cities and counties for million of dollars if they think their vested rights have been denied, and noted that the 2000 ballot initiative and ordinance states that "The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction." He said that past councils have violated the public's trust by allowing companies to bank and relocate billboards.

Sue Smith, 575 Creighton Way, discussed her opposition to digital billboards.

Marilyn Melton, 2547 Edgerock, representing Scenic Nevada, stated that the City Council is attempting to appease the sign companies.

Ryan Saunders, representing Saunders Outdoor Advertising (Saunders), said that the industry had made some concessions, and they are comfortable with the compromise that staff recommended. He said that their attorneys would recommend a few changes, but basically they supported the ordinance because it could reduce clutter in some of the target areas, and accomplish all the goals without hurting smaller companies with smaller inventories of billboards.

Frank Gilmore, 71 Washington Street, attorney representing Saunders, said that they are in favor of the amendment only to the extent that it is fair to all of the interested stakeholders, and one example of how the ordinance did not accomplish that, he said, had to do with the way in which various signs were defined. He directed attention to Section 18.16.905 dealing with spacing requirements, and stated that the way the draft was written favors those companies with more signs over those companies with fewer signs, and lumps static, digital and tri-vision signs into the same changeable sign definition. Mr. Gilmore also discussed Saunders' proposed changes to the spacing requirements.

Aaron West, 4945 Joule Street, representing Clear Channel Outdoor (Clear Channel), discussed safety and lighting standards issues, and addressed the public speakers' concerns. He said that the process was exhaustive, and discussed a potential conflict on pages 3 and 4 of the ordinance.

Renate Neumann, 1 Elm Court, presented a Public Comment Form in opposition to the ordinance amendment, but did not wish to speak.

The Mayor closed the public comment portion of the hearing.

AGENDA
ITEM
NO.

N.2 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED] – continued

Councilperson Sferrazza and Claudia Hanson, Community Development Planning and Engineering Manager, discussed the proposed special exceptions for sign companies that cannot meet the spacing requirements.

Ms. Hanson presented an overview of the Staff Report.

Councilperson Dortch asked why staff proposed restricting certain areas along the freeway from digital billboards, and Ms. Hanson replied that Scenic Nevada requested the restrictions. Councilperson Dortch stated that he did not distinguish between static and digital billboards, and explained why he preferred digital boards.

Ms. Hanson continued with her overview of the changes recommended by staff, and the public process that staff followed in preparation for the hearing.

Councilperson Hascheff disclosed that he met with representatives of Clear Channel and spoke on the telephone with Mark Wray.

Discussion ensued regarding the proposed 1:1 trade (exchange) ratio; average industry standards with respect to the exchange ratio from a standing billboard to a digital billboard; the definition of an interactive billboard; billboard clutter and the banking of billboards; the definition of 'new' billboards; center-line spacing requirements; defining the boundaries of the first and second city limits; details regarding banked billboards and receipts; the variance process and best practices; spacing requirements in the 'unrestricted areas'; and the fact that some jurisdictions ban billboards altogether.

Councilperson Hascheff said that there needs to be some kind of priority when it comes to removing an existing billboard versus a banked receipt, and he was comfortable with the proposed special exceptions. He said that the Council should also address the unrestricted area with respect to banked receipts, and should place an expiration date (perhaps five years) on banked receipts.

Councilperson Gustin agreed that the expiration period on banked billboards should be reduced from 15 to 5 years.

Mayor Cashell stated that he would prefer a 3-year expiration date on banked billboards.

**AGENDA
ITEM
NO.**

N.2 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED] – continued

Councilperson Sferrazza discussed her concerns about the proposed 1:1 or 8:1 exchange ratios, and the grass roots effort that took the billboard question to the voters.

Councilperson Dortch stated that the way in which the ordinance was written was not biased towards anyone. He said that the City designated certain areas as cluttered, and directed that those areas be cleaned up, regardless of who owns billboards in those areas.

Councilperson Aiazzi said that he thought the Council made it clear that they did not want a 1:1 exchange ratio, which was why the special circumstances section was added.

Councilperson Dortch stated that he would not object to removing the special circumstances section.

Councilperson Aiazzi suggested a 3:1 ratio.

Councilperson Hascheff said that if the direction was to realize a meaningful reduction in the number of billboards, then those in restricted areas would have to give up more, and those in non-restricted areas would have to give up less. He discussed the possibility of a 2:1 ratio, noting his sensitivity to Saunders, who has less signs than the other companies. Councilperson Hascheff said that another approach would be to prohibit banking them; if two signs have to be taken down to put up one digital sign, the second sign cannot be put in the bank. He suggested that existing signs should be taken down before banked signs, and a cap should be set on the number of years that signs can remain in the bank.

Ms. Hanson clarified that a cap on the number of years that signs can remain the bank would only pertain to new billboards, not ones that are already in the bank.

Discussion ensued regarding the number and expiration date of current banked receipts; and the fact that a lot of the banked billboards had to be removed to make way for the ReTRAC (Reno Transportation Rail Access Corridor), Convention Center, and Moana Lane projects.

**AGENDA
ITEM
NO.**

N.2 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED] – continued

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to: 1) amend the wording in Section 18.16.904(b)(5)a & b to "Interstate 80 right-of-way" and "the western most city limits" and "the northern most city limits."; 2) amend the wording in Section 18.16.904(b)(10)b to "Interstate 80 west to the western most city limits."; 3) include changes presented by staff at the hearing; 4) in Sections 18.06.905(n)(15), 18.06.905(n)(15)(a) and 18.06.905(n)(15)(d)(3)(a) all refer to Section 18.16.904(b)(4-7,10). The 10 should be removed to not allow Special Exceptions to Section 18.16.904(b)(10), which is the prohibited areas for digital displays; 5) amend Section 18.16.905(e) so that the second sentence begins with "No computer controlled (digital) off-premises advertising..." so that tri-visions are to be measured the same as static boards at 750 foot spacing; 6) amend Section 18.16.905(n)(14)(e) to read "...for any digital off-premises advertising display proposed outside of the restricted areas identified in 18.16.904(b)(5) above, the removal of existing off-premises advertising displays or banked receipts totaling two times the square footage of the proposed digital display; and"; and 7) amend Section 18.16.908(e)(3) to read as follows: "The owner of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b), prior to July 19, 2012, has fifteen years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. Any permanent advertising display that has been removed and banked pursuant to subsection (b), after July 18, 2012, has three years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. The fifteen or three years shall run from the date the city approves all work performed under subsection (c), in writing, and/or releases the letter of credit. The permit to relocate an existing, legally established, permanent off-premises advertising display may be sold or otherwise conveyed at the discretion of the owner. If the banked advertising displays are not used within the fifteen or three years they will become unrelocatable."

Motion carried with Councilperson Zadra absent.

**AGENDA
ITEM
NO.**

- N.2.1 ORDINANCE, INTRODUCTION** Bill No. Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED); together with other matters properly relating thereto. **Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]).**

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to refer Bill No. 6809 to the Committee of the Whole.

Motion carried with Councilperson Zadra absent.

O.0 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

MEETING ADJOURNED AT 8:28 P.M.

| | | | |
|---------------|---------------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | JULY 18, 2012 |
| Item: | N.2 PUBLIC HEARINGS | | |

Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada. This appeal will be heard at this time.

Proper notice was given.

E-mails and

Letters in opposition received from:

- 1) Lori Wray on behalf of Scenic Nevada.
- 2) David Von Seggern, 2585 Sunline Dr.
- 3) Gekki Ford, 145 Virginia St #303
- 4) Marjorie Sill, 720 Brookfield Dr.
- 5) Mary Tracy, President of Scenic Nevada
- 6) Stephanie Hogen, 115 Mark Twain Ave.
- 7) Thelma Matlin, 4755 Bradford Lane
- 8) Nicholas Dara, 65 Woodchuck Court
- 9) Jana Vanderhaar, 870 Daniel Drive
- 10) Sally Clamahan, 1280 Patrick Avenue
- 11) Lloyd Scott, 1530 Mayberry Drive
- 12) Kimberly Rhodemyre, klrhde.re@sbeglobal.net
- 13) Smith Greg, 2845 Edlwin Dr. #111
- 14) Joan and Mike Cassidy, 543 Ridge Street

14 E-mails concern

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|---------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra <i>Absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item N.2

138 | 276

STAFF REPORT

To: Mayor and City Council

Agenda Item: N.2

Date: 7-18-2012

Thru: Andrew Clinger, City Manager

N.2

Subject : Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada. This appeal will be heard at this time.

N.2.1 ORDINANCE, INTRODUCTION (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Bill No. Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Claudia C. Hanson, AICP, Planning Manager, Community Development Department

Summary: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays" and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

This project was appealed by Lori Wray on behalf of Scenic Nevada. This appeal will be heard at this time.

The Planning Commission recommends Council approve the requested text amendment by ordinance.

Previous Council Action: At the February 8, 2012 City Council meeting staff presented Planning Commission's recommendation on the draft ordinance. At this meeting City Council continued the item to a workshop.

On March 6, 2012, the Reno City Council held a workshop to review the details of the proposed ordinance. Direction was given to staff to bring back additional revisions to a second workshop.

On April 25, 2012 a second workshop was held where staff presented the requested information to City Council. City Council took additional testimony from the sign industry and Scenic Nevada representatives. At this meeting Clear Channel Outdoors proposed amended wording for the ordinance. City Council directed staff to review Clear Channel's proposed wording, consider wording from other workshop participants, hold a stakeholders' meeting, and return to City Council with the results.

Discussion: Staff held a stakeholders' meeting on June 19, 2012 to review proposed ordinance wording from Clear Channel Outdoors, Saunders Outdoor Advertising, and staff. The main issues discussed were exchange ratios, special exceptions, and restricted areas. The results of this meeting are summarized in the attached ordinance. Scenic Nevada did participate in the meeting. They do remain in opposition to any digital off-premise advertising but did make several suggestions and clarifications to the attached ordinance. In particular, they would like to see Section 18.16.904(b)(10) amended to include all off-premise advertising and not just digital.

The attached ordinance limits the standards to which Special Exceptions apply, caps the number of billboards in certain restricted areas, keeps the 4:1 (existing boards) and 8:1 (banked boards) exchange ratios within these restricted areas, allows for a 1:1 exchange ratio outside of the restricted areas, and establishes the procedures for Special Exceptions.

Recommendation: Staff recommends Council approve the requested zoning map amendment by ordinance.

Proposed Motion: I move to uphold the recommendation of staff.

Zoning Text Amendment

First Reading: I move to refer Bill No. _____ to the Committee of the Whole.

| | |
|----------|------------------------------|
| PRESENT: | Cliff Gustin, Council Member |
| SECOND: | Cliff Gustin, Council Member |
| THIRD: | Cliff Gustin, Council Member |
| ABSENT: | Cliff Gustin, Council Member |

G.3 Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED])

G.3.1 Staff Report: AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Bill No. 6809 Ordinance Amending the Reno Municipal Code Title 18, "Annexation and Land Development", by Adding Certain Wording to and Deleting Certain Wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to Establish Additional Standards Regarding Digital Off-Premises Advertising Displays, Including Light-Emitting Diode (LED), Together with Other Matters Properly Relating Thereto. [All Wards] 2:19 PM.

Claudia Hanson, Community Development Planning and Engineering Manager, discussed several additional corrections that should be made, and requested that the Council determine whether the changes were significant enough to require another first reading of the ordinance. She also explained that it would be necessary to implement a fee for processing the special exceptions.

Councilperson Gustin suggested that the proposed changes were significant enough to require another first reading of the ordinance.

Councilperson Dortch stated that the additional changes did not change the intent of what the Council approved at the first reading.

Marilyn Craig, Deputy City Attorney, recommended that the Council send the ordinance back for a first reading, noting that it would be prudent to notify the public of the changes that were being made.

Ms. Hanson said that the fee resolution that would establish a fee for processing special exceptions could also be brought back at the first reading.

Lori Wray, 2802 Outlook Drive, representing Scenic Nevada, presented a Public Comment Form in opposition to the ordinance, but did not speak.

Aaron West, 4945 Joule Street, representing Clear Channel Outdoor, thanked staff and the Council for the exhaustive process the ordinance had gone through, and stated that the additional changes only further clarified what was discussed at the last meeting.

Frank Gilmore, 71 Washington Street, representing Saunders Outdoor Advertising, thanked staff for their work in addressing Saunders' issues, urged the Council to send the ordinance back for a first reading, and discussed their opposition to the 2:1 ratio system.

John Frankovich, attorney representing Clear Channel Outdoor, discussed the work that went into the ordinance over the past five or so years, and stated that the ordinance represented a reasonable compromise and should move forward without further debate.

Councilperson Hascheff requested that staff bring back the fee schedule resolution on September 12, 2012 and, in the meantime, continue to work with Saunders Outdoor Advertising to resolve their inventory issues.

Councilpersons Gustin and Zadra agreed that the Council should not consider additional changes to the ordinance (including the 2:1 ratio) at the next reading of the ordinance.

Councilperson Dortch discussed the rationale for the 2:1 ratio.

Councilperson Sferrazza stated that she would not support a continuance because the changes were not substantive and the ordinance should move forward immediately.

The Council voted to bring the ordinance back for a first reading on September 12, 2012.

| | | |
|-------------|--|----------|
| 1ST READING | ORDINANCE | AT-32-07 |
| YEAS | DAVE GUSTIN, COUNCIL MEMBER | |
| SECONDER | DAVE GUSTIN, COUNCIL MEMBER | |
| AYES | CARLETT GUSTIN, ZADRA DORTCH, ALAN ZEFFERSON | |
| NAYS | JESSICA SFERRAZZA | |

G.3.2 Ordinance, Adoption Bill No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Ordinance Amending the Reno Municipal Code Title 18, "Annexation and Land Development", by Adding Certain Wording to and Deleting Certain Wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to Establish Additional Standards Regarding Digital Off-Premises Advertising Displays, Including Light-Emitting Diode (LED), Together with Other Matters Properly Relating Thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) [All Wards] 2:19 PM

The Council voted to bring the ordinance back for a first reading on September 12, 2012.

CASTILL: I AM FINISHING UP MY REPORT ON THE BICYCLE SWAP MEET.
NOVAK: I AM FINISHING UP MY REPORT ON THE BICYCLE SWAP MEET.
SECONDER: Dan Gusling, Council Member.
AYES: Castill, Gusling, Sadr, Doran, Aliz, Haschen.
NAYS: Jessica Serrazza.

H RESOLUTIONS

H.1 Reno Bike Project

H.1.1 Staff Report: Resolution granting Community Pride Grant Funds in the amount of \$1,000 to the Reno Bike Project to Host and Promote a Bicycle Swap Meet providing opportunities to Buy or Sell a Used Bicycle. [Ward 1] 2:34 PM

H.1.2 Resolution No. 7752: Resolution granting Community Pride Grant Funds in the amount of \$1,000 to the Reno Bike Project to host and promote a bicycle swap meet providing opportunities to buy or sell a used bicycle. [Sferrazza] 2:34 PM

Resolution No. 7752 was adopted.

CASTILL: I AM FINISHING UP MY REPORT ON THE BICYCLE SWAP MEET.
NOVAK: I AM FINISHING UP MY REPORT ON THE BICYCLE SWAP MEET.
SECONDER: Henry Haschen, Council Member.
AYES: Castill, Gusling, Sadr, Serrazza, Doran, Aliz, Haschen.

H.2 Curti Ranch

H.2.1 Staff Report: Curti Ranch Two-Unit 6 Approval of Resolution Determining that Open Space Parcels A, B, C, D, E, F, G, H, I, J, and K as Depicted on the Official Plat of Curti Ranch Two- Unit 6, Lying Adjacent to Veterans Parkway and Curti Ranch Road is Burdensome to the City of Reno and Reconveyance of Said Parcels is in the Best Interest of the City and Its Residents. Approval of the Resolution Will Require the City Making an Offer to Reconvey the Parcels to the Curti Ranch II Landscape Maintenance Association, a Successor in Interest to Lennar Reno, LLC, the Entity Which Dedicated the Parcels to the City. If the Offer of Reconveyance is Accepted by the Curti Ranch II Landscape Maintenance Association Within 45 Days, a Reconveyance Deed Must be Executed Conveying the Parcels to the Curti Ranch II Landscape Maintenance Association. [Ward 2] 2:35 PM

| | | | |
|---------------|--------------------------|-------|-----------------|
| Meeting Type: | REGULAR MEETING | Date: | AUGUST 22, 2012 |
| Item: | G.3 ORDINANCES, ADOPTION | | |

Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED])
Bill No. 6809 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

*Cashell present 2:29 p.m.
Sferrazza present 2:31 p.m.*

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|----------------------|--------------------------|------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | <i>Continue to September 12, 2012. Bring back first reading of Ordinance.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza <i>nay</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item G.3

23/46

STAFF REPORT

To: Mayor and City Council

Agenda Item: G.3

Date: 8-22-2012

Thru: Andrew Clinger, City Manager

G.3

Subject : Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Bill No. 6809 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Claudia C. Hanson, AICP, Planning and Engineering Manager, Community Development Department

Summary: The attached ordinance amends Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Previous Council Action:

July 18, 2012

The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Cashell, Dortch, Gustin, Hascheff, Sferrazza

Nays: None

Abstain: None

Absent: Zadra

Recommendation: Staff recommends Council adoption of Ordinance No. _____.

Proposed Motion: I move to adopt Ordinance No. _____.

L.1 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED])

(28)

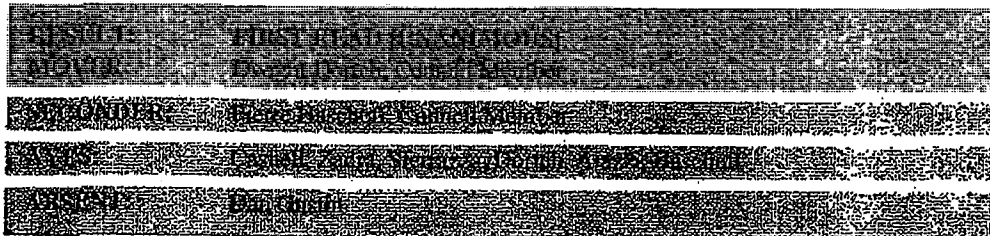
L.1.1 Ordinance, Introduction Bill No. 6815 AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) 12:57 PM

Bill No. 6815 was referred to the Committee of the Whole.

Aaron West, 4945 Joule Street, representing Clear Channel Outdoor, thanked staff and the Council for their diligence in the processing of this ordinance.

Lori Wray, 2802 Outlook Drive, representing Scenic Nevada, discussed their opposition to the ordinance.

The Council agreed to bring back the second reading of the ordinance on October 10, 2012.



(29)

L.1.2 Staff Report: AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays" and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. 12:57 PM

The Council voted to uphold the staff recommendation.

| | |
|--------------|----------------------|
| RESOLUTION | APPROVED UNANIMOUSLY |
| MOVED | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |

J Resolutions**30**

- J.1 Staff Report:** Discussion, approval and confirmation of the Summary of Accelerated Neighborhood Street Program (ANSP) and the confirmation of the Streets for 2013, 2014 and 2015 Neighborhood Street Rehabilitation Program. 1:03 PM

Councilperson Aiazzi and Kerri Koski, Public Works Streets Program Manager, discussed details of the proposed street program plan.

The Council voted to uphold the staff recommendation and confirm the streets proposed for the 2013, 2014 and 2015 Neighborhood Street Rehabilitation Program.

| | |
|--------------|----------------------|
| RESOLUTION | APPROVED UNANIMOUSLY |
| STAFF REPORT | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |
| STAFF REPORT | FOR THE CITY OF RENO |

J.2 Street Improvement Projects**31**

- J.2.1 Staff Report:** Resolution directing the City Engineer to Prepare and Submit Plans and Cost Estimates for Certain Street Improvement Projects to be known as the "City of Reno, Nevada 2013 Special Assessment District No. 1". 1:05 PM

The Council voted to uphold the staff recommendation.

28

| | | | |
|---------------|--------------------------------|-------|----------------|
| Meeting Type: | REGULAR MEETING | Date: | SEPT. 12, 2012 |
| Item: | I.1.1 ORDINANCES, INTRODUCTION | | |

Bill No. _____ Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. [All Wards]

Proper notice was given (notice in RGJ).

*Letters in opposition received from:
1) Lori Whay, 333 Flint Street, Seaside Nevada*

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|----------------------|--------------------------|------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | <i>Refer Bill # 10815</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin <i>ABSENT</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | <i>2nd reading to come back on Oct 10, 2012</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

ITEM I.1.1

108/216

JA 1240

COR-00726

STAFF REPORT

Date: September 12, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: AT-32-07 (Digital Off-Premise Advertising Display Including Light-Emitting Diode [LED]) Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays" and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Claudia Hanson, Planning Manager; CommDev - Planning & Engineering

Summary: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays" and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

The Planning Commission recommends Council approve the requested text amendment by ordinance.

Previous Council Action:

August 22, 2012 The City Council continued this item to the September 12, 2012 public hearing for an Ordinance, Introduction to reflect the changes to the ordinance proposed by staff.

Ayes: Aiazzi, Cashell, Dortch, Gustin, Hascheff, Zadra
Nays: Sferrazza
Abstain: None **Absent:** None

July 18, 2012 The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Cashell, Dortch, Gustin, Hascheff, Sferrazza
Nays: None
Abstain: None **Absent:** Zadra

At the February 8, 2012 City Council meeting staff presented Planning Commission's recommendation on the draft ordinance. At this meeting City Council continued the item to a workshop.

On March 6, 2012, the Reno City Council held a workshop to review the details of the proposed ordinance. Direction was given to staff to bring back additional revisions to a second workshop.

On April 25, 2012 a second workshop was held where staff presented the requested information to City Council. City Council took additional testimony from the sign industry and Scenic Nevada representatives. At this meeting Clear Channel Outdoors proposed amended wording for the ordinance. City Council directed staff to review Clear Channel's proposed wording, consider wording from other workshop participants, hold a stakeholders' meeting, and return to City Council with the results.

Zoning Text Amendment

First Reading: I move to refer Bill No. _____ to the Committee of the Whole.

Recommendation: Staff recommends Council approve the requested zoning map amendment by ordinance.

Proposed Motion: Proposed Motion: I move to uphold the recommendation of staff.

Attachments:

- AT-32-07 (Digital Off-premise Advertising Display incl LED - Planning Commission Staff Report (PDF)
- AT-32-07 (Digital Off-premise Advertising Display incl LED) - PC Minutes (DOC)

Links:

Referenced By: 1349 : AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Staff Report

Scenic Nevada
333 Flint Street
Reno, NV 89504

Reno City Council
1 East First Street
Reno, NV 89501

September 6, 2012

Dear Mr. Mayor and City Council Members,

After four years of meetings and workshops, finally some facts have emerged from the billboard industry about its billboard locations and banked receipts. The billboard numbers, attached, demonstrate the critical need for one trade ratio in the city instead of two, as proposed in the draft ordinance.

The draft requires 4 to 1 in street removals or 8 to 1 in banked receipts in the so-called clutter areas. Then it allows a 2 to 1 ratio (banked or on the street) outside the clutter areas. This approach makes no sense, unless you WANT more billboard advertising. One trade ratio, however, would benefit the entire city, not just the one-mile stretch of Midtown that seems to be the focus of this text change.

At one time, the citywide estimate was about 250 billboards on the street and about 50 in the bank. Clear Channel has control of 202 of the approximately 300 permits in the city. YESCO owns 17 permits and Saunders apparently has only eight permits. Based on the city's 2009 billboard inventory, there are about 75 permits controlled by the other owners.

Both YESCO and Saunders Outdoor are on record as opposing the second ratio of 2 to 1. Saunders is promising "legal action," if it doesn't get to convert all eight of its permits without having to remove any billboards. YESCO has said it will not remove half its inventory to add digital billboards.

The facts show there may be more billboards located outside the clutter areas, where the removal rate is only 2 to 1. Obviously, if the city council insists on two trade ratios, the city's missing an opportunity to reduce billboards and banked receipts outside the clutter areas, where the greater number of billboards may exist.

Clear Channel has 83 boards located in the clutter area. That leaves 66 of its existing billboards outside the clutter area. There are another 67 existing billboards, owned by various companies and many of these may also be located outside the clutter area. Then there are still about 71 banked receipts and about 12 permits unaccounted for. It looks like there are more billboards falling under the 2 to 1 ratio, which helps the billboard industry not the community.

From: Lori Wray <lwrap@markwraylaw.com>
To: "Beaty-BenadomB@reno.gov" <Beaty-BenadomB@reno.gov>
Mark Wray <mwrap@markwraylaw.com>, "petercneumann@sbcglobal.net"
Cc: <petercneumann@sbcglobal.net>, 'Chris Wicker' <cwicker@woodburnandwedge.com>,
"jib2424@sbcglobal.net" <jib2424@sbcglobal.net>
Date: 09/06/2012 12:17 PM
Subject: Digital Billboards and AZ Opinion Upheld - Sept. 12 Agenda

Dear Mr. Mayor and City Council Members,

Attached for your information is a news story reporting that the Supreme Court of Arizona has upheld the lower court's 51-page, unanimous decision that digital billboards include intermittent lighting, a violation of the federal Highway Beautification Act. In Nevada, intermittent lighting is not allowed along our federally controlled highways, Interstate 80 and U.S. 395.

Lori Wray

Office Administrator

Law Offices of Mark Wray

608 Lander Street

Reno, NV 89509

775 348-8877 voice

775 348-8351 fax

Attachments:

File: AZ Appellant Court Decision
Upheld Sept. 2012.pdf

Size: 816k
Content Type: application/pdf

JA 1244

September 05, 2012 |

5:39 pm 99°

Valley & State

Type Size: AAA



Print

Arizona electronic billboard ban upheld

State's high court backs 2011 ruling by Appeals Court



Most Popular

by Michael Clancy - Aug. 30, 2012 10:40 PM

The Republic of Arizona

0

Recommend 5 people recommend this. Be the first of your friends.

Twist (2)

The Arizona Supreme Court ruled earlier this week to uphold a lower court's decision banning electronic billboards in the state.

The high court on Tuesday denied the petition for review from American Outdoor Advertising, the defendant in the suit filed in 2008.

The Arizona Court of Appeals decided last November that electronic billboards violate the Arizona Highway Beautification Act's ban on intermittent light.

Since then, Arizona passed a new law banning the billboards in much of the state but permitting them in most of Maricopa County and parts of Pinal, Yuma and LaPaz counties. "The new statute was enacted to override the court decision," said Cameron Artigue, attorney for Scenic Arizona, plaintiff in the suit.

Electronic billboards are illuminated signs that change the message after several seconds, enabling billboard companies to sell the same location to numerous advertisers. In Arizona, the generally accepted rules have been that messages change no more frequently than every eight seconds; animated scenes are banned; and the message must be turned off after 11 p.m.

Artigue said despite the new state law, the decision establishes a precedent for courts elsewhere considering the question of intermittent light, which is often banned but rarely defined in laws nationwide.

Mark Mayer of Scenic Arizona, a Tucson branch of the nonprofit group Scenic America, which lobbies for scenic roads, lands and communities, said the decision may have some applicability within the zones the Legislature created.

"We are going to be taking a more thorough look at all the ramifications of the decision," he said. He said the decision vindicates Scenic Arizona's position on intermittent light, reinforces the statute banning electronic billboards in most of the state, and refutes a Federal Highway Administration memo of 2007 permitting the signs.

American Outdoor officials did not respond to a request for comment.

Tom LeClair, one of the owners of American Outdoor, said that he had not read the decision and that he plans to sit down with attorneys next week.

He said, in general, he has always disagreed that electronic billboards have intermittent lighting and doubts the Court of Appeals decision will stand.

J.C. Clements, vice president of CBS Outdoor, said the Federal Highway Administration already has ruled in favor of electronic billboards. He said his company will wait and see how the decision is ultimately resolved.

Type Size: A A A

Print
Email

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- public eye (azcentral.com | Arizona Republic)
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- Ariz.: 20 teens killed (azcentral.com | news)
- Golf's decline proving costly for Phoenix (azcentral.com | Arizona Republic Front Page)
- Mesa police make arrest in cat mutilation case (azcentral.com | mesa)
- Scorpion sting leaves Ahwatukee woman with a big bill (azcentral.com | business)

MORE FROM THE WEB

- "The Real Crash Is Coming" Warns Famed Economist (NewsmaxWorld.com)
- We Can't Help But Stare... Kristen Stewart Photos (StyleBistro)
- 5 "Hidden" Obamacare Taxes That Will Crush The Middle Class (Money Morning)
- The Most Spoiled Children in the U.S. Live In... (Women&Co.)
- Lolo Jones' saga in London part of bigger story (espnW)



LATEST NEWS HEADLINES

- Study: Arizona 1st in cuts to schools
- Hiker survives 200-foot fall at Grand Canyon
- Man accused of killing mother-in-law's husband, 19
- Golf's decline proving costly for Phoenix
- Glenn Beck renews attack on American Airlines
- Dueling cartoonists - Democratic National Convention 2012
- Feds say ex-Harvard prof fabricated data

H.1 Fiscal Year 2012-13 Budget - Supplemental Augmentation/Revisions

38

H.1.1 Staff Report: Discussion and potential approval of Q1 Supplemental Augmentation/Revision. 5:14 PM

The Council upheld the staff recommendation and adopted the resolution; directed staff to forward the approved resolution and attachment to the Department of Taxation as required by NRS 354.598005; approved the revisions provided on the list in the Staff Report; and directed that the changes be recorded in the minutes of the meeting.

| | |
|-----------|---|
| RESULT: | APPROVED UNANIMOUSLY |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Sharon Zadra, Council Member |
| YES: | Sharon Zadra, Sierrita, Doris, Aliza, Hasheff |
| ABSENT: | Roberto Cashell |

39

H.1.2 Resolution No. 7767: Q1 Augmentation/Revision Resolution. 5:15 PM

Resolution No. 7767 was adopted.

| | |
|-----------|---|
| RESULT: | ADOPTED UNANIMOUSLY |
| MOVER: | Sharon Zadra, Council Member |
| SECONDER: | Doris, Doris, Council Member |
| YES: | Sharon Zadra, Sierrita, Doris, Aliza, Hasheff |
| ABSENT: | Roberto Cashell |

I Ordinances, Introduction

I.1 Reno Municipal Code Title 8

40

I.1.1 Staff Report: Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto. 5:15 PM

The Council upheld the staff recommendation.

(40)

| | |
|-----------|--|
| RESULT: | APPROVED UNANIMOUS |
| MOVER: | Patricia Haselton, Council Member |
| SECONDER: | David Alcorn, Council Member |
| AYES: | Gustaf Zadra, Stevanza, David Alcorn, Haselton |
| ABSENT: | Robert Castelli |

(41)

- I.1.2 Ordinance, Adoption (For Possible Action): Bill No. 6822 Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto. 5:15 PM**

Bill No. 6822 was referred to the Committee of the Whole.

| | | |
|-----------|--|---------------------------|
| RESULT: | FIRST READING UNANIMOUS | Next: 10/14/2012 12:00 PM |
| MOVER: | Patricia Haselton, Council Member | |
| SECONDER: | David Alcorn, Council Member | |
| AYES: | Gustaf Zadra, Stevanza, David Alcorn, Haselton | |
| ABSENT: | Robert Castelli | |

L2 Digital Off-Premise Advertising Display

(42)

- I.2.1 Staff Report:** Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. 5:16 PM

Marilyn Craig, Deputy City Attorney, said that Section 18.16.905(n)(15), shown on the first page of the Staff Report, should specify a-c rather than a-d in both the first and second sections because d has to do with the special exceptions, and there could be no special exception to the special exceptions.

Lori Wray, 333 Flint Street, representing Scenic Nevada, discussed their opposition to the proposed ordinance.

Frank Gilmore, 71 Washington Street, representing Saunders Outdoor Advertising, said that self-serving industry giants were asking the Council to sanction their monopoly to the detriment of the minority stakeholders, and discussed Saunders' proposed lawsuit.

(42)

The Council upheld the staff recommendation to refer the Bill to the Committee of the Whole, as amended.

Councilperson Hascheff stated that the simple solution would have been to prohibit digital billboards in order to avoid complaints about things such as ratios and, while it was not a perfect solution, it was much better than what the Planning Commission recommended. He said that he believed that the Council's solution was equitable, and balanced the interests of both the opponents and the advocates for digital billboards, as well as the owners of the prior billboards.

Vice Mayor Aiazzi stated his belief that the Council did not pass the ordinance to benefit the industry, but acted in response to the citizens' vote to reduce billboard clutter. He said that even though Scenic Nevada disagreed with the way in which it was done, the purpose of the ratio was to reduce the number of billboards.

Councilperson Sferrazza stated that the ordinance was fair and equitable, and was designed to reduce billboard clutter.

| | |
|-----------|--|
| RESULT: | APPROVED UNANIMOUSLY |
| MOVED: | Pierre Hascheff, Council Member |
| SECONDER: | Pierre Hascheff, Council Member |
| AYES: | Gustin, Zadra, Sferrazza, Dorton, Aiazzi, Hascheff |
| ABSENT: | Robert Caselli |

(43)

I.2.2 Ordinance, Adoption (For Possible Action): Bill No. 6824 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode) 5:25 PM

Bill No. 6824 was referred to the Committee of the Whole, as amended.

| | | |
|-----------|--|----------------------|
| RESULT: | FIRST READING UNANIMOUS | Oct 10 2012 12:00 PM |
| MOVED: | Pierre Hascheff, Council Member | |
| SECONDER: | Dwight Dorton, Council Member | |
| AYES: | Gustin, Zadra, Sferrazza, Dorton, Aiazzi, Hascheff | |
| ABSENT: | Robert Caselli | |

This item was continued from the September 12, 2012 City Council meeting.

| | | | |
|---------------|-----------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 10, 2012 |
| Item: | I.1.1 | | |

Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>ABSENT</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | <i>Approve</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item I.1.1

214

COR-00736

JA 1250

STAFF REPORT

Date: October 10, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto

From: Gabrielle Carr, Deputy City Attorney; City Attorney

Summary: For City Council consideration is a proposed ordinance modification regarding lying or sitting down on public sidewalks in the Downtown Reno Regional Center ("DRRC"). The modification is for technical, clarification purposes only, and does not impact the current or future enforcement of the ordinance. In short, the existing ordinance incorporates the boundaries of the DRRC by reference; specifically, "as it is defined in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code." The proposed ordinance, in contrast, copies the definition of the DRRC found in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code, and expressly codifies this definition in RMC 8.12.015(b). Staff recommends City Council adopt the proposed ordinance.

Previous Council Action: On December 1, 2010, the City Council expanded the boundaries of enforcement from the downtown redevelopment district to the Downtown Reno Regional Center

Discussion: The modification is for technical, clarification purposes only, and does not impact the current or future enforcement of the ordinance. In short, the existing ordinance incorporates the boundaries of the DRRC by reference; specifically, "as it is defined in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code." The proposed ordinance, in contrast, copies the definition of the DRRC found in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code, and expressly codifies this definition in RMC 8.12.015(b).

Financial Implications: None.

Legal Implications: None.

Recommendation: Staff recommends Council refer Bill No. _____ to the Committee of the Whole.

Proposed Motion: I move to refer to the Committee of the Whole.

Links:

Linked From: 1472 : Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto.

| | | | |
|---------------|--------------------------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 10, 2012 |
| Item: | I.1.2 ORDINANCES, INTRODUCTION | | |

Bill No. _____ Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>Absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Refer Bill # 6822</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item I.1.2 6/12

[REDACTED]

STAFF REPORT

Date: October 10, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto

From: Gabrielle Carr, Deputy City Attorney; City Attorney

Summary: For City Council consideration is a proposed ordinance modification regarding lying or sitting down on public sidewalks in the Downtown Reno Regional Center ("DRRC"). The modification is for technical, clarification purposes only, and does not impact the current or future enforcement of the ordinance. In short, the existing ordinance incorporates the boundaries of the DRRC by reference; specifically, "as it is defined in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code." The proposed ordinance, in contrast, copies the definition of the DRRC found in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code, and expressly codifies this definition in RMC 8.12.015(b). Staff recommends City Council adopt the proposed ordinance.

Previous Council Action: On December 1, 2010, the City Council expanded the boundaries of enforcement from the downtown redevelopment district to the Downtown Reno Regional Center

Discussion: The modification is for technical, clarification purposes only, and does not impact the current or future enforcement of the ordinance. In short, the existing ordinance incorporates the boundaries of the DRRC by reference; specifically, "as it is defined in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code." The proposed ordinance, in contrast, copies the definition of the DRRC found in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code, and expressly codifies this definition in RMC 8.12.015(b).

Financial Implications: None.

Legal Implications: None.

Recommendation: Staff recommends Council refer Bill No. _____ to the Committee of the Whole.

Proposed Motion: I move to refer to the Committee of the Whole.

Links:

Linked From: 1472 : Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto.

EXPLANATION: Matter underlined is new; matter in brackets and stricken [---] is material to be repealed.

BILL NO.

ORDINANCE NO.

ORDINANCE AMENDING RENO MUNICIPAL CODE, TITLE 8 ENTITLED "PUBLIC PEACE, SAFETY AND MORALS", CHAPTER 8.12 ENTITLED "OFFENSES AGAINST PUBLIC PEACE", FURTHER CLARIFYING AND CODIFYING THE BOUNDARIES OF THE DOWNTOWN RENO REGIONAL CENTER, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

INITIATED BY: RENO POLICE DEPARTMENT

THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

SECTION 1. Title 8, Chapter 8.12, of the Reno Municipal Code is hereby amended to read as follows:

Sec. 8.12.015. Sitting or lying down on public sidewalks in the Downtown Reno Regional Center.

(a) Preamble. The Reno City Council finds and declares as follows:

- (1) Public sidewalks in the Downtown Reno Regional Center are created and maintained for the primary purposes of enabling pedestrians to safely and efficiently move about from place to place, facilitating deliveries of goods and services, and providing convenient access to entertainment, goods and services.
- (2) The public sidewalks in the Downtown Reno Regional Center are prone to congestion, and should be kept available to serve these primary purposes.
- (3) Except in places provided therefore or where necessary, sitting or lying on the public sidewalks in the Downtown Reno Regional Center interferes with the primary purposes of the public sidewalks, threatens public safety and damages the public welfare.
- (4) Pedestrians, particularly the elderly, disabled, or vision impaired are put at increased risk when they must see and navigate around individuals sitting or lying upon the public sidewalk.

- (5) The public welfare is promoted by an economically healthy downtown area which attracts people to shop, recreate, work and be entertained. These areas provide easily accessible goods and services, employment opportunities, the tax revenues necessary to support essential public services, and economic productivity necessary to maintain and improve property within these areas.
- (6) In some circumstances people sitting or lying on the sidewalks deter many members of the public from frequenting the downtown area, which contributes to undermining the essential economic vitality of this area. Business failures and relocations can cause vacant buildings which contribute to a spiral of deterioration and blight which harms the public health, safety and welfare. An important factor in protecting public safety is attracting people to the streets and sidewalks of the city's Downtown Reno Regional Center, because the presence of many law abiding citizens serves as a deterrent to crime and increases the public's sense of security and the safety of all.
- (7) There are numerous other places within the Downtown Reno Regional Center and adjacent areas where sitting or lying down can be accommodated without unduly interfering with the safe flow of pedestrian traffic, impairing commercial activity, threatening public safety or harming the public welfare. The limited regulation of sitting or lying down on sidewalks is both reasonably necessary and appropriately balances the public interest and individual rights.
- (b) Except as otherwise provided in this section, no person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk in the Downtown Reno Regional Center, ~~[as it is defined in section 18.08.101(i)(1)(b) and (c) of the Reno Municipal Code]~~ which shall be defined as the area within the exterior boundary bounded by the following named streets: commencing at the south right-of-way line of I-80 and the east side of Keystone Avenue, then south along Keystone Avenue to the north bank of the Truckee River then east along the Truckee River to the east side of Arlington Avenue, then south on Arlington Avenue to one parcel south of California Avenue, then east following the south property lines of the parcels located on the south side of California Avenue to one parcel east of Forest Street, then north to the south side of California Avenue, then east to the east side of South Virginia Street, then north along South Virginia Street to the north side of Stewart Street, then east on Stewart Street to the west side of Wells Avenue, then north along Wells Avenue to the south right-of-way line of I-80, then west along I-80 to the east side of Keystone Avenue, the point of beginning.
- (c) The prohibition in subsection (b) shall not apply to any person:
- (1) Sitting or lying down on a public sidewalk due to a medical emergency;
 - (2) Who, as the result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
 - (3) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event

conducted on the public sidewalk pursuant to a street use or other applicable permit.

- (4) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner; or
- (5) Sitting on a public sidewalk with a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by section 8.12.042 of the Reno Municipal Code (blocking of sidewalks).

- (d) No person shall be charged with a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- (e) The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this section, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.
- (f) Any person who violates this section shall be guilty of a misdemeanor.

SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno Gazette-Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 2012, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this ____ day of _____, 2012.

MAYOR OF THE CITY OF RENO

Ordinance
ATTEST:

Meeting of October 10, 2012

CITY CLERK AND CLERK OF THE CITY COUNCIL
OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

| | | | |
|---------------|-----------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.1 | | |

Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>Absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Upheld</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item G.6.1

4/8

JA 1260

COR-00746

STAFF REPORT

Date: October 24, 2012
To: Mayor and City Council
Thru: Andrew Clinger, City Manager
Subject: Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.
From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: The attached ordinance amends Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Previous Council Action:

October 10, 2012 The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: None **Absent:** Cashell

Recommendation: Staff recommends Council adoption of Ordinance No. ____.

Proposed Motion: I move to adopt Ordinance No. ____.

Links:

Referenced By: 1522 : Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising

Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

37

RENO CITY COUNCIL

Request to Speak/Public Comment Form

(ALL FORMS MUST BE FILLED OUT COMPLETELY)

DATE: 10/24/12 Digital BB Ord.
AGENDA ITEM: 6.6.1+2

DO YOU WISH TO SPEAK? Yes ☒ No ☐

IN FAVOR: ☐ IN OPPOSITION: ☒

NAME: LORI WRAY

ADDRESS: 333 FLINT ST.

IF YOU ARE REPRESENTING SOMEONE OTHER THAN YOURSELF PLEASE INDICATE WHOM:

Scenic Nevada

COMMENTS: _____

Do you live within the Reno City Limits? ☒ Yes ☐ No

Do you own property in the City of Reno? ☒ Yes ☐ No

SIGNATURE: Lori Wray

WE ARE CONDUCTING AN INTERNAL SURVEY - HOW DID YOU HEAR ABOUT THIS ITEM?

| | | |
|------------------|---------------------|---|
| TELEVISION _____ | NEIGHBORS _____ | NEWSPAPER _____ |
| RADIO _____ | MAILED NOTICE _____ | OTHER <input checked="" type="checkbox"/> _____ |

THE MAYOR AND CITY COUNCIL WOULD LIKE TO REQUEST THAT ALL CONCERNS ARE EXPRESSED IN A COURTEOUS MANNER, AND THANK YOU FOR YOUR COOPERATION AND PARTICIPATION.

PLEASE LIMIT COMMENTS TO 3 MINUTES OR LESS. 15 MINUTES PER SIDE ON ISSUES WITH OPPOSITION WILL BE ALLOWED. PLEASE AVOID REPETITIVE REMARKS.

THANK YOU

JA 1263

COR-00749

Lynnette R. Jones
City Clerk
(775) 334-2030
ljones1@reno.gov

Beverly Beaty-Benadom
Deputy City Clerk
(775) 334-2030
Beaty-BenadomB@reno.gov



Office of the City Clerk
Central Cashiering (775) 334-2032
Parking Tickets (775) 334-2293

FILED THIS DATE
10 / 30 / 12
BY: BBB
CITY CLERK

October 30, 2012

Claudia Hanson, Planning & Engineering Manager
Community Development Department
P.O. Box 1900
Reno, NV 89505

RE: Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – **NOTICE OF FINAL ACTION, DECISION OR ORDER**

Dear Claudia:

At a regular meeting held October 24, 2012, the City Council passed and adopted Ordinance No. 6258, approving the above referenced text amendment.

The ordinance will become effective January 24, 2013.

Sincerely,


Lynnette R. Jones
City Clerk

LRI:bbb

xc: Community Development
Lori Wray, Scenic Nevada
Mark Wray, Scenic Nevada

One East First Street, Second Floor*P.O. Box 7, Reno, NV 89504
www.reno.gov

JA 1264

COR-00750

| | | | |
|---------------|---------------------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.2 ORDINANCE, ADOPTION | | |

Bill No. 6824 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|-------------------------------------|-------------------------------------|-----------------------|------------------------------|-----------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>absent</i> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Adopt #6258</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | <i>Change in Adverse Date to Jan 24, 2013</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| CARRIED? | | | YES <input type="checkbox"/> | NO <input type="checkbox"/> | |

ITEM G.6.2

13/26

JA 1265

COR-00751

STAFF REPORT

Date: October 24, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Case No. AT-32-07 (Digital Off-Premise Advertising Display) Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: The attached ordinance amends Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Previous Council Action:

October 10, 2012 The City Council referred the ordinance amending the text to the committee of the whole.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: None **Absent:** Cashell

Recommendation: Staff recommends Council adoption of Ordinance No. ____.

Proposed Motion: I move to adopt Ordinance No. ____.

Links:

Referenced By: 1522 : Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising

Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

43

| | | | |
|---------------|-----------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.3 | | |

Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.

45 e-mails in support of moratorium.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|--------------------------|--------------------------|----------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | NO Action |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

ITEM G.63

55/110

STAFF REPORT

Date: October 24, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.

From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: Staff is requesting Council initiate a Moratorium Ordinance directing Staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. _____. Staff recommends Council adopt Resolution No. _____, and identify Ordinance No. _____ Publication Date.

Financial Implications: None at this time.

Recommendation: Staff recommends Council initiate moratorium Ordinance directing staff to refuse to issue Building Permits to alter any Off-Premises Advertising Display, whether existing or banked, to create a Digital Off-Premises Advertising Display as allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date.

Proposed Motion: I move to initiate a Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date of _____.

Links:

References: 1592 : Resolution directing staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by ordinance no. _____, Until Re-publication Of Ordinance no. _____, together with notice that this resolution has been withdrawn and other matters properly relating thereto.

| | | | |
|---------------|-----------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.3 | | |

Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.

45 e-mails in support of moratorium.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|--------------------------|--------------------------|----------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell | <input type="checkbox"/> | <input type="checkbox"/> | <i>NO Action</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item G-6.3

55/110

STAFF REPORT

Date: October 24, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.

From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: Staff is requesting Council initiate a Moratorium Ordinance directing Staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. _____. Staff recommends Council adopt Resolution No. _____, and identify Ordinance No. _____ Publication Date.

Financial Implications: None at this time.

Recommendation: Staff recommends Council initiate moratorium Ordinance directing staff to refuse to issue Building Permits to alter any Off-Premises Advertising Display, whether existing or banked, to create a Digital Off-Premises Advertising Display as allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date.

Proposed Motion: I move to initiate a Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date of _____.

Links:

References: 1592 : Resolution directing staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by ordinance no. _____, Until Re-publication Of Ordinance no. _____, together with notice that this resolution has been withdrawn and other matters properly relating thereto.

| | | | |
|---------------|-------------------|-------|---------------|
| Meeting Type: | REGULAR MEETING | Date: | OCT. 24, 2012 |
| Item: | G.6.4 RESOLUTIONS | | |

Resolution directing staff to refuse to issue Building Permits to Alter any Off-Premises Advertising Display, whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as allowed by Ordinance No. _____, until re-publication Of Ordinance No. _____, together with notice that this Resolution has been withdrawn and other matters properly relating thereto.

| Moved | Seconded | Council Member | Yes | No | Motion: |
|--------------------------|--------------------------|----------------------|--------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cashell <i>Amend</i> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Gustin | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Zadra | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sferrazza | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Dortch | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Aiazzi | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | Hascheff | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | COUNT | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | CARRIED? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Item G.6.4

3/6

STAFF REPORT

Date: October 24, 2012

To: Mayor and City Council

Thru: Andrew Clinger, City Manager

Subject: Staff Report (For Possible Action): Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.

From: Marilyn Craig, Deputy City Attorney; City Attorney

Summary: Staff is requesting Council initiate a Moratorium Ordinance directing Staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by Ordinance No. _____. Staff recommends Council adopt Resolution No. _____, and identify Ordinance No. _____ Publication Date.

Financial Implications: None at this time.

Recommendation: Staff recommends Council initiate moratorium Ordinance directing staff to refuse to issue Building Permits to alter any Off-Premises Advertising Display, whether existing or banked, to create a Digital Off-Premises Advertising Display as allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date.

Proposed Motion: I move to initiate a Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, And identify Ordinance No. _____ Publication date of _____.

Links:

References: 1592 : Resolution directing staff to refuse to issue building permits to alter any off-premises advertising display, whether existing or banked, to create a digital off-premises advertising display as allowed by ordinance no. _____, Until Re-publication Of Ordinance no. _____, together with notice that this resolution has been withdrawn and other matters properly relating thereto.



AGENDA

Regular Meeting

Reno City Council

Wednesday, October 24, 2012 • 12:00 PM

Reno City Council Chamber, One East First Street, Reno, NV 89501

Robert A. Cashell, Sr., Mayor

Council Members:

Ward 1 – Dan Gustin

Ward 4 – Dwight Dortch

Ward 2 – Sharon Zadra

Ward 5 – David Aiazzi

Ward 3 – Jessica Sferrazza

At-Large – Pierre Hascheff

This agenda is posted at Reno City Hall – One East First Street, Washoe County Central Library – 301 South Center Street, Evelyn Mount Northeast Community Center – 1301 Valley Road, McKinley Arts and Culture Center – 925 Riverside Drive, Reno Municipal Court – One South Sierra Street, Washoe County Administration Building – 1001 East 9th Street, and further in compliance with NRS 241.020, this agenda has been posted on the official website for the City of Reno – www.reno.gov.

Section titles on this agenda are for convenience and reference purposes and are not intended to define, govern, limit, modify or in any manner affect the titles of the items listed for consideration by the City Council.

In addition, a time listed next to a specific agenda item indicates that the specific item will not be heard before that time – it does not indicate the time schedule of any other item. Items on the agenda may be taken out of order and the public body may combine two or more agenda items for consideration. The City Council may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment, whether on action items or general public comment, is limited to no more than three (3) minutes. The public may comment by submitting a Request to Speak form to the City Clerk.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend meetings. If you should require special arrangements for any meeting, please contact our offices at 334-2030, 24 hours prior to the date of the meeting.

A Introductory Items

A.1 Pledge of Allegiance

A.2 Observance of a Moment of Silence

A.3 Roll Call

A.4 Public Comment (This item is for either public comment on any action item or for any general public comment.)

A.5 Approval of the Agenda - October 24, 2012 (For Possible Action)

A.6 Approval of Minutes - October 10, 2012 (For Possible Action)

B Cash Disbursements - September 30, 2012 through October 13, 2012 (For Possible Action)

C Proclamations

C.1 Proclamation declaring October 24, 2012 as EnergyFit Nevada Day - Council member Dan Gustin.

- C.2 Proclamation declaring the month of October as Disability Awareness Month - Julee Conway, Director, Parks, Recreation and Community Services.

D Presentations

- D.1 Presentation of the 2012 City of Reno Military Sports Camp - Julee Conway, Director, Parks, Recreation and Community Services.
- D.2 Presentation on the Regional Road Impact Fee Program - Julie Masterpool, Regional Transportation Commission.

E Consent Agenda (All consent items may be approved together with a single motion, be taken out of order, and/or be heard and discussed individually.)

E.1 Approval of Privileged Business Licenses

E.1.a New - Alcohol

1. Timber Ridge, Patrick Murray, 2000 East Plumb Lane - Dining Room Alcohol. (For Possible Action) [Ward 3]
2. Picasso & Wine LLC, Jennifer Gail Woods, 20 St. Lawrence Avenue - Cabaret. (For Possible Action) [Ward 1]
3. Wild Garlic (Concourse C), Patrick Murray, 2001 East Plumb Lane - Dining Room Wine and Beer. (For Possible Action) [Ward 3]
4. Wild Garlic (Concourse B), Patrick Murray, 2001 East Plumb Lane - Dining Room Wine and Beer. (For Possible Action) [Ward 3]

E.1.b New - Cabaret

1. Bodega Night Club, Coletta Julia Bwire, 555 East Fourth Street, Suites A and B - Cabaret. (For Possible Action) [Ward 5]

E.1.c New - Gaming

1. Nevada Disseminator Service Inc. dba Silver Legacy Resort Casino, Todd Joseph Roberts, 407 North Virginia Street - Miscellaneous Gaming. (For Possible Action) [Ward 5]
2. Dotty's #75, Steve G. Hixon, 5144 Mae Anne Avenue, Suites A and B - Slots. (For Possible Action) [Ward 5]

E.1.d New - Privileged

1. American Skippy Closets, Zelpha Hart, 911 West Golden Valley Road - Second Hand Merchandise. (For Possible Action) [Ward 4]
2. Scrap Metal Recycling LLC, Robin Fryling, 45 Speedway Road - Second Hand Merchandise. (For Possible Action) [Not in City (NIC)]

E.1.e Change of Ownership - Alcohol

1. Levy Restaurants, Craig Anthony Appel, 4590 South Virginia Street - Bar. (For Possible Action) [Ward 2]
2. Levy Restaurants, Craig Anthony Appel, 450 North Center Street - Bar. (For Possible Action) [Ward 5]
3. Levy Restaurants, Craig Anthony Appel, 300 North Center Street - Bar. (For Possible Action) [Ward 5]

4. Levy Restaurants, Craig Anthony Appel, 1350 North Wells Avenue - Bar.
(For Possible Action) [Ward 3]

E.1.f Supplemental - Cabaret

1. Diamond Billiards of Reno, Jeff Broughton, 5890 South Virginia Street, Suite 4E - Cabaret. (For Possible Action) [Ward 3]
 2. Fiesta Mexicana, Silvia D. Gutierrez, 10555 Stead Boulevard, Suites 1 and 2 - Cabaret. (For Possible Action) [Ward 4]
- E.2 Staff Report (For Possible Action): Acceptance of a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to support enforcement of laws related to pedestrian safety in the amount of \$25,000.
- E.3 Staff Report (For Possible Action): Acceptance of a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to allow Reno Police traffic investigators to obtain precrash data from vehicles in the amount of \$5,193.
- E.4 Staff Report (For Possible Action): Acceptance of a grant from the Department of Public Safety, Office of Traffic Safety - Joining Forces Grant 2013 to the Reno Police Department in the amount of \$62,000.
- E.5 Staff Report (For Possible Action): Acceptance of a grant from the William N. Pennington Foundation for Park Maintenance Improvements in the amount of \$18,550, and Authorization to Sign Grant Agreement.
- E.6 Staff Report (For Possible Action): Approval of Confession of Judgment from South Meadows Properties Limited Partnership, a Nevada limited partnership in favor of the City of Reno relating to the South Meadows Phase III PUD, Case No. LDC13-00013, and Acceptance of Grant, Bargain and Sale Deed for property identified as APN 121-2432811 located on South Meadows Parkway, Reno, Nevada.
- E.7 Staff Report (For Possible Action): Case No. LDC12-00033 (Midtown Certification) Certification of Amendment to the South Virginia Street Transit Oriented Development Corridor Plan (Midtown District). [Ward 1, Ward 3]
- E.8 Staff Report (For Possible Action): Approval of Amendment #2 to the Interlocal Agreement with the Washoe County School District (WCSD) to add Janitorial Services and Costs not to exceed \$24,700 annually (paid by WCSD).
- E.9 Staff Report (For Possible Action): Approval of an Amended Agreement with CDMSmith between the City of Reno and the City of Sparks for construction observation services associated with the Electrical Systems Upgrades 2011 at the Truckee Meadows Water Reclamation Facility (TMWRF) in the amount of \$35,685 with Reno's share being \$24,490.62 (Sewer Enterprise Fund).

- E.10 Staff Report (For Possible Action): Approval of an Amendment to the Agreement with the City of Reno, the City of Sparks and BJG Architecture and Engineering (BJG) for continuing Professional Engineering Services for the Structural Evaluation for the Truckee Meadows Water Reclamation Facility (TMWRF) in an amount not to exceed \$24,400.00 with Reno's Share being \$16,745.72 (Sewer Enterprise Fund).
- E.11 Staff Report (For Possible Action): Approval of Consultant Agreement with Lumos and Associates for Geotechnical and Construction Services for the 2013 Street Project, Unit A in an amount not to exceed \$179,383 (Street Funds).
- E.12 Staff Report (For Possible Action): Approval of Bid Award #1459 for Printing Services to Office Depot in an amount not to exceed \$100,000 (General Fund).
- E.13 Staff Report (For Possible Action): Approval of a Second Modification of Lease Agreement with Washoe Fuel, Inc. dba, Allied Washoe Petroleum for the use of certain premises located on Fourth Street commonly known as Assessor Parcel #012-293-19.
- E.14 Staff Report (For Possible Action): Approval of Amendment #2 to Security Services Agreement between the City of Reno and Securitas Security Services USA, Inc. for Security Services at CitiCenter in an amount not to exceed \$10,962 (General Fund).
- E.15 Staff Report (For Possible Action): Approval of Amendment #7 to the Security Services Agreement between the City of Reno and Securitas Security Services USA, Inc. for Security Services at the Community Assistance Center (CAC) in an amount not to exceed \$43,140 (CAC budget funds).
- E.16 Staff Report (For Possible Action): Approval of an Interlocal Cooperative Agreement among the City of Reno, City of Sparks, Washoe County, and the Regional Transportation Commission (RTC) for projects included in FY 2013/2014 Fuel Tax, Sales Tax and Regional Road Impact Fee Street and Highway Program of Projects.
- E.17 Staff Report (For Possible Action): Agreement for Special Counsel Foreclosure Services in an amount not to exceed \$20,000 (Washoe County HOME Consortium funds).

F Public Hearings - 12:15 PM

F.1 Golden Valley Industrial Park

- F.1.1 Staff Report (For Possible Action): Case No. LDC13-00022 (Golden Valley Industrial Park) Request to amend the Golden Valley Industrial Park Specific Plan District Handbook (SPD) to provide for greater building signage, larger letters, illumination of freeway signs and other matters properly related thereto. [Ward 4]

F.1.2 Ordinance, Introduction (For Possible Action): Bill No. _____
Case No. LDC13-00022 (Golden Valley Industrial Park) Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1286, by amending Ordinance No. 5857 to change the text in the SPD Handbook to: provide for greater building signage, larger letters, illumination of freeway signs and other matters properly related thereto, located south of the terminus of North Hills Boulevard (850 North Hills Boulevard) in an SPD (Specific Plan district) zone; together with other matters properly relating thereto. [Ward 4]

F.2 Accessory Automobile Rental Use

F.2.1 Staff Report (For Possible Action): Case No. TXT13-00003 (Accessory Automobile Rental Use) Request to amend the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.08, "Zoning," Section 18.08.201, entitled "Permitted Uses by Base Zone District," and Section 18.08.202, entitled "Additional Regulations For Principal Uses," to allow "Automobile Rental" as an accessory to "Automobile & Truck Sales and Mobile Home, RV, Boat & Trailer Sales or Rental," together with other matters properly relating thereto. [All Wards]

F.2.2 Ordinance, Introduction (For Possible Action): Bill No. _____
Case No. TXT13-00003 (Accessory Automobile Rental Use) Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.08, "Zoning," Section 18.08.201, entitled "Permitted Uses by Base Zone District," and Section 18.08.202, entitled "Additional Regulations for Principal Uses," together with other matters properly relating thereto. [All Wards]

F.3 Bella Vista Ranch PUD - Bonaventure

F.3.1 Staff Report (For Possible Action): Case No. LDC13-00012 (Bella Vista Ranch PUD Amendment - Bonaventure) Request to amend the text for the Bella Vista Ranch PUD (Planned Unit Development) Development Design Standards to: 1) modify the Fire services agreement related to the per unit fire fee, and to address the location and timing to construct a fire station associated with the project; 2) modify the timing in which to design and construct the public park; and 3) other modifications necessary such as: map, graphic and text changes to the Design Standards to effect the changes proposed with items 1 and 2 listed above. The ±364 acre site is located along the south side of South Meadows Parkway and extends to the south ±3,785 feet (±.73 miles) along the east and west sides of Veterans Parkway from the South Meadows Parkway/Veterans Parkway intersection in the PUD zone. [Ward 3]

- F.3.2 Ordinance, Introduction (For Possible Action): Bill No. _____**
Case No. LDC13-00012 (Bella Vista Ranch PUD Amendment - Bonaventure) Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1284, to change the text in the PUD Development Design Standards to: 1) modify the Fire services agreement related to the per unit fire fee, and to address the location and timing to construct a fire station associated with the project; 2) modify the timing in which to design and construct the public park; and 3) other modifications necessary such as: map, graphic and text changes to the Design Standards to effect the changes proposed with items 1 and 2 listed above, on ±364 acres located along the south side of South Meadows Parkway and extends to the south ±3,785 feet (±.73 miles) along the east and west sides of Veterans Parkway from the South Meadows Parkway/Veterans Parkway intersection in a PUD (Planned Unit Development) zone; together with other matters properly relating thereto. [Ward 3]

G Ordinances, Adoption

G.1 Verdi Fire Station

- G.1.1 Staff Report (For Possible Action): Case No. LDC13-00001 (Verdi Fire Station)** Discussion and potential approval of an ordinance to amend the zoning map from MF14 (Multifamily - 14 units per acre) to PF (Public Facility). The ±5.02 acre site is located ±50 feet north of the intersection of West 4th Street and Interstate 80 at 10201 West 4th Street. The site's Master Plan land use designations are Special Planning Area - McQueen Neighborhood Plan - Mixed Residential (14 du/acre - 21 du/acre). [Ward 1]
- G.1.2 Ordinance, Adoption (For Possible Action): Bill No. 6818** Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±5.02 acre site located ±50 feet north of the intersection of West 4th Street and Interstate 80 at 10201 West 4th Street. the site's Master Plan land use designations are Special Planning Area - McQueen Neighborhood Plan - Mixed Residential (14 du/acre - 21 du/acre) from MF14 (Multifamily - 14 units per acre) to PF (Public Facility); together with other matters properly relating thereto. [Ward 1]

G.2 Vista Hills Zone Change

G.2.1 Staff Report (For Possible Action): Case No. LDC11-00035 (Vista Hills Zone Change) Discussion and potential approval of an ordinance to amend the zoning map from ±4.3 acres of AC (Arterial Commercial); ±13.8 acres of CC (Community Commercial); ±9.8 acres of OS (Open Space); ±3.51 acres of LLR2.5 (Large Lot Residential – 2.5 acre lots); ±75.1 acres of LLR1 (Large Lot-1 acre lots); and ±6.2 acres of SF6 (Single Family – 6,000 square foot lots) to PUD (Planned Unit Development) to allow for development of 338 multi-family and/or senior residential units and up to 487,000 square feet of office, commercial, lodging and entertainment space. This is a project of Regional Significance as it will generate more than 6,259 average daily trips (23,064 ADT). The ±112.59 acre site is located northwest of the Lemmon Drive/Sky Vista Parkway intersection adjacent to the north side of the Wal Mart store. [Ward 4]

G.2.2 Ordinance, Adoption (For Possible Action): Bill No. 6819 Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±112.59 acre parcel from ±4.3 acres of AC (Arterial Commercial); ±13.8 acres of CC (Community Commercial); ±9.8 acres of OS (Open Space); ±3.51 acres of LLR2.5 (Large Lot Residential – 2.5 acre lots); ±75.1 acres of LLR1 (Large Lot-1 acre lots); and ±6.2 acres of SF6 (Single Family – 6,000 square foot lots) to PUD (Planned Unit Development) to allow for development of 338 multi-family and/or senior residential units and up to 487,000 square feet of office, commercial, lodging and entertainment space; together with other matters properly relating thereto. [Ward 4]

G.3 Design Standards for Large Retail Establishments

G.3.1 Staff Report (For Possible Action): Case No. TXT13-00004 (Design Standards for Large Retail Establishments Modifications) Discussion and potential approval of an ordinance to amend Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.12, "General Development and Design Standards," Section 18.12.306, entitled "Design Standards for Large Retail Establishments," to eliminate the requirements for reoccupation of vacant large retail establishment structures, together with other matters properly relating thereto. [All Wards]

G.3.2 Ordinance, Adoption (For Possible Action): Bill No. 6820 Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", Chapter 18.12, "General Development and Design Standards," Section 18.12.306, entitled "Design Standards for Large Retail Establishments," together with other matters properly relating thereto. [All Wards]

G.4 South Meadows Phase III PUD Amendment

G.4.1 Staff Report (For Possible Action): **Case No. LDC13-00013 (South Meadows Phase III PUD Amendment)** Discussion and potential approval of an ordinance to amend the text of the South Meadows Phase III PUD (Planned Unit Development) to modify the location of the Fire Station and the terms of Attachment 1 Fire Protection. The ±669 acre site is located in the area bounded by US 395 and Double R Boulevard to the west, Damonte Ranch Parkway to the south, and the Damonte Ranch and Bella Vista Ranch PUDs to the east in the PUD zone. [Ward 2]

G.4.2 **Ordinance, Adoption** (For Possible Action): **Bill No. 6821** Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", Section 18.08.102(b).1285, to change the text in the PUD Development Design Standards to: modify the location of the Fire Station and the terms of Attachment 1 Fire Protection located in the area bounded by US 395 and Double R Boulevard to the west, Damonte Ranch Parkway to the south, and the Damonte Ranch and Bella Vista Ranch PUDS to the east in a PUD (Planned Unit Development) zone; together with other matters properly relating thereto. [Ward 2]

G.5 Reno Municipal Code Title 8

G.5.1 Staff Report (For Possible Action): Ordinance amending Reno Municipal Code, Title 8 entitled "Public Peace, Safety and Morals", Chapter 8.12 entitled "Offenses against public peace", by further clarifying and codifying the boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto.

G.5.2 **Ordinance, Adoption** (For Possible Action): **Bill No. 6822** Ordinance Amending Reno Municipal Code, Title 8 Entitled "Public Peace, Safety And Morals", Chapter 8.12 entitled "Offenses Against Public Peace", Further Clarifying and Codifying the Boundaries of the Downtown Reno Regional Center, and providing other matters properly relating thereto.

G.6 Digital Off-Premise Advertising Display

G.6.1 Staff Report (For Possible Action): **Case No. AT-32-07 (Digital Off-Premise Advertising Display)** Discussion and potential direction to staff regarding an ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. [All Wards]

G.6.2 **Ordinance, Adoption (For Possible Action): Bill No. 6824** Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-Premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

G.6.3 **Staff Report (For Possible Action): Request to Initiate Moratorium Ordinance Directing Staff to Refuse to Issue Building Permits to Alter Any Off-Premises Advertising Display, Whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as Allowed by Ordinance No. _____, Adopt Resolution No. _____, And Identify Ordinance No. _____ Publication Date.**

G.6.4 **Resolution No. _____ (For Possible Action):** Resolution directing staff to refuse to issue Building Permits to Alter any Off-Premises Advertising Display, whether Existing or Banked, to Create a Digital Off-Premises Advertising Display as allowed by Ordinance No. _____, until re-publication Of Ordinance No. _____, together with notice that this Resolution has been withdrawn and other matters properly relating thereto.

G.7 Bella Vista Ranch Phase II

G.7.1 **Staff Report (For Possible Action): Case No. LDC10-00051 (Bella Vista Ranch Phase II)** Discussion and potential approval of an ordinance to amend the zoning map from ±65.24 acres of UT40 (Unincorporated Transition - 40 acres) and ±12.13 acres of LLR2.5 (Large Lot Residential - 2.5 acres) to PUD (Planned Unit Development) on ±77.37 acres to allow for development of mixed residential (up to 30 du/ac), commercial, park and open space uses. This is a project of Regional Significance as it will generate more than 6,250 average daily trips (±11,027 ADT) and more than 187,500 gallons per day of sewage (±263,760 GPD). The ±77.37 acre site is located southeast of the eastern terminus of South Meadows Parkway, north of the north terminus of Rio Wrangler Parkway and east of Steamboat Creek. [Ward 3]

G.7.2 **Ordinance, Adoption (For Possible Action): Bill No. 6823** Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±77.37 acre site located southeast of the eastern terminus of South Meadows Parkway, north of the north terminus of Rio Wrangler Parkway and east of Steamboat Creek from ±65.24 acres of UT40 (Unincorporated Transition - 40 acres) and ±12.13 acres of LLR2.5 (Large Lot Residential - 2.5 acres) to PUD (Planned Unit Development) on ±77.37 acres to allow for development of mixed residential (up to 30 du/ac), commercial, park and open space uses; together with other matters properly relating thereto. [Ward 3]

G.7.3 **Staff Report (For Possible Action):** Approval of Assignment and Assumption of Park Development Agreement and First Amendment and Restatement of Park Development Agreement between the City of Reno, Corona Cyan LLC, and Centex Homes for construction of a park at Bella Vista Ranch PUD.

This item was continued from the October 10, 2012 City Council meeting.

G.7.4 **Staff Report (For Possible Action):** Approval of Assignment and Assumption of Fire Station Development Agreement and First Amended and Restated Public Facility Site Agreement between City of Reno, Corona Cyan LLC, and Centex Homes at Bella Vista Ranch PUD and Bella Vista Ranch Phase II PUD.

This item was continued from the October 10, 2012 City Council meeting.

H Resolutions (Other Resolution items may be found under the following agenda sections: Public Hearings; Ordinances, Adoption; Ordinances, Introduction; City Clerk; Mayor and Council; and/or Standard Department Items.)

H.1 Resolution Granting Community Pride Grant Funds to Good Luck Macbeth

H.1.1 **Staff Report (For Possible Action):** Discussion and adoption of a Resolution granting Community Pride Grant Funds from the Ward 1 Neighborhood Advisory Board in the amount of \$1,500 to Good Luck Macbeth to assist with moving costs and construction of their new facility in the Midtown District. [Ward 1]

H.1.2 **Resolution No. _____ (For Possible Action):** Resolution granting Community Pride Grant Funds from the Ward One Neighborhood Advisory Board to Good Luck Macbeth to assist with moving costs and construction of their new facility in the Midtown District in the amount of \$1,500 (CPG Funds). [Ward 1]

H.2 Resolution Granting Reno Access Advisory Committee Funds to VSA Nevada

H.2.1 Staff Report (For Possible Action): Discussion and potential adoption of a Resolution donating \$1,700 of Reno Access Advisory Committee funds to VSA Nevada to provide 20 art classes for adults with developmental disabilities (General Fund).

H.2.2 Resolution No. _____ (For Possible Action): Resolution donating \$1,700 of Reno Access Advisory Committee funds to VSA Nevada to provide 20 art classes for adults with developmental disabilities (General Fund).

H.3 Resolution Granting Reno Access Advisory Committee Funds to Disability Awareness Committee

H.3.1 Staff Report (For Possible Action): Discussion and potential adoption of a Resolution donating \$2,500 of Reno Access Advisory Committee funds to the Northern Nevada Center for Independent Living to defray expenses associated with its co-sponsorship of the keynote speaker for the Disability Awareness Month program hosted by the Disability Awareness Coalition (DAC) in Reno in October, 2012 (General Fund).

H.3.2 Resolution No. _____ (For Possible Action): Resolution donating \$2,500 of Reno Access Advisory Committee funds to the Northern Nevada Center for Independent Living to defray expenses associated with its co-sponsorship of the keynote speaker for the Disability Awareness Month program hosted by the Disability Awareness Coalition (DAC) in Reno in October, 2012 (General Fund).

H.4 Resolution Granting Reno Access Advisory Committee Funds to Note-Able Music Therapy Services

H.4.1 Staff Report (For Possible Action): Discussion and potential adoption of Resolution donating \$1,050 of Reno Access Advisory Committee funds to Note-Able Music Therapy Services (NMTS) to defray expenses associated with the 2012 Noodles and Notes Celebration (General Fund).

H.4.2 Resolution No. _____ (For Possible Action): Resolution donating \$1,050 of Reno Access Advisory Committee funds to Note-Able Music Therapy Services (NMTS) to defray expenses associated with the 2012 Noodles and Notes Celebration (General Fund).

H.5 Resolution Granting Reno Access Advisory Committee Funds to Sierra Challenge Athletic Association

H.5.1 Staff Report (For Possible Action): Discussion and potential adoption of a Resolution donating \$5,000 of Reno Access Advisory Committee funds to the Sierra Challenge Athletic Association (SCAA) to defray expenses associated with its wheelchair rugby and wheelchair basketball programs. (General Fund).

H.5.2 Resolution No. _____ (For Possible Action): Resolution donating \$5,000 of Reno Access Advisory Committee funds to the to the Sierra Challenge Athletic Association to defray expenses associated with its wheelchair rugby and wheelchair basketball programs (General Fund).

H.6 Resolution in support of Washoe County School District "Race to the Top" Grant

H.6.1 Staff Report (For Possible Action): Discussion and potential adoption of a Resolution in support of an application from the Washoe County School District to the U.S. Department of Education's FY 2012 "Race to the Top" grant program.

H.6.2 Resolution No. _____ (For Possible Action): Resolution in support of an application from the Washoe County School District (WCSD) to the U.S. Department of Education's FY 2012 "Race to the Top" Grant Program.

H.7 Resolution authorizing the sale of City Owned property

H.7.1 Staff Report (For Possible Action): Discussion and potential direction to staff and/or adoption of a Resolution regarding the sale of City-owned Property located at 252 and 262 East Liberty Street at Public Auction for a minimum price of \$185,000 in accordance with the provisions of NRS 268.059 – 268.062 and Title 15 of the Reno Municipal Code.

H.7.2 Resolution No. _____ (For Possible Action): Resolution of intent authorizing certain city owned real property identified as assessor parcel number 011-501-06 and 011-501-07 and located at 252 and 262 East Liberty Street to be sold by public auction for a minimum price of \$185,000 in accordance with the provisions of NRS 268.059 – 268.062 and a Title 15 of the Reno Municipal Code.

H.8 Resolution to rename Moana Park

H.8.1 Staff Report (For Possible Action): Discussion and potential approval of a Resolution to rename Moana Park to Moana Springs Recreation Complex.

H.8.2 Resolution No. _____ (For Possible Action): Resolution to Rename Moana Park to Moana Springs Recreation Complex.

I Ordinances, Introduction (Other Ordinance, Introduction items may be found under the following agenda sections: Public Hearings, and/or Standard Department Items.)

I.1 Ordinance to amend Title 5 of the Reno Municipal Code

- I.1.1 Staff Report (For Possible Action): An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged License, Permits, and Franchises" Chapter 5.07 entitled "Alcoholic Beverages"; by amending Section 5.07.011 Definitions"; Section 5.07.120 "Alcoholic Beverage Package License"; Section 5.07.160 "On-Premise Alcoholic Beverage License"; Section 5.07.180 "Dining Room Alcoholic Beverage License", and adding section 5.07.200 "Disciplinary Action Procedures and Penalties" and providing other matters properly relating thereto.
- I.1.2 Staff Report (For Possible Action): Acceptance of a Business Impact Statement and finding that the adoption of a resolution for a new amended increased fee schedule specifically for alcohol licenses and the adoption of an ordinance establishing a new application fee for specific new alcohol licenses, and new disciplinary rules for violations of alcohol licenses are not likely to impose a direct and significant economic burden upon a business, or directly restrict the formation, operation, or expansion of a business.
- I.1.3 **Ordinance, Introduction** (For Possible Action): Bill No. _____ Ordinance to Amend Title 5 of The Reno Municipal Code Entitled "Privileged Licenses, Permits and Franchises," Chapter 5.07 Entitled "Alcoholic Beverages"; By Amending Section 5.07.011 "Definitions"; Sections 5.07.120 through 5.07.180, Specifically Section 5.07.120 "Alcoholic Beverage Package License"; Section 5.07.160 "On-Premise Alcoholic Beverage License"; Section 5.07.180 "Dining Room Alcoholic Beverage License", and adding section 5.07.200 "Disciplinary Action Procedures and Penalties" and Providing Other Matters Properly Relating Thereto.
- I.1.4 Staff Report (For Possible Action): Discussion and approval of a Resolution to amend the Fiscal Year 2012/13 Business License Section of the Fee Resolution as it relates to the Business License Application and License Fee for Alcohol Licenses within the City of Reno, Nevada.
- I.1.5 **Resolution No.** _____ (For Possible Action): Resolution to amend the Fiscal Year 2012/13 Business License Section of the Fee Resolution as it relates to the Business License Application and License Fee for Alcohol Licenses within the City of Reno, Nevada.

I.2 Revision of Reno Municipal Code Chapter 6.04

I.2.1 Staff Report (For Possible Action): Discussion and potential approval of Revision of Reno Municipal Code Chapter 6.04. [All Wards]

I.2.2 Ordinance, Introduction (For Possible Action): Bill No. _____ Ordinance amending the Reno Municipal Code, Title 6, entitled "Vehicles And Traffic", Chapter 6.04, entitled "Definitions", Sections 6.04.010 through 6.04.800 to conform Sections to Nevada Revised Statutes and make Technical Language and Format Corrections, and providing other matters properly relating thereto. [All Wards]

I.3 Revision of Reno Municipal Code Chapter 6.06

I.3.1 Staff Report (For Possible Action): Discussion and potential direction to staff regarding Revision of Reno Municipal Code Chapter 6.06. [All Wards]

I.3.2 Ordinance, Introduction (For Possible Action): Bill No. _____ Ordinance amending Reno Municipal Code Title 6, entitled "Vehicles And Traffic", Chapter 6.06 entitled "Rules Of The Road" by repealing certain Articles and Sections which duplicate provisions contained in Nevada Revised Statutes, renumbering the remaining Sections, and providing other matters properly relating thereto. [All Wards]

I.4 Amendment to Reno Municipal Code Title 5

I.4.1 Staff Report (For Possible Action): An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits And Franchises," by adding Chapter 5.19 entitled "Tobacco Paraphernalia," in its entirety, requiring a Privilege License for Retailers of Tobacco Paraphernalia, regulating the sale and display of Tobacco Paraphernalia and providing other matters properly relating thereto.

I.4.2 Staff Report (For Possible Action): Acceptance of Business Impact Statement for the Tobacco Paraphernalia Ordinance and finding that the adoption of the Ordinance does not impose a direct and significant economic burden upon a business nor directly restrict the formation or expansion of a business.

I.4.3 Ordinance, Introduction (For Possible Action): Bill No. _____ An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits And Franchises," by adding Chapter 5.19 entitled "Tobacco Paraphernalia," in its entirety, requiring a Privilege License for retailers of Tobacco Paraphernalia, regulating the sale and display of Tobacco Paraphernalia and providing other matters properly relating thereto.

I.4.4 Staff Report (For Possible Action): An Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits and Franchises," Chapter 5.05 entitled "Licenses Generally", by amending section 5.05.008 thereof entitled "General Requirements", by requiring a background check for a privilege license for retailers of tobacco paraphernalia, and providing other matters properly relating thereto.

I.4.5 **Ordinance, Introduction** (For Possible Action): Bill No. _____
An Ordinance to amend Title 5 Of The Reno Municipal Code entitled "Privileged Licenses, Permits and Franchises," Chapter 5.05 entitled "Licenses Generally", by amending Section 5.05.008 thereof entitled "General Requirements", by requiring a background check for a Privilege License for Retailers of Tobacco Paraphernalia, and providing other matters properly relating thereto.

I.5 Waste Management Franchise

I.5.1 Staff Report (For Possible Action): Proposed changes to Waste Management Franchise and Recycling Program. [All Wards]

I.5.2 **Ordinance, Introduction** (For Possible Action): Bill No. _____
An ordinance amending Reno Municipal Code Title 5, entitled "Privileged Licenses, Permits and Franchises", Chapter 5.90, Article II, entitled "Garbage Services" by revising the City of Reno's franchising of the collection and transportation of solid waste and recyclable materials pursuant to NRS 268.081, and providing other matters properly relating thereto [All Wards]

I.5.3 **Ordinance, Introduction** (For Possible Action): Bill No. _____
An ordinance amending Reno Municipal Code Title 10, entitled "Health and Sanitation", Chapter 10.08, entitled "Garbage, Rubbish and Waste Matter" by updating certain definitions and code provisions relating to the collection and disposal of solid waste, recyclable materials, and other waste material, and providing other matters properly relating thereto. [All Wards]

J Standard Department Items

Parks, Recreation & Community Services

J.1 Staff Report (For Possible Action): Update, discussion and possible direction to staff regarding the Springwood Drive bike jump course and acceptance of the BMX Dirt Bike Park Site Selection and Feasibility Study.

- J.2 Staff Report (For Possible Action): Discussion and potential approval of the Second Amendment by and between Somerset Development Company, LTD., Somerset, LLC; Somerset Owners Association; and the City of Reno to Park Development Agreement Dated November 17, 2004.
- J.3 Staff Report (For Possible Action): Discussion and potential approval of the Fifth Amendment To Fire Station Agreement and Memorandum of Agreement between Somerset Development Company, LTD., Somerset, LLC; and the City of Reno.

Public Works

J.4 Parking - Curb System

- J.4.1 Update, discussion and potential direction to staff regarding status of discussions with Curb System (For Possible Action).
- J.4.2 Possible Action and Direction pursuant to the terms of the Purchase and Maintenance Agreement dated December 8, 2010, District 1 Parking Meter Replacement Program, including but not limited to, negotiation and mediation; Article I.A.7. (Warranty Performance), including a determination of substantial performance; Article IV.C. ii., (Termination), including a determination as to cure of default to the satisfaction of City; and contract termination (For Possible Action).

J.5 Geiger Grade Parcel

- J.5.1 Staff Report (For Possible Action): Discussion and potential direction to staff regarding the Sale of APN 143-040-15, an approximate 3-Acre Parcel, located in the vicinity of Geiger Grade and Veterans Parkway.
- J.5.2 Resolution No. _____ (For Possible Action): Resolution finding that it is in the City of Reno's best interest to Sell or Lease APN 143-040-15, a parcel located in the vicinity of Geiger Grade and Veterans Parkway.

City Manager

- J.6 Staff Report (For Possible Action): Possible selection of NAI Alliance of Reno as a Commercial Real Estate Broker for the City in response to the Request for Qualifications and possible approval of an agreement with NAI Alliance of Reno for Commercial Real Estate Broker Services.
- J.7 Update, discussion and potential direction to staff regarding increasing the expenditure for services to the Economic Development Authority of Western Nevada (EDAWN) up to \$100,000 (For Possible Action).

- J.8 Update, discussion and potential direction to staff regarding the status of Fire Station 12 located at 725 Trademark, #101 (For Possible Action).
- J.9 Staff Report (For Possible Action): Discussion and potential direction to staff regarding possible amendments to 2013 Legislative Session BDR 264 (Rental Car Tax).

K City Clerk**K.1 Boards and Commissions Appointments including Alternate Members (For Possible Action)**

- K.1.a Ward Four Northeast Neighborhood Advisory Board (For Possible Action)
- K.1.b Ward Three Neighborhood Advisory Board (For Possible Action)
- K.1.c Truckee Meadows Water Authority (For Possible Action)
- K.1.d Access Advisory Committee (For Possible Action)
- K.1.e Senior Citizens Advisory Board (For Possible Action)
- K.1.f Urban Forestry Commission (For Possible Action)

L Mayor and Council**L.1 Identification of Mayor and Council Items for future agendas of the Reno City Council.****L.2 Liaison Reports**

Robert A. Cashell - Mayor
Ballroom Construction Review Committee
Regional Planning Governing Board
Truckee Meadows Water Authority

Dan Gustin - Council Member Ward 1
District Board of Health
Downtown Police Tax District
Historical Resources Commission
Neighborhood Advisory Boards (Ward 1)
Recreation and Parks Commission
Redevelopment Agency Citizen's Advisory Committee
Regional Transportation Commission
Regional Planning Governing Board (Alternate)
Reno Tahoe Airport Authority
Senior Citizen's Advisory Committee (Alternate)
Urban Forestry Commission

Sharon Zadra - Council Member Ward 2

Animal Services Task Force
Economic Development Authority of Western Nevada (EDAWN)
Neighborhood Advisory Boards (Ward 2 Central and South)
Planning and Building Enterprise Funds Advisory Committee
Regional Planning Governing Board (Alternate)
Reno Sparks Convention & Visitors Authority
Reno Tahoe Airport Authority
Sierra Arts Foundation

Jessica Sferrazza - Council Member Ward 3

Affordable Housing Task Force
Board of Directors, Nevada League of Cities
City of Reno Housing Authority
Criminal Justice Advisory Committee
Flood Management Authority
Human Services Consortium
Neighborhood Advisory Boards (Ward 3)
Planning and Building Enterprise Funds Advisory Committee
Youth City Council

Dwight Dortch - Council Member Ward 4

Ballroom Construction Review Committee
Neighborhood Advisory Boards (Ward 4 Northeast, & North Valleys)
Regional Planning Governing Board
Reno City Planning Commission
Reno Sparks Convention & Visitors Authority
Reno Tahoe Airport Authority (Alternate)
Truckee Meadows Water Authority (Alternate)

David Aiazzi - Council Member Ward 5

Artown
Ballroom Construction Review Committee
Flood Management Authority
Human Services Consortium (Alternate)
Neighborhood Advisory Boards (Ward 5 Northwest & Old Northwest)
Oversight Panel for School Facilities
Regional Transportation Commission
Regional Planning Governing Board
Reno Arts and Culture Commission
Truckee Meadows Water Authority

Pierre Hascheff - Council Member at Large

Access Advisory Board

Civil Service Commission

Financial Advisory Board/Audit Committee

Fire Advisory Board, Alternate Member

Oversight Panel for School Facilities

Regional Planning Governing Board

Senior Citizen's Advisory Committee

- L.3 Reports from any conferences or professional meetings.
- L.4 Staff Report (For Possible Action): Approval of the Reallocation of \$1,500 from Council Donation funds to the Reno Police Department (RPD) Wellness Program to provide medical evaluations to identify potential health risks and proactive solutions for RPD officers. [Gustin]
- L.5 **Resolution - Council Donation Funds to VSA Arts**
- L.5.1 Staff Report (For Possible Action): Discussion and potential approval of a \$500 donation from Council Donation funds to VSA Nevada at the Lake Mansion to host historic tours of the Mansion as part of the Historical Reno Preservation Society program for fourth graders. [Gustin]
- L.5.2 **Resolution No. _____** (For Possible Action): Resolution donating \$500 from Council Donation funds to VSA Nevada at the Lake Mansion to host historic tours of the Mansion as part of the Historical Reno Preservation Society program for fourth graders. [Gustin]
- L.6 **Resolution - Council Donation Funds to Jr. Livestock Foundation**
- L.6.1 Staff Report (For Possible Action): Discussion and potential approval of a \$1,200 donation from Council Donation funds to the Nevada Junior Livestock Foundation to support exhibit awards and educational classes in the animal breeding category. [Gustin]
- L.6.2 **Resolution No. _____** (For Possible Action): Resolution donating \$1,200 from Council Donation Funds to the Nevada Junior Livestock Foundation to support exhibit awards and educational classes in the animal breeding category. [Gustin]
- L.7 Staff Report (For Possible Action): Approval of the allocation and transfer of \$600 of Council donation funds to the Parks, Recreation and Community Services Department budget to assist in the fabrication of the Richard L. Jay dedication sign for the soccer fields at Moana Springs Recreation Complex. [Sferrazza]
- L.8 Discussion and potential direction to staff regarding trees at 3000 Scottsdale Road. (For Possible Action) [Ajazzi]

- L.9 Discussion and potential direction to staff regarding Artown. (For Possible Action) [Aiazzi]
- L.10 Discussion and potential direction to staff regarding the use of Public Art funds to retain a consultant to evaluate the placement of public art in Virginia Lake. (For Possible Action) [Aiazzi]
- L.11 Discussion and potential direction to staff regarding obtaining public access easements from Somerset Parkway to Beaumont Park. (For Possible Action) [Aiazzi]
- L.12 Staff Report (For Possible Action): Approval of the reallocation of \$3,433 from Council Donation Funds to the City of Reno Public Works Department for expenses associated with the West Street Market. [Aiazzi]
- M Updates on Items Identified by Mayor and Council
 - M.1 Recognition of good deeds and positive events in the community.
- N Public Hearings - 6:00 PM
- O Public Comment (This item is for either public comment on any action item or for any general public comment.)
- P Adjournment (For Possible Action)

EXPLANATION: Matter underlined is new; matter in brackets and stricken [---] is material to be repealed.

BILL NO. 6824

ORDINANCE NO. 6258

ORDINANCE AMENDING THE RENO MUNICIPAL CODE TITLE 18, "ANNEXATION AND LAND DEVELOPMENT", BY ADDING CERTAIN WORDING TO AND DELETING CERTAIN WORDING FROM CHAPTER 18.16, "SIGNS", OFF-PREMISE ADVERTISING DISPLAYS, AND SECTION 18.24.203.4570 (DEFINITION OF SIGN) TO ESTABLISH ADDITIONAL STANDARDS REGARDING DIGITAL OFF-PREMISES ADVERTISING DISPLAYS, INCLUDING LIGHT-EMITTING DIODE (LED), TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

SPONSORED BY: RENO CITY PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Chapter 18.16 of the Reno Municipal Code is hereby amended by adding certain wording to and deleting certain wording from Chapter 18.16, the same to read as follows:

OFF-PREMISE ADVERTISING DISPLAYS

Section 18.16.901. Purpose and Intent.

- (a) Recognizing that the City of Reno is a unique city in which public safety, maintenance, and enhancement of the city's esthetic qualities are important and effective in promoting quality of life for its inhabitants and the City of Reno's 24-hour gaming/ entertainment/ recreation/ tourism economy; recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of this article is to establish a comprehensive system for the regulation of the commercial use of off-premises advertising displays. It is intended that these regulations impose reasonable standards on the number, size, height, and location of off-premises advertising displays to prevent and alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the city's inhabitants and to promote the maintenance and enhancement of the city's esthetic qualities and improve the character of our city. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the city which is instrumental in attracting those who come to visit, vacation, live, and trade and to permit noncommercial speech on any otherwise permissible sign.

AT-32-07

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COR-00780

JA 1294

(Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 1, 10-10-00; Ord. No. 5208, § 1, 11-14-00; Ord. No. 5215, § 1, 1-23-01; Ord. No. 5295, § 1, 1-22-02)

Section 18.16.902. Restrictions on Permanent Off-Premises Advertising Displays.

- (a) The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General Election, Question R_1 - The results were certified by the city council on November 14, 2000).
- (b) In no event shall the number of off-premises advertising displays exceed the number of existing off-premises advertising displays located within the city on November 14, 2000, unless further provided herein. This number shall include all applications for off-premises advertising displays approved in final action by the city on or before November 14, 2000 but unbuilt as well as those applications approved by a court of competent jurisdiction. In the event the city annexes property in another governing body's jurisdiction on or after November 14, 2000, the number of off-premises advertising displays located on such annexed property shall be included in the calculation of the number of existing off-premises advertising displays provided they were legal and existing in the governing body's jurisdiction when annexed to the city. For purposes of annexation, an application for a permanent off-premises advertising display approved in final action by the governing body, although unbuilt, shall be included in the calculation of the number of existing off-premises advertising displays as of November 14, 2000.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.903. Continued Use of Permanent Off-Premises Advertising Displays.

- (a) All existing, legally established, permanent off-premises advertising displays, whether identified as conforming or nonconforming, are deemed conforming and may be continued and maintained at their current location.
- (b) An existing, legally established, off-premises display[s] may be replaced in its original position with a new structure provided the area of the display surface is not increased and all requirements of Section 18.16.905(a)--(d) and (f)--(h) are met.
- (c) For purposes of the chapter, an application for a permanent off-premises advertising display approved in final action by the city council, although unbuilt, is an existing permanent off-premises advertising display.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.904. Permanent Off-Premises Advertising Displays--Permitted and Prohibited Locations.

- (a) Permitted Locations.
 - (1) Permanent off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business), IC (Industrial Commercial), AC (Arterial Commercial), and CC (Community Commercial) District when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway

unless otherwise prohibited within Article IX (OFF-PREMISE ADVERTISING DISPLAYS).

- (2) Off-premises advertising displays shall be permitted in the MU (Mixed Use) zoning district where off-premises advertising displays were permitted in the zoning district immediately preceding the Mixed Use zoning district and when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless other[-]wise prohibited by this section.

(b) Prohibited Locations.

- (1) No permanent off-premises advertising display shall be erected closer to a street than the right-of-way line. No portion of any permanent off-premises advertising display may be placed on or extend over the right-of-way line of any street.
- (2) No permanent off-premises advertising display, or part thereof, shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (3) No permanent off-premises advertising display shall be located within 300 feet of the centerline of the Truckee River or within 300 feet of the outer boundary of any areas designated[ed] in this title as the Truckee River Corridor or its successor, or as open space adjacent to the Truckee River.
- (4) No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street. No permanent off-premises digital display shall be erected within 1,000 lineal feet of a primary or secondary school classroom building or a residentially zoned parcel on the same side of the street.
- (5) The number of permanent off-premises advertising displays located within 300 feet of the centerline or within the boundaries of the following areas shall not exceed the number of legally existing permanent off-premises advertising displays in that location on July 1, 2012 [November 14, 2000], as set forth in Section 18.16.902(b):
 - a. Interstate 80 right-of-way from Robb Drive to the most western city limit [Keystone Avenue].
 - b. U.S. 395 right-of-way from Panther Drive to the most northern city limit [North McCarran Boulevard].
 - c. The Downtown Reno Regional Center Plan, the east 4th Street TOD Corridor, Mill Street TOD Corridor, the Medical Regional Center, the Wells Avenue Neighborhood Plan, the northern section of the South Virginia Street TOD, and the Midtown District.
 - d. If any off-premises advertising displays are removed from the areas identified in a-c above the maximum number of permanent off-premises advertising displays allowed in the identified area shall be reduced accordingly. The removed signs shall not be replaced or banked.
 - [e]. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or

reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.

- (6) No permanent off-premises advertising displays shall be located within 200 feet of the right-of-way of McCarran Boulevard except within the following locations:
 - a. Talbot Lane east to Mill Street.
 - b. Northtowne Lane west to Sutro Street.
 - c. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (7) The number of permanent off-premises advertising displays within 300 feet of the centerline of U.S. 395 from Patriot Boulevard to Neil Road [Del Monte Lane] shall not exceed seven permanent off-premises advertising displays. This subsection neither prohibits relocation of existing permanent off-premises displays within the above location nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (8) The number of permanent off-premises advertising displays located within the following cooperative planning areas of the City of Reno that are regulated by Washoe County specific plans shall not exceed the number of legally existing off-premises permanent advertising displays as of their respective effective dates of annexation, as set forth in Section 18.16.920(b):
 - a. If permanent off-premises advertising displays are not specifically listed as an allowed use in the pertinent specific plan, permanent off-premises advertising displays shall be prohibited.
 - b. Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with Article IX (Off-Premise Advertising Displays) of this chapter.
- (9) No permanent off-premises advertising display, or part thereof, shall be located within a Historic or Conservation District.
- (10) No permanent off-premises digital advertising display, or part thereof, shall be located within 300 feet of the right-of-way of:
 - a. State Route 431 (Mount Rose Highway);
 - b. Interstate 80 west of Garson Drive, to the most western city limit;
 - c. Interstate 80 between the east Verdi on/off ramps (exit 5) and the Robb Drive interchange.
 - d. US 395 north of North McCarran Boulevard.
- (11) Any off-premises advertising display that is relocated and/or converted to a digital

off-premises advertising display shall meet all required spacing, design, and location requirements, unless otherwise allowed through Section 18.16.905(n)(15) (Digital Off-Premises Advertising Display Special Exceptions) below.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5595, §1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 6155, § 1, 7-7-10)

Section 18.16.905. General Standards for Permanent Off-Premises Advertising Displays.

- (a) The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.
- (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than 672 square feet.
- (c) A cut-out shall not exceed ten percent of the primary surface area of the off-premises display.
- (d) No off-premises advertising display shall exceed 35 feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display. If the off-premises advertising display is oriented to more than one road grade, the lowest road grade shall be the reference point.
- (e) No off-premises advertising display shall be located closer than 750 feet to the next off-premises advertising display on either side of the same street. No computer controlled (digital) [animated] off-premises advertising display shall be located closer than 1,000 feet to the next computer controlled (digital) [animated] off-premises advertising on either side of the same street.
- (f) All off-premises advertising displays shall be maintained in a clean and workmanlike condition. Surface shall be neatly painted. Property immediately surrounding off-premises advertising displays shall be maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in RMC Section 8.22.100 shall be enforced as provided for in RMC Chapter 1.05.
- (g) The permit number, as assigned by the administrator or the identity of the owners and his address shall be displayed on every permanent off-premises advertising display.
- (h) The reverse side of a cut-out shall be dull and non-reflective.
- (i) The reverse side of a single-face off-premises advertising display shall be dull and non-reflective.
- (j) No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements of Sections 18.16.904 and 18.16.905, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may removed. If the variance to spacing requirements is approved, the tree may not be removed.
- (k) Off-premises advertising displays shall be of monopole design.

- (l) Excluding off-premises digital advertising displays, [A]all lighting shall be directed toward the off-premises advertising display.
- (m) An off-premises advertising display may not contain more than two faces and one face may not be angled from the other face by more than 20 degrees as measured from the back of the structure supporting the face.
- (n) In addition to the other standards identified in Chapter 18.16 for off-premises advertising displays, off-premises digital advertising displays shall comply with the following standards:
- (1) Each message or copy shall remain fixed for a minimum of eight seconds.
 - (2) Maximum time allowed for transition between message displays shall be one second.
 - (3) Displays shall not be presented in motion, appear to be in motion or video.
 - (4) Illumination shall not change during a display period.
 - (5) Displays shall not flash or move during a display period.
 - (6) Displays shall not imitate or resemble any official traffic signal, traffic sign or other official warning signs.
 - (7) Displays shall contain a default design that will freeze the device in one position or display solid black if a malfunction occurs.
 - (8) No cutouts shall be permitted.
 - (9) No display shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or obstructs or interferes with a driver's view of surrounding traffic situations.
 - (10) No display shall emit sounds, pyrotechnics, or odors.
 - (11) The face of each digital off-premises advertising display shall contain a discernable message or graphic at all times, excluding periods during which any of the following occur: repairs, replacement of parts, cleaning, regular maintenance, associated utility outage, natural disaster, or severe weather.
 - (12) Displays shall conform to the requirements for other Off-Premises Advertising Displays as established in Chapter 18.16. If there is a conflict between standards contained in other portions of Section 18.16 and this section, the more restrictive shall prevail.
 - (13) Illuminance. Displays shall have a light sensing device that will adjust the brightness of the display as ambient light conditions change. Each application for a digital off-premises advertising display shall include a photometric plan. The photometric plan shall demonstrate the digital display's maximum light intensity, in foot candles above ambient light. Displays shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign as follows:

| Display Area | Minimum Distance from Property Line |
|---------------------------------------|-------------------------------------|
| 12 feet x 25 feet (300 square feet) | 150 feet |
| 10.5 feet x 36 feet (378 square feet) | 200 feet |
| 14 feet x 48 feet (672 square feet) | 250 feet |

- (14) Removal Requirements: Prior to the approval of any digital off-premises advertising display, documentation shall be provided demonstrating:
- a. for any digital off-premises advertising display proposed in the restricted areas identified in 18.16.904(b)(5) above, the removal of existing off-premises advertising displays, located within any restricted area, totaling four times the square footage of the proposed digital display; or
 - b. for any digital off-premises advertising display proposed in the restricted areas identified in 18.16.904(b)(5) above, the exchange of banked receipts totaling eight times the square footage of the proposed digital display; or
 - c. for any digital off-premises advertising display proposed in the restricted areas identified in 18.16.904(b)(5) above, a combination of a and b above accomplishing an equal ratio; or
 - d. approval of a Digital Off-Premises Advertising Display Special Exceptions request for digital off-premises advertising display criteria; or
 - e. for any digital off-premises advertising display proposed outside of the restricted areas identified in 18.16.904(b)(5) above, the removal of existing off-premises advertising displays or banked receipts totaling two times the square footage of the proposed digital display.
 - f. With respect to 14 a-e above, any off-premises advertising displays removed or banked receipts exchanged to facilitate the installation of a digital off-premises advertising display, whether to meet spacing requirements or to satisfy the removal requirements stated above shall not be replaced or banked and the maximum number of allowed off-premises, legally established permanent advertising displays under 18.16.902(b) shall be reduced accordingly.
- (15) Special Exceptions for Digital Off-Premises Advertising Displays: Should an applicant of an application to relocate/convert an off-premises advertising display to a digital off-premises advertising display not be able to demonstrate compliance with 18.16.904(b)(4-7) or 18.16.905(n)(14)(a-c) above they may apply for a Digital Off-Premises Advertising Display Special Exception, in lieu of a variance. Digital Off-Premises Advertising Display Special Exceptions outlined within this section shall be processed under the following procedures:
- a. Applicability. Digital Off-Premises Advertising Display Special Exceptions are exceptions to compliance with standards outlined with

RMC 18.16.904(b)(4-7) or 18.16.905(n)(14)(a-c). These Digital Off-Premises Advertising Display Special Exceptions are intended to alleviate exceptional practical difficulties or undue hardship arising from the strict application of the provisions of this section. These Digital Off-Premises Advertising Display Special Exceptions address unique situations that were not caused by the applicant's act or omission.

b. Initiation. Digital Off-Premises Advertising Display Special Exceptions shall be initiated by application of the off-premises display owner.

c. Application Requirements. Applications shall include a minimum of:

1. Provisions of this section that are being requested to be excepted and an explanation of why the standards cannot be met.
2. Site plans showing the location of all existing and proposed off-premises displays and residentially zoned properties within 1000 feet.
3. Elevations of proposed sign(s).
4. Proposed exchange rate to install the digital off-premises advertising display(s).

d. Review Process.

1. Decision Making Authority. The Reno City Council shall review and decide all Digital Off-Premises Advertising Display Special Exceptions.

2. Decision Making Process.

a. Administrator. The administrator shall review Digital Off-Premises Advertising Display Special Exceptions and provide a recommendation to City Council.

b. City Council. The City Council shall hold a public hearing at the next regularly scheduled City Council meeting which occurs a minimum of 20 days following the date the application is deemed complete. The City Council shall make its decision within 15 days from the date of the opening of the hearing. The City Council may approve, approve with conditions, or deny the Digital Off-Premises Advertising Display Special Exceptions request.

c. Public Notice. The public hearing shall be noticed as is required for a variance application as described in Section 18.06.203 of this title.

3. Findings. In order to approve a Digital Off-Premises Advertising Display Special Exceptions, the City Council shall make the following findings:

a. The location of the proposed digital off-premises advertising display does not vary more than two of the

standards contained within 18.16.904(b)(4-7) and 18.16.905(n)(14):

- b. The proposed digital off-premises advertising display is smaller than the square footage of existing or banked off-premises advertising displays being exchanged by a minimum of 672 square feet.
 - c. The proposed digital off-premises advertising display does not either fully or partially block views from any arterial roadway, freeway, or residentially zoned and used property of the Downtown Reno Skyline, Mount Rose/Sierra Nevada Range, Pea Vine Mountain, the Truckee River.
- 4. Conditions. In approving a Digital Off-Premises Advertising Display Special Exceptions request, the City Council may require conditions under which the digital off-premises advertising display may be used or constructed. These conditions, if imposed, shall be imposed to mitigate material harm to properties within 1000 feet and address:
 - a. Hours of operation
 - b. Structure Height and size.
 - c. Duration of Message.
 - d. Spacing.
- 5. Construction Prior to Approval. If a digital off-premises advertising display exists or is under construction in violation of the provisions of this title, the City Council, in granting a[n] Digital Off-Premises Advertising Display Special Exception for the project, may deny the application or condition such approval upon the payment of a fine of ten percent of the value of such structure, as determined by the administrator in accordance with current practices for assessing building permit fees.
- 6. Time Limitation. The owner or developer shall obtain a permit for the project within one year of the date of final approval of the Off-Premises Digital Advertising Display Special Exception and shall maintain the validity of that permit, or the Off-Premises Digital Advertising Display Special Exception shall be null and void unless a different time limitation is established at the time of approval based on the characteristics and complexity of the project.
- 7. Compliance with Plans. In constructing and operating a digital off-premises display under a Digital Off-Premises Advertising Display Special Exception, the developer and/or owner shall comply with all plans, reports, renderings, and materials which were submitted or presented as part of the application and any conditions of approval. In the event of a conflict between the plans and city codes, city codes shall prevail. The administrator may approve minor alterations or changes in the structure or site plan or minor changes in the conditions of approval at the request of the applicant and/or owner, as applicable, as long as the administrator first

determines that:

- a. The proposed changes are consistent with applicable provisions of Title 18;
- b. The proposed changes are within the scope of the original approval;
- c. The proposed changes will not adversely affect neighboring properties within 1,000 feet;
- d. The proposed changes respond to issues that were not contested at the public hearing; and
- e. The proposed changes are improvements or upgrades to the original approval.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.906. Reserved.

Section 18.16.907. Prohibited Types of Off-Premises Advertising Displays.

The following off-premises advertising displays are prohibited:

- (a) Signs which emit noise via artificial devices.
- (b) Roof signs.
- (c) Signs which produce odor, sound, smoke, fire or other such emissions.
- (d) Stacked signs.
- (e) Temporary signs except as otherwise provided in Sections 18.16.910 and 18.16.911.
- (f) Wall signs.
- (g) Signs with more than two faces.
- (h) Building wraps.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.908. Relocation of Existing, Legally Established Permanent Off-Premises Advertising Displays.

- (a) Except as otherwise provided in this chapter, an existing, legally established, permanent off-premises advertising display may be relocated to a permitted location as described in Section 18.16.904 provided that such existing, legally established, permanent off-premises advertising display complies with all requirements of this chapter and Chapter 18.08, as amended.
- (b) Two permits shall be required prior to relocation or banking of an existing, legally established, permanent off-premises advertising display, one to remove the existing off-

premises advertising display from its current physical location and one to relocate the existing off-premises advertising display to a different physical location or to a bank of currently not erected but previously existing, legally-established, permanent off-premises advertising displays which are eligible to be erected on a physical location at a later date provided they comply with all requirements of this chapter, as amended.

- (c) A person who is granted a permit to remove an off-premises advertising display proposed to be relocated under this section shall remove the existing, legally established, permanent off-premises advertising display in all visual respects from the original location and return the site to a condition consistent with immediately surrounding area, unless otherwise required by the permit, within the time set by the permit and prior to the issuance of the permit to relocate the existing, legally established, permanent off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising displays, including any parts located below ground, on property in which any governmental entity has a property interest.
- (d) Existing, legally established, permanent off-premises advertising displays which have a display area less than the maximum allowed under Section 18.16.905 and are proposed to be increased in display area, shall require a two for one removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises existing, legally established, permanent advertising displays under Section 18.16.902(b) will be reduced accordingly.
- (e) A person who requests a permit to relocate an existing, legally established, permanent off-premises advertising display shall:
 - (1) Identify the existing, legally established, permanent advertising display to be relocated, by number assigned by the City of Reno.
 - (2) Present to the community development department a notarized statement from the owner(s) of the existing, legally established, permanent advertising display to be relocated that he/they has/have removed, or caused to be removed, the existing, legally established, permanent off-premises advertising display in accordance with subsection (c) above.
 - (3) The owner of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b), prior to July 19, 2012, has fifteen years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. Any permanent advertising display that has been removed and banked pursuant to subsection (b), after July 18, 2012, has three years in which to apply for and obtain a permit to relocate the existing, legally established, permanent advertising display. The fifteen or three years shall run from the date the city approves all work performed under subsection (c), in writing, and/or releases the letter of credit. The permit to relocate an existing, legally established, permanent off-premises advertising display may be sold or otherwise conveyed at the discretion of the owner. If the banked advertising displays are not used within the fifteen or three years they will become unrelocatable.
 - (4) Nothing in this section shall be construed to mandate relocation of any existing, legally established, permanent off-premises advertising display.

- (f) From and after the effective date of this ordinance and for a period of 120 days, the city shall not file nor accept any applications nor issue permits to relocate any off-premises advertising display onto or off of property annexed subject to the stipulation in the "Verdi" litigation or the settlement agreement in the "Verdi" litigation or any interim stipulations in the Reno-Stead Corridor Plan or newly annexed properties subject to the settlement agreement in the regional planning litigation. Copies of these stipulations and/or settlement agreements shall be maintained by the city clerk.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5461, § 1, 6-11-03; Ord. No. 5534, § 1, 1-14-04)

Section 18.16.909. Permanent Off-Premises Advertising Displays-Reporting.

Each sign company licensed to do business in the city must report to the administrator the size, height, location and location and building permit number of each off-premises advertising display owned by a company and located within the city on July first by July fifteenth of each year.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.910. Temporary Off-Premises Advertising Displays.

(a) Off-premises temporary advertising displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising displays:

- (1) Are located in any zoning district within one-half radial mile of the site on which the activity will take place;
- (2) Shall be a maximum of six square feet;
- (3) Shall be designed to be stable under all weather conditions, including high winds;
- (4) Shall not obstruct the vision triangle as defined set forth in Section 18.12.902 nor traffic control device or impair access to a sidewalk, street, driveway, bus stop, or fire hydrant; and
- (5) Displayed for less than 12 hours each day, no earlier than 6:00 a.m. nor later than 9:00 p.m.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.911. Temporary Off-Premises Advertising Displays--Special Events.

A holder of a special event's permit may apply for a building permit pursuant to RMC Chapter 14 to erect a temporary off-premises advertising display promoting the special event provided the temporary off-premises advertising display:

- (a) Complies with Article IX (Off-Premise Advertising Displays) of this chapter, as applicable;
- (b) The applicant has obtained a permit to hold a special event;
- (c) The proposal complies with city policies if the applicant seeks to use city owned

AT-32-07

improvements such as poles designed for temporary signs or buildings;

- (d) Such off-premises advertising displays, when permitted shall not be installed prior to 30 days before and shall be removed within ten after the special event advertised;
- (e) The temporary off-premises advertising display shall not exceed 100 square feet;
- (f) The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
- (g) The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in Section 18.12.902 nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.912. Reserved.

Section 18.16.913. Abandoned Off-Premises Advertising Displays.

- (a) Abandonment is the cessation of the right to continue the existence of a permanent off-premise advertising display:
 - (1) Under existing law;
 - (2) When a state of disrepair exists because of substantial tearing, chipping, or missing material 30 days after receipt of notice sent pursuant to RMC Chapter 1.05;
 - (3) When there is no current business license in existence for the owner(s) of the off-premises advertising display; or
 - (4) When there has been no display for a period of one year with respect to a permanent off-premises advertising display.
- (b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under section 18.16.902(b).

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.914. Time Limitations on Review of Applications for Off-Premises Advertising Displays.

The following are time limitations on the pertinent decision-maker to review applications for off-premises advertising displays as applicable:

- (a) The administrator shall review and make a decision regarding an application for an off-premises display within five working days of the date the application is filed-stamped by the community development department, on the appropriate form and with payment of the appropriate fee, if any.
- (b) The administrator shall review and make a decision regarding an application for a

temporary or special events off-premises advertising display within two working days of the date the application is filed-stamped by the community development department, on the appropriate form and with the appropriate fee, if any.

- (c) If the hearing examiner or the planning commission review the application, hearing examiner or the planning commission shall hold a public hearing within 65 days of the date the application is filed-stamped with the community development department.
- (d) The hearing examiner or planning commission shall make its decision within 30 days from the date of the opening of the public hearing.
- (e) The city council shall make its decision within 30 days of the date of the opening of the public hearing. ~~[appeal is filed-stamped with the city clerk on the appropriate form and payment of the appropriate fee.]~~
- (f) If the applicant requests a continuance or a specified time or date for the matter to be hear, the time lines provided herein are deemed waived.

(Ord. No. 5295, § 1, 1-22-02; Ord. No. 5729, § 8, 9-16-05)

Section 18.16.960. Appeal of Administrator's Decision.

- (a) Aggrieved persons may appeal the administrator's decision to the City Council by filing a written appeal setting forth how they are aggrieved and the reasons for the appeal within five days of the administrator's written decision.
- (b) The City Clerk shall set the hearing before the City Council at the next available City Council meeting at least 15 days in the future.

Section 18.16.965. Judicial Review.

- (a) Judicial review may be sought may be sought in accordance with Chapter 34 of the NRS.
- (b) If the city denies a "First Amendment" application, the city will institute legal proceedings within ten working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restrain grounds, unless otherwise waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words "First Amendment" in the caption of the application.

(Ord. No. 5295, § 1, 1-22-02)

Section 18.16.970. Decisions regarding Off-Premises Advertising Display.

- (a) Decisions shall be in writing.
- (b) Decisions shall include an explanation setting forth the reasons for the decisions.

Section 18.16.995. Noncommercial Speech is allowed whenever Commercial Speech is allowed.

(a) Speech which proposes a commercial transaction and no more or expression related solely to the economic interests of the speaker and its audience is commercial speech.

(b) Any noncommercial speech is allowed wherever commercial speech is permitted.

Section 18.16.1000. Regulated Off-Premises Advertising Display.

All off-premises signs erected or located in the city, which are not exempted by federal or state law, are subject to the provisions of this Article of Chapter 18 and Chapter 14.-

Section 18.16.1010. Permit Required.

Except as otherwise provided, no person may erect, enlarge, alter, (except for normal maintenance) or relocate within the city, any sign without first having obtained a sign permit.

SECTION 2. Chapter 18.24 of the Reno Municipal Code is hereby amended to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED) from Section 18.24.203.4570, the same to read as follows:

Section 18.24.203.4570. Sign.

A design or device displayed to the public for the purpose of identifying, advertising or promoting the interests of any person, persons, firm, corporation or other entity by conveying an advertising message, a non-commercial message or attracting the attention of the public. This definition shall include all parts of such a device, including its structure and supports and shall also include balloons, flags, banners, building wrap, pennants, streamers, canopies, or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message.

The definition of "sign" above includes the following specific sign types, which are further defined below:

1. Abandoned sign means a sign which has not been maintained in accordance with the provisions of this ordinance for a period in excess of 90 days following legal notice from the zoning administrator to the owner of property and the owner of the advertising display that said sign does not meet minimum maintenance standards or the cessation of the right to continue the use of an off-premises advertising display.
2. Advertising display means any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation, or other entity, located in view of the general public. This definition shall include signs, billboards, posters, graphic advertising messages, flags, banners, balloons, building wrap, canopies, pennants, streamers, or other devices which used to attract attention, advertising copy, accessory signs and similar displays, but shall not include courtesy bus benches bearing advertising placed in public rights-of-way and covered by the City of Reno/Regional Transportation Commission Franchise Agreement. Advertising structure means any structure or device erected for the purpose of supporting any sign or other advertising display, and the framework of the sign. For the purposes of sign or advertising display removal, the removal shall include advertising structures.

3. **Animated sign.** A sign which meets the definition of changeable sign as contained in this chapter or a tri-vision display.
(Ord. No. 5295, § 1, 1-22-02)
4. **Architectural graphic** means a painted design, mural, relief, mosaic or similar feature of an artistic nature which is incorporated into the architectural design of a building and conveys no advertising message.
5. **Area identification sign** means a permanent, decorative sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.
6. **Awning.** (See canopy).
7. **Back-to-back sign** means a structure with two parallel and directly opposite signs with their faces oriented in opposite directions. A back-to-back sign shall constitute one off-premises sign or billboard.
8. **Banner** means a temporary sign made of any on-rigid fabric-like material that is mounted to a pole at one or more edges. National flags, state or municipal flags shall not be considered banners.
9. **Billboard.** (See off-premises advertising display).
10. **Building wrap.** A sign applied to or painted on, all or a portion of a building exterior wall(s). Building wraps include the application of a flexible material to a building containing an off-premises advertising display.
(Ord. No. 5295, § 1, 1-22-02)
11. **Canopy sign** means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy. Canopy signs may not project above the roof line. Signs attached to a canopy will be considered a wall sign when flashed back to the canopy.
12. **Changeable sign** means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:
- a. **Manually activated.** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - b. **Electrically activated.** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - [e] 1. **Fixed message electronic signs.** Signs whose basic informational content has been preprogrammed to include only certain types of information

projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

- [d-] 2. Computer controlled variable message electronic signs. These are [S]signs whose informational content can be changed or altered by means of computer-driven electronic impulses. A common example of this type of sign would be a digital advertising display.
3. Mechanically changeable signs. These are signs that contain mechanically driven changeable segments. A common example of this type of manually changeable sign would be a Tri-Vision type display.
13. Community directory sign means a sign, or a group of signs designed as a single display, which gives information.
14. Directional sign means a permanent sign which directs the flow of traffic or pedestrians on private property
15. Directory sign means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.
16. Electronic readerboard. (See changeable signs, electrically activated).
17. Facing or surface. The surface of a sign upon, against, or through which the message is displaced or illustrated.
18. Flashing sign means a sign which uses blinking, flashing or intermittent illumination, either direct, or indirect or internal.
19. Freestanding sign means a sign which is supported by its own structure apart from a building.
20. Inflatable sign means any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.
21. Mobile sign means a sign attached to or suspended from any type of vehicle, other than normal identification of the business owned and served by the vehicle. Mobile signs shall not include those normally painted on or attached permanently to a franchised mass-transit vehicle or taxicab, nor shall mobile signs include special events signs.
22. Official sign means any sign erected by or at the direction of a governmental agency.
23. Off-premises advertising display. Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons,

firm, corporation or other entity, located in view of the general public, which is not principally sold, available or otherwise provided on the premises on which the display is located. Any display which is composed of at least 80 percent of on-premises display is an on-premises sign. An off-premises advertising display includes its structure. Off-premises advertising displays are commonly called billboards.

(Ord. No. 5295, § 1, 1-22-02)

24. Off-premises advertising display, permanent. A permanent off-premises advertising display is a sign displayed for more than 12 hours in a day and for longer than 30 consecutive days, except signs for special events.
25. Off-premises advertising display, conforming permanent. An off-premises advertising device that is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display.

(Ord. No. 5295, § 1, 1-22-02)

26. Off-premises advertising display, temporary. A temporary off-premises advertising display is a sign displayed only temporarily and is not permanently mounted.

27. Off-premises digital (also known as digital off-premises) advertising display. A type of computer controlled variable electronic message for off-premises signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

- 2[7]8. On-premises sign. Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is principally sold, available or otherwise provided on the premises on which the display is located. [Any display which is composed of at least 80 percent of on-premises display is an on-premises sign.]

- 2[8]9. Pennant means a temporary sign made of any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other similar device usually in series, designed to move in the wind.

- [29]30. Permanent sign means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

- 3[0]1. Pole sign means any sign that is supported by a pole (sometimes more than one) and otherwise separated from other structures, buildings, and the ground by air.

- 3[1]2. Portable sign means any sign which is designed and constructed in such a manner that it can conveniently be moved from place to place. This definition shall include cardboard, paper, fabric, canvas and plastic banners and signs.

- 3[2]3. Projecting sign other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 3[3]4. Roof sign means any sign located on the roof, of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure or architectural blade shall not be considered a roof sign that does not extend above the roof line.
- 3[4]5. Stacked sign means two or more off-premises signs affixed to the same standards which are not back-to-back signs and which vary in height from the ground.
- 3[5]6. Temporary sign means a sign which is which is not permanently mounted and is designed and constructed in such a manner that it can be conveniently moved from place to place and is allowed by Chapter 18.16 to remain in use for a limited time only.
- 3[6]7. Wall sign means a sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a parallel plane to the plane of the wall.
- 3[7]8. Wind sign means any display or series of displays, banners, flags, balloons or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

Sec. 18.24.203.5373. Vicinity.

Vicinity means the area within 1,500 feet of a property line.

(Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 3, 10-10-00; Ord. No. 5242, § 8, 5-22-01; Ord. No. 5294, § 2, 1-8-02; Ord. No. 5729, § 11, 9-14-05; Ord. No. 5762, § 3, 11-16-05)

SECTION 3: Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 4. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 5. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this 24th day of October, 2012, by the following vote of the Council:

AYES: Dortch, Gustin, Zadra, Sferrazza, Aiazzi, Hascheff

NAYS: None


ABSTAIN: None

ABSENT: Cashell

APPROVED this 24th day of October, 2012.


for DAVE AIAZZI
ROBERT A. CASHELL, SR.
MAYOR OF THE CITY OF RENO

ATTEST:


LYNNETTE R. JONES
CITY CLERK AND CLERK OF THE CITY
COUNCIL OF THE CITY OF RENO, NEVADA



EFFECTIVE DATE: January 24, 2013.

AT-32-07 (Digital Off-Premise Advertising Display incl LED) - ord - CCH - 091212 CC mtg.doc

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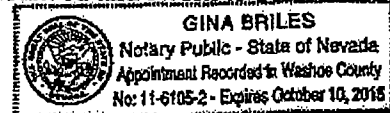
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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: 01/24/2013 - 01/24/2013, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *K. G. Renshaw*



JAN 24 2013

[Signature]

Proof of Publication

NOTICE OF CITY ORDINANCES NOTICE IS HEREBY GIVEN that the ordinances, listed below by title and containing the vote of the Council, was prepared on October 10, 2012 and final action and adoption of such ordinances took place on October 24, 2012. BILL NO. 6824, ORDINANCE NO. 6258: AN ORDINANCE AMENDING THE RENO MUNICIPAL CODE TITLE 18, "ANNEXATION AND LAND DEVELOPMENT", BY ADDING CERTAIN WORDING TO AND DELETING CERTAIN WORDING FROM CHAPTER 18.16, "SIGNS", OFF-PREMISE ADVERTISING DISPLAYS, AND SECTION 18.24.203.4570 (DEFINITION OF SIGN) TO ESTABLISH ADDITIONAL STANDARDS REGARDING DIGITAL OFFPREMISES ADVERTISING DISPLAYS, INCLUDING LIGHT-EMITTING DIODE (LED), TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO. AYES: Dortch, Gustin, Zadra, Sferrazza, Aiazzi, Hascheff NAYS: None ABSTAIN: None ABSENT: Cashell These ordinances shall be in full force and effect from and after January 24, 2013. Notice is further given that copy of the above ordinance is available for inspection by all interested parties at the office of the City Clerk, City Hall, One East First Street, Second Floor, Reno, Nevada or by accessing our website at reno.gov. LYNNETTE R. JONES, CITY CLERK AND CLERK OF THE CITY COUNCIL No. 793801 Jan 24, 2013

Ad Number: 1000793801

Page 1 of 1

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COR-00800

NOTICE OF CITY ORDINANCES

NOTICE IS HEREBY GIVEN that the ordinances, listed below by title and containing the vote of the Council, was prepared on October 10, 2012 and final action and adoption of such ordinances took place on October 24, 2012.

BILL NO. 6824, ORDINANCE NO. 6258: AN ORDINANCE AMENDING THE BEND MUNICIPAL CODE TITLE 18, "ANNEXATION AND LAND DEVELOPMENT", BY ADDING CERTAIN WORDING TO AND DELETING CERTAIN WORDING FROM CHAPTER 18.18, "SIGNS", OFF-PREMISE ADVERTISING DISPLAYS, AND SECTION 18.24.203.4570 (DEFINITION OF SIGN) TO ESTABLISH ADDITIONAL STANDARDS REGARDING DIGITAL OFF-PREMISES ADVERTISING DISPLAYS, INCLUDING LIGHT-EMITTING DIODE (LED), TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

AYES: Dorich, Gustin, Zadra, Stereaza, Alazzi, Hasselhoff

NAYS: None

ABSTAIN: None

ABSENT: Cashel

These ordinances shall be in full force and effect from and after January 24, 2013. Notice is further given that copy of the above ordinance is available for inspection by a interested parties at the office of the City Clerk, City Hall One East First Street, Second Floor, Reno, Nevada, or by accessing our website at www.bend.gov.

LYNNEITE R. JONES, CITY CLERK AND CLERK OF THE CITY COUNCIL

No. 793801 Jan 24, 2013