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Tracie K. Lindeman
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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. 7

Mark Wray, #4425
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SCENIC NEVADA, INC.

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1 IN THE SECOND JUDICIAL DISTRICT COURT
2 OF THE STATE OF NEVADA
3 IN AND FOR THE COUNTY OF WASHOE
4 -o0o-
5
6 SCENIC NEVADA, INC.,
7 Plaintiff, Case No. CV12-02863
8 vs. Dept. No. 7
9 CITY OF RENO, a political
10 subdivision of the STATE OF
11 NEVADA, and the City Council
12 thereof,
13 Defendants.
14 _____
15 Pages 1 to 158, inclusive.
16
17 VIDEOTAPED DEPOSITION OF DWIGHT DORTCH
18 _____
19 Thursday, January 16, 2014
20 Reno, Nevada
21
22
23 REPORTED BY: CHRISTINA AMUNDSON
24 CCR #641 (Nevada)
25 CSR #11883 (California)

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1 A P P E A R A N C E S
2 FOR PLAINTIFF:
3 LAW OFFICES OF MARK WRAY
4 BY: MARK WRAY, ATTORNEY AT LAW
5 608 Lander Street
6 Reno, NV 89509
7
8 FOR SAUNDERS OUTDOOR ADVERTISING:
9 ROBISON, BELAUSTEGUI, SHARP & LOW
10 BY: FRANK GILMORE, ATTORNEY AT LAW
11 71 Washington Street
12 Reno, NV 89503
13
14 FOR COUNCILMAN DORTCH:
15 CITY OF RENO, OFFICE OF THE CITY ATTORNEY
16 BY: JONATHAN D. SHIPMAN, ATTORNEY AT LAW
17 1 East First Street, 3rd Floor
18 Reno, NV 89505
19
20 ALSO PRESENT:
21 Evolve Recording
22 Mark Ivey, Videographer
23 2630 Heather Field Lane
24 Reno, 89521 240.0186, mark@evolvedepo.com
25 Lori Wray

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1 BE IT REMEMBERED that on Thursday, January 16, 2014,
2 commencing at 10:01 a.m. of said day, at the Law Offices
3 of Mark Wray, 608 Lander Street, Reno, Nevada 89509,
4 before me, CHRISTINA M. AMUNDSON, a Certified Shorthand
5 Reporter, personally appeared DWIGHT DORTCH.
6 _____
7 THE VIDEOGRAPHER: We are now on the record in
8 the matter of Scenic Nevada, Inc. vs. the City of Reno.
9 My name is Mark Ivey. I'm the videographer. I work for
10 Evolve Recording located at 2630 Heather Field Lane, Reno
11 89521. Today's date is January 16th, 2014. Time is 10:01
12 a.m. This deposition is being held at 608 Lander Street,
13 Reno 89509. This is the recorded deposition of Dwight
14 Dortch. Mr. Dortch, the court reporter will swear you in.
15 (Witness sworn.)
16 THE VIDEOGRAPHER: This deposition is an
17 audio-video and stenographic deposition. Will all
18 attorneys present identify themselves and anybody with
19 them beginning with the party noticing this proceeding.
20 MR. WRAY: My name is Mark Wray and I'm the
21 attorney for the plaintiff, Scenic Nevada, Inc. Present
22 for Scenic Nevada, Inc. is Lori Wray, who is the board of
23 directors -- one of the members of the board of directors
24 on the association.
25 MR. GILMORE: My name is Frank Gilmore. I'm the

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1 attorney for Saunders Outdoor Advertising, which is a
2 plaintiff in the consolidated case CV12-02917.
3 MR. SHIPMAN: For the record, I'm Jonathan
4 Shipman, deputy city attorney with the City of Reno,
5 representing the deponent, Councilman Dortch.
6 -----
7 DWIGHT DORTCH,
8 called as a witness in the matter herein,
9 who, having been first duly sworn, was examined
10 and testified as follows:
11 EXAMINATION
12 BY MR. WRAY:
13 Q Would you please tell us your full legal name.
14 A Dwight Lionel Dortch.
15 Q And you live here in Reno?
16 A Yes, I do.
17 Q What is your address?
18 A 3435 Socrates Drive.
19 Q What year were you born?
20 A 1965.
21 Q What is your business, profession or occupation?
22 A Aside from the duties I have on the City
23 Council, I've got a consulting firm.
24 Q And what field do you consult in?
25 A Auto dealers mostly, primarily.

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1 Q Does that mean that you provide consultation to
2 auto dealers?
3 A Yeah. We -- basically we're a compliance
4 company so we provide compliance training for their
5 employees on OSHA, EEO, privacy.
6 Q Okay. What is the name of the consulting firm?
7 A Dwight Dortch Consulting.
8 Q And how long have you been a consultant in that
9 field?
10 A Four years.
11 Q Do you have any other training or experience in
12 any other occupations or professions?
13 A Yeah. I mean, I was -- I've been a financial
14 consultant for, God, 14 years prior, 15 years.
15 Q Okay. So a financial consultant meaning you
16 worked for a brokerage company?
17 A Uh-huh, correct.
18 Q Now, you said aside from your duties with the
19 city. You're a councilperson.
20 A Correct.
21 Q When were you elected?
22 A November 2002.
23 Q When did you start serving?
24 A That month. I think it was like the week after
25 the election.

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1 Q All right. So you've been a councilperson
2 continuously for 11-plus years?
3 A Correct.
4 Q Now, your term expires at some point.
5 A Two thousand --
6 Q After three terms -- you can run three times,
7 right?
8 A Right. 2014. November '14.
9 Q November 2014. And are you a candidate to be
10 the mayor?
11 A I've announced that I'm a candidate. We
12 don't -- we can't actually sign up to run until March.
13 Q Okay. Dave Aiazzi was in the newspaper
14 yesterday that he's -- people in town don't want him to be
15 the mayor. They want him to be stuck on the school board
16 and not even the president of the school board.
17 Did you see that?
18 A I did.
19 Q Because people in this town don't want him to be
20 the mayor. Did you see that?
21 A I did.
22 Q Are you one of the people who don't want him to
23 be the mayor because you're running against him?
24 A I don't that he's running. He hasn't
25 announced, so I don't know that I am running against him.

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1 Q Do you know who he's talking about?
2 A I have no idea.
3 Q That -- I mean, do you know who he's talking
4 about people that don't want him to be the mayor?
5 A I have no idea.
6 Q Do you know if it's anyone on the City Council
7 that he served with?
8 A Again, I have -- I have no idea.
9 Q So you haven't spoken with Dave saying, Hey,
10 Dave, who are the people who don't want you to be the
11 mayor?
12 A I have no idea what you're referring to. I
13 haven't spoken to him at all.
14 Q Other than being a city councilperson starting
15 with the city in 2002, have you had any other positions
16 with the city?
17 A No. We're not allowed to.
18 Q So what documents did you review in preparation
19 for your testimony here today?
20 A To be quite honest, I haven't reviewed
21 anything.
22 (To Counsel Shipman) You haven't sent anything
23 over for me to review, did you?
24 BY MR. WRAY:
25 Q Did you go through -- in the recent past did you

Deposition of Dwight Dortch, 1/16/2014

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<p>1 go through any emails that you might have exchanged with</p> <p>2 people concerning billboards?</p> <p>3 A I think staff went through all the emails and</p> <p>4 provided any -- anything he found there, correct?</p> <p>5 MR. SHIPMAN: Yeah. For the record, the emails</p> <p>6 are contained on the city server, so to the extent that we</p> <p>7 had those on archive, we were able to retrieve those and</p> <p>8 they've all been disclosed.</p> <p>9 MR. WRAY: So that means, Mr. Shipman, what</p> <p>10 happened was a person on the staff put a search in for all</p> <p>11 emails sent by Mr. Dortch and then did some, you know,</p> <p>12 manual checking to see if the emails had to do --</p> <p>13 MR. SHIPMAN: Yes.</p> <p>14 MR. WRAY: -- with billboards?</p> <p>15 MR. SHIPMAN: Correct.</p> <p>16 MR. WRAY: And do you know who that person was?</p> <p>17 MR. SHIPMAN: Yeah. We got the first batch.</p> <p>18 And it was Jenna Radner did the initial search and then I</p> <p>19 got the dataset from that and then I, you know, compared</p> <p>20 and made sure all the, you know, like the to and the froms</p> <p>21 were from billboard people.</p> <p>22 MR. WRAY: Now, as I understand it, there's some</p> <p>23 500 or so more documents that are yet to be produced by</p> <p>24 the city as of today.</p> <p>25 MR. SHIPMAN: Correct. They should be here</p>	<p>1 identification.)</p> <p>2 BY MR. WRAY:</p> <p>3 Q Do you have Exhibit 1 in front of you? I think</p> <p>4 you do have it in front of you --</p> <p>5 A Correct.</p> <p>6 Q -- so the second page asks for certain documents</p> <p>7 to be produced and there's three numbered categories of</p> <p>8 documents. I'd like you to take a look at that and then</p> <p>9 answer this question: Have you brought with you today any</p> <p>10 documents responsive to these three categories?</p> <p>11 (Witness reviewing document.)</p> <p>12 THE WITNESS: My understanding, by what Jonathan</p> <p>13 just said, that one has already been delivered to you. I</p> <p>14 don't have any records of agreements, No. 2. And we did</p> <p>15 bring the contribution expense reports that I filed with</p> <p>16 the secretary of state's office that would show any</p> <p>17 contributions.</p> <p>18 BY MR. WRAY:</p> <p>19 Q Let's look at that as Exhibit No. 2, please.</p> <p>20 What we have here is a document which was produced in a</p> <p>21 binder clip, the first page of which says "Nevada</p> <p>22 Financial Disclosure Statement," and it looks to be at</p> <p>23 least a hundred pages long or 75 pages long. I don't</p> <p>24 know. Let's make this Exhibit 2.</p> <p>25 Could you hand your copy to the court reporter.</p>
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<p>1 momentarily. The -- Claudia Hanson, she was cleaning out</p> <p>2 her office the other day and she found a file. And those</p> <p>3 have just been Bates-labeled and they are going to be</p> <p>4 delivered momentarily.</p> <p>5 MR. WRAY: All right.</p> <p>6 BY MR. WRAY:</p> <p>7 Q Aside from reviewing documents, did you speak</p> <p>8 with anyone about your deposition here today?</p> <p>9 A Just --</p> <p>10 MR. SHIPMAN: Objection to privilege, but other</p> <p>11 than that ...</p> <p>12 MR. WRAY: Okay.</p> <p>13 THE WITNESS: I mean just to Jonathan briefly.</p> <p>14 BY MR. WRAY:</p> <p>15 Q You spoke to the city attorney?</p> <p>16 A Correct.</p> <p>17 Q Actually, the city attorney's deputy, right?</p> <p>18 A Correct.</p> <p>19 Q The city attorney is Mr. Kadlic.</p> <p>20 A Correct.</p> <p>21 Q So we did a Notice of Taking Videotaped</p> <p>22 Deposition and For Production of Documents at Time of</p> <p>23 Deposition, which we'd like to mark as the first exhibit,</p> <p>24 therefore, Exhibit 1.</p> <p>25 (Deposition Exhibit 1 marked for</p>	<p>1 A (Witness complies.)</p> <p>2 (Deposition Exhibit 2 marked for</p> <p>3 identification.)</p> <p>4 MR. WRAY: Off the record.</p> <p>5 THE VIDEOGRAPHER: Going off the record at 10:11</p> <p>6 a.m.</p> <p>7 (Recess taken.)</p> <p>8 THE VIDEOGRAPHER: We are back on the record in</p> <p>9 the matter of Scenic Nevada, Inc. vs. the City of Reno.</p> <p>10 The time is 10:21 a.m.</p> <p>11 BY MR. WRAY:</p> <p>12 Q While off the record, we talked about this third</p> <p>13 category of documents that was requested in the notice of</p> <p>14 deposition. And, as I understand it, there may be some</p> <p>15 more responsive documents regarding records of</p> <p>16 contributions to your campaigns from advertising companies</p> <p>17 that we will get shortly.</p> <p>18 A Hopefully. We're going to get them right in.</p> <p>19 Q Okay. What's your memory about contributions</p> <p>20 from advertising companies to your campaigns?</p> <p>21 A As far as?</p> <p>22 Q You know, like have you ever had any</p> <p>23 contributions from a company that has billboard -- does</p> <p>24 billboards?</p> <p>25 A Yes.</p>

3 (Pages 9 to 12)

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<p>1 Q Okay. Like starting when?</p> <p>2 A My first campaign in 2002.</p> <p>3 Q Who contributed?</p> <p>4 MR. WRAY: We're having a pause here while some</p> <p>5 records are being delivered.</p> <p>6 BY MR. WRAY:</p> <p>7 Q But let's get back on the subject of the</p> <p>8 question. Like can you remember back in 2002 if you had</p> <p>9 any contributions from companies that were engaged in</p> <p>10 billboards to your campaign?</p> <p>11 A Yes.</p> <p>12 Q Who was it?</p> <p>13 A I know Clear Channel did. I don't recall if</p> <p>14 Yesco did or not.</p> <p>15 Q The billboard companies in town are Clear</p> <p>16 Channel, Saunders, of course --</p> <p>17 A And I don't remember if Saunders contributed to</p> <p>18 my campaign or not.</p> <p>19 Q Yesco?</p> <p>20 A Correct.</p> <p>21 Q And there's something about Yesco and Saunders.</p> <p>22 Are they connected or related or something --</p> <p>23 A I have no idea.</p> <p>24 Q -- the people that run it, the Schultes?</p> <p>25 A Yesco and Saunders?</p>	<p>1 Q So it's possible that Yesco was one of the</p> <p>2 billboard companies that provided campaign advertising</p> <p>3 space for you but for sure Clear Channel in all three</p> <p>4 elections.</p> <p>5 A I've used Clear Channel in all three races.</p> <p>6 They've got the majority of the billboards in town so...</p> <p>7 Q And Clear Channel gave money to each of your</p> <p>8 campaigns?</p> <p>9 A My recollection is yes. In the first campaign</p> <p>10 it might have been through -- only through in-kind</p> <p>11 contributions, so providing the space for the campaign.</p> <p>12 Q Okay. So they would give you a billboard for</p> <p>13 free?</p> <p>14 A Correct.</p> <p>15 Q All right. So was there a value placed on that?</p> <p>16 A Absolutely. And it's recorded in the C&D</p> <p>17 reports.</p> <p>18 Q And we will probably get those.</p> <p>19 A Which we didn't ask for 2002. We asked for</p> <p>20 2006 and 2010.</p> <p>21 MR. SHIPMAN: Do you need 2002?</p> <p>22 MR. WRAY: Yes, please, if you could.</p> <p>23 BY MR. WRAY:</p> <p>24 Q The reason is because some of the issues in this</p> <p>25 case go back to 2002. In fact, you know the banking and</p>
Page 14	Page 16
<p>1 Q Yeah. Any connection there?</p> <p>2 A Not that I know of.</p> <p>3 Q Oh, okay. Maybe I'm wrong about that. Okay.</p> <p>4 And then what's the other -- what other</p> <p>5 billboard companies do you remember in town?</p> <p>6 A I think there's some independents, but I don't</p> <p>7 -- I don't -- I don't remember.</p> <p>8 Q CBS Outdoor?</p> <p>9 A Well, yeah. I remember having mentioned CBS.</p> <p>10 I don't know if I've met with ...</p> <p>11 Q In your campaign in 2002 did you use billboards</p> <p>12 for advertising?</p> <p>13 A Yes, I did.</p> <p>14 Q Okay. Have you always used billboards in each</p> <p>15 of your campaigns?</p> <p>16 A Yes, I have.</p> <p>17 Q That would be 2002, 2006, 2010.</p> <p>18 A Correct.</p> <p>19 Q And who have you done business with as far as</p> <p>20 using their billboards?</p> <p>21 A My recollection is always Clear Channel in all</p> <p>22 three of the races and I think I've used Yesco in some of</p> <p>23 the races -- I don't remember which ones -- or if I've</p> <p>24 used them -- I might have used them in all. It's</p> <p>25 possible.</p>	<p>1 relocation --</p> <p>2 A That's the only reason I said six was because I</p> <p>3 think you requested for the last eight years.</p> <p>4 Q It was? Okay. Sorry about that.</p> <p>5 A Yeah. Your request was for the last eight.</p> <p>6 That's why I said six.</p> <p>7 Q Well, let me ask these questions, then.</p> <p>8 So starting in 2002 billboard companies</p> <p>9 provided in-kind contributions to your campaign by having</p> <p>10 yourself on a billboard --</p> <p>11 A Correct.</p> <p>12 Q -- for your campaign. That continued in 2006?</p> <p>13 A I don't think we did any in-kind in '06.</p> <p>14 Q What happened in 2006?</p> <p>15 A I paid for the advertising.</p> <p>16 Q And there was no contribution to your campaign?</p> <p>17 A Yes, there was. It was monetary contributions.</p> <p>18 And, really, it was just that it was cleaner that way.</p> <p>19 Q Was it an exchange of checks?</p> <p>20 A I mean, they would write a check to the</p> <p>21 campaign and then the campaign would write a check for</p> <p>22 any advertising that I did.</p> <p>23 Q Was it the same amount?</p> <p>24 A No. No.</p> <p>25 Q Well, did they give you more money than you gave</p>

4 (Pages 13 to 16)

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1 them?

2 **A No. I gave them -- I'm pretty confident it was**

3 **pretty substantially more than they gave me. They're**

4 **limited to \$10,000 in a contribution.**

5 **Q I didn't know that.**

6 **A Yeah.**

7 **Q So nobody can give you more than 10 grand.**

8 **A Correct.**

9 **Q And in 2010 was there another in-kind**

10 **contribution?**

11 **A No in-kinds in 2010 from the billboard**

12 **companies that I recall.**

13 **Q And did Clear Channel give you a cash**

14 **contribution?**

15 **A I assume they did. I'd have to look at the C&D**

16 **report to make sure of that but I think they did.**

17 **Q Did Yesco in 2010 give you a cash contribution?**

18 **A I don't -- again, I don't recall. Hopefully**

19 **we'll get those reports here and I can -- I can show you.**

20 **Q The report that we have as Exhibit 2, what year**

21 **is this for?**

22 **A It's for this year.**

23 **Q What campaign are you running this year?**

24 **A The mayor campaign started in '13.**

25 **Q These are the people that contributed already to**

Page 18

1 your mayoral bid?

2 **A Correct.**

3 **Q Okay. I understand now. This is really your**

4 **fourth campaign, this paperwork here.**

5 **A Correct.**

6 **Q Do you have any estimation of how much money you**

7 **received from billboard companies for your campaigns**

8 **between 2002, 2006, 2010 and 2012?**

9 **A I have no idea.**

10 **Q None? No idea at all?**

11 **A I don't. I really don't.**

12 **Q Have you ever had any communications with anyone**

13 **at Clear Channel?**

14 **A Oh, absolutely.**

15 **Q Okay. Who have you had communications with?**

16 **A I mean, most recently, you know, the management**

17 **team over there, Susan Holshouser and --**

18 **Q Could you spell that for us?**

19 **A No.**

20 **Q Is it something that I can --**

21 **H-o-l-s-h-a-u-s-e-r, something like that?**

22 **MS. LORI WRAY: Might be a "T" in there.**

23 **MR. WRAY: Okay. It might be a "T" in there,**

24 **too. We'll get that spelling for us. Okay.**

25 **BY MR. WRAY:**

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1 **Q Okay. Anyone else?**

2 **A Their property guy. Just drew a blank on his**

3 **name. Is it Adam? Adam West. Is that right?**

4 **BY MR. WRAY:**

5 **Q There is an Aaron West.**

6 **A Aaron West.**

7 **Q Out of Sacramento?**

8 **A No. He's based here, I think.**

9 **Q Oh, he's based here. Okay. Anyone else?**

10 **A Those would be the main contacts I would have**

11 **over there. I don't recall talking to anyone else.**

12 **Q All right. Are these your friends, Ms.**

13 **Holshouser and Mr. West?**

14 **A Do I go out to dinner with them? No. Do I --**

15 **I mean, do I have a friendly relationship with them?**

16 **Q Yes.**

17 **A Yeah. I mean, I would say we were -- but it's**

18 **professional.**

19 **Q Okay. So you've never actually had dinner or**

20 **socialized with them?**

21 **A At an event or a function maybe.**

22 **Q Okay.**

23 **A That's possible.**

24 **Q What kind of functions?**

25 **A Charity event or something like that. I'm just**

Page 20

1 **trying to think if I've ever -- I mean, I've seen them at**

2 **charity events. I'm just trying to think if I ever sat**

3 **with them at charity events. I honestly don't know, but**

4 **it's possible. I would say even maybe probable.**

5 **Q Especially Mr. West or especially Ms.**

6 **Holshouser?**

7 **A Holshouser, I would think.**

8 **Q Did Ms. Holshouser have something to do with the**

9 **communications -- did any of her communications with you**

10 **have something to do with Reno adopting a digital**

11 **billboard ordinance? Did she talk to you about that?**

12 **A Yes.**

13 **Q How many times?**

14 **A Several. I -- I mean, this went on for many**

15 **years.**

16 **Q Sure. It started at least in 2007, didn't it?**

17 **A Yeah. I mean, it went on for many years. I**

18 **had several conversations with her.**

19 **Q Do most of the time when you contact Ms.**

20 **Holshouser, do you contact her by phone or by email or**

21 **how?**

22 **A I would say predominantly phone, I would think.**

23 **I don't think we communicated by email much, if at all.**

24 **I don't know.**

25 **Q So do you have each other's cell phones?**

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<p>1 A She has mine. Do you want me to check and see</p> <p>2 if I have hers?</p> <p>3 Q No. If your memory is you don't know, just say</p> <p>4 you don't know.</p> <p>5 A I don't know.</p> <p>6 Q Okay. And what specifically did Ms. Holshouser</p> <p>7 communicate with you about concerning digital billboards?</p> <p>8 A Mostly the concerns with how the ordinance was</p> <p>9 written.</p> <p>10 Q Do you mean specific things that were to be in</p> <p>11 the ordinance that she wanted or didn't want?</p> <p>12 A Correct.</p> <p>13 Q Okay. Did you have similar conversations with</p> <p>14 anyone else at Clear Channel about what should or should</p> <p>15 not be included in the ordinance?</p> <p>16 A Aaron West was probably in a lot of those</p> <p>17 conversations.</p> <p>18 Q You mean he was part of the phone conversation?</p> <p>19 A Or if there was a meeting in my office,</p> <p>20 possibly.</p> <p>21 Q Did you have meetings in your office?</p> <p>22 A Occasionally.</p> <p>23 Q With Mr. West?</p> <p>24 A You know, I know we met -- I'm confident we met</p> <p>25 at their office once or twice.</p>	<p>1 she was a property manager here locally. Right?</p> <p>2 MR. GILMORE: Susan Schulte. She was an</p> <p>3 employee.</p> <p>4 THE WITNESS: Right.</p> <p>5 BY MR. WRAY:</p> <p>6 Q Mrs. Schulte and Mr. Saunders.</p> <p>7 A Correct.</p> <p>8 Q And what were you discussing with them?</p> <p>9 A Again, things that they would want in the</p> <p>10 ordinance, things that they were looking for.</p> <p>11 Q Did you meet with them in person?</p> <p>12 A Yes.</p> <p>13 Q And did you talk to them on the phone?</p> <p>14 A You know, I don't recall if my liaison at the</p> <p>15 city set that up or if they called me directly. I don't</p> <p>16 recall. I mean, I could have talked to him on the phone.</p> <p>17 It's very possible.</p> <p>18 Q Of course emails. Did you email with them?</p> <p>19 A I don't recall. It's possible.</p> <p>20 Q Do you have any memory of talking with anyone</p> <p>21 else in the billboard industry about the Reno digital</p> <p>22 billboard ordinance besides the people you've already</p> <p>23 mentioned?</p> <p>24 A Yeah. The people at Yesco.</p> <p>25 Q And who was that?</p>
Page 22	Page 24
<p>1 Q Where is that located?</p> <p>2 A I don't know their address. We can look it up.</p> <p>3 Q Is it in Reno?</p> <p>4 A Actually, I think it's over in Sparks.</p> <p>5 (To Counsel Shipman) Right?</p> <p>6 Q Who did you meet with over there?</p> <p>7 A It would have been Susan and Aaron.</p> <p>8 Q And what was the discussion about?</p> <p>9 A Again, about, you know, things that they were</p> <p>10 looking for in the ordinance.</p> <p>11 Q Okay. Did you ever speak with anyone else in</p> <p>12 the billboard industry besides Ms. Holshouser and Mr. West</p> <p>13 about the digital billboard ordinance in Reno?</p> <p>14 A Absolutely. I spoke with -- I know I spoke</p> <p>15 with representatives from Saunders.</p> <p>16 Q Name the person.</p> <p>17 A Well, yeah. Their attorney, but I was trying</p> <p>18 to think. I also met with the owners.</p> <p>19 Q So Mr. Gilmore.</p> <p>20 A Mr. Gilmore.</p> <p>21 Q And the owner, Mrs. Schulte, maybe?</p> <p>22 A No. I met with --</p> <p>23 MR. GILMORE: Mr. Saunders.</p> <p>24 THE WITNESS: -- Mr. Saunders. But they also</p> <p>25 had a local rep and I can't remember her name. Local --</p>	<p>1 A I would say mostly -- mostly Ed Lawson over</p> <p>2 there.</p> <p>3 Q What did you talk with him about?</p> <p>4 A The same. I mean, what they would want in the</p> <p>5 ordinance. They kind of took a step back early on in the</p> <p>6 process and I think that was more because of business</p> <p>7 that they do with Clear Channel and they didn't want to</p> <p>8 conflict with what Clear Channel wanted.</p> <p>9 Q Yesco did not want to conflict with what Clear</p> <p>10 Channel wanted?</p> <p>11 A Correct. So they kinda -- I think they kinda</p> <p>12 took a backseat and weren't lobbying as hard as others</p> <p>13 because they do a lot of business with Clear Channel was</p> <p>14 the impression that I got.</p> <p>15 Q Why were you meeting with these representatives</p> <p>16 of the billboard industry concerning the Reno digital</p> <p>17 billboard ordinance?</p> <p>18 A Because they asked to meet with me the same way</p> <p>19 Scenic Nevada asked to meet with me and I met with them.</p> <p>20 Q Yeah. But why did you think it was necessary to</p> <p>21 have a meeting with the billboard industry to -- to</p> <p>22 address whatever their concerns were? I want to know why</p> <p>23 you wanted to know from them what they wanted.</p> <p>24 Why did that matter to you?</p> <p>25 A Because I think that's our job.</p>

6 (Pages 21 to 24)

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1 Q To do what?

2 A To meet with constituents and find out what

3 they're looking for.

4 Q The billboard industry?

5 A Any constituents. Again, I met with Scenic

6 Nevada also.

7 Q I understand. I'm just asking.

8 A Right.

9 Q You felt it was necessary to meet with them as

10 constituents.

11 A Absolutely.

12 Q Okay. When you met with them, did you say to

13 them, You know, Fellas, or Mrs. Schulte in that case, the

14 people here in Reno have passed a law that says we're not

15 supposed to have any more billboards, no new billboards.

16 So I don't know why you're asking me to meet with you

17 about building new digital billboards. Did you tell them

18 that?

19 A No, I did not.

20 Q Why not?

21 A Because I don't believe that's what was passed.

22 Q Okay. Exhibit 3.

23 (Deposition Exhibit 3 marked for

24 identification.)

25 BY MR. WRAY:

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1 Q Exhibit 3 is a three-page document. It's a

2 photocopy of part of a ballot. And in this particular

3 first page, which is Bates-labeled SN 23 -- it goes

4 through SN 25 -- it says "Question No. R-1, billboard

5 ballot question." You've seen this before?

6 A Absolutely.

7 Q Okay. And below that it states, "The

8 construction of new off-premises advertising displays,

9 billboards, is prohibited and the City of Reno may not

10 issue permits for their construction."

11 That's the ballot initiative we were just

12 talking about in the previous question, right?

13 A Correct.

14 Q And the one that you said doesn't say that there

15 shall be no new billboards.

16 A Correct.

17 Q Doesn't it say there shall be no new billboards?

18 A The person that really was promoting this, the

19 president of Scenic Nevada at the time, during this

20 campaign was constantly out telling people this does not

21 mean that we're taking away the billboards that are

22 existing. This puts a cap on it.

23 Q Just tell me the name of the person.

24 A Doug Smith.

25 Q Doug Smith said what?

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1 A That this puts a cap on billboards. It's not

2 trying to put the billboard industry out of business. It

3 puts a cap on billboards. I heard him say that over and

4 over and over again when he was out promoting this. And

5 the interpretation after this was passed when the

6 ordinance was written refers to that.

7 Q When did you see Doug Smith in the year -- the

8 years 1999 and 2000? Where did you see him?

9 A I mean, I was on the Planning Commission at the

10 time and was, obviously, involved with a lot of things

11 that were going on. I saw Doug Smith several times. I

12 don't remember where.

13 Q Okay. So did the ballot initiative come up

14 before the Planning Commission?

15 A The ballot initiative did not, but we did have

16 the billboard issue and the cap issue coming before the

17 Planning Commission.

18 Q And was that something that Mr. Smith brought

19 before the Planning Commission? How did it come before

20 the commission?

21 A I think it was city-initiated, if I remember

22 correctly.

23 Q In regards to what?

24 A In regards to the cap.

25 Q Okay. So this is before there was a ballot

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1 initiative, before there was an Exhibit 3, right? That's

2 when you saw Mr. Doug Smith say the things that you just

3 said he said. Let me ask a better question because it's

4 obvious from your expression that I'm confusing you, so

5 let me try to be more clear.

6 I showed you Exhibit 3, the ballot initiative

7 which is from the election of November 2000, and you said

8 Mr. Smith was around town telling everyone this is -- and

9 you saw many times -- say this is just a cap on

10 billboards. It doesn't do anything else.

11 And I'm just asking you, Where did you see him?

12 If not at the Planning Commission, where did you see him

13 saying these words?

14 A I don't recall. In 1997, '98?

15 Q No. It was 1999 and 2000.

16 A I don't recall.

17 Q Do you have any kind of memory of Mr. -- of

18 exactly what he said in what place at what time, anything

19 like that?

20 A No.

21 Q Okay. Did you just tell me that? Did you make

22 that up?

23 A No.

24 Q Well, let's just say that Mr. Smith said

25 whatever he said at some point in time about this is only

7 (Pages 25 to 28)

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1 a cap. When you saw the words of the ballot initiative,
 2 you saw what it said, right?
 3 A Correct.
 4 Q Okay. And the ballot initiative said there
 5 shall be no new billboards and no permits shall be issued,
 6 right?
 7 A Correct.
 8 Q So you knew by reading that that there was to be
 9 no new billboards and no new permits were to be issued.
 10 You knew that from reading it.
 11 A Correct.
 12 Q Okay. And that's just plain English. It's only
 13 one sentence, right?
 14 A Correct.
 15 Q Now, have you ever seen the first amended
 16 complaint?
 17 A I'm sorry?
 18 Q Have you ever seen the first amended complaint
 19 filed by Scenic Nevada?
 20 A I don't think I have.
 21 Q Let's call this Exhibit 4.
 22 (Deposition Exhibit 4 marked for
 23 identification.)
 24 BY MR. WRAY:
 25 Q And we're looking at a document that's called

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1 "First Amended Complaint to Invalidate City of Reno
 2 Digital Billboard Ordinance," which says it was
 3 electronically filed April 15th, 2013.
 4 On this document, counsel and Mr. Dortch, you
 5 will see some handwriting which belongs to Lori Wray in
 6 which she's writing in the margins which allegations were
 7 admitted and which allegations were denied. Other than
 8 that, this is the lawsuit.
 9 And the reason I wanted to show you this one
 10 with the writing on it is so you can see that the city
 11 denied many paragraphs and admitted many paragraphs.
 12 Some of these things are not in dispute, Mr. Dortch, from
 13 the city's standpoint and some of these things are all
 14 I'm saying to you.
 15 A That's fine.
 16 Q Have you ever seen what we're calling Exhibit 4
 17 before today?
 18 A Not to my recollection.
 19 Q Has the City Council ever even been advised by
 20 anyone as a group that there is a lawsuit?
 21 MR. SHIPMAN: I'm gonna object to the point that
 22 that's requesting privileged information.
 23 BY MR. WRAY:
 24 Q Has the City Council ever addressed this lawsuit
 25 as a body?

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1 MR. SHIPMAN: In a public meeting?
 2 MR. WRAY: No. Just have they ever addressed it
 3 as a body. Have they ever sat as a body to address this
 4 lawsuit, Exhibit 4?
 5 MR. SHIPMAN: Not with counsel but outside the
 6 privilege. Is that the question?
 7 MR. WRAY: No. At any point has the council, a
 8 quorum, if you will, of the council ever addressed this
 9 lawsuit? And what I mean by that is say there's a lawsuit
 10 by Scenic Nevada, what are we gonna do about it? Has
 11 there been any meeting or discussion like that ever?
 12 MR. SHIPMAN: And I have to object to the point
 13 that that's requesting testimony as to any privileged
 14 information. I mean, I think it's fine if you ask that
 15 question relative to any public meeting. I think it's
 16 fine.
 17 But to the extent that that question is
 18 referring to meetings that took place between the city
 19 attorney's office and the council in a closed session, I'm
 20 going to have to object to that.
 21 MR. GILMORE: As to the existence of the meeting
 22 or the content of the meeting?
 23 MR. SHIPMAN: The content of the meeting.
 24 MR. GILMORE: Because I agree with you as to the
 25 content, but if there was a meeting, I think we're

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1 entitled to know that there was a meeting. We don't get
 2 to know what you talked about.
 3 MR. WRAY: I'm just saying I wanted to know if
 4 he'd ever seen this. And then since he -- he says he
 5 hasn't seen it, I thought maybe someone had orally
 6 presented what this -- what's going on here and that's
 7 what I'm trying to find out. Because my question goes to
 8 whether or not the City Council even knows that there's a
 9 lawsuit.
 10 MR. SHIPMAN: Right. And to the extent that
 11 you're asking about what happened in an attorney-client
 12 meeting, I have to object as that being privileged.
 13 BY MR. WRAY:
 14 Q Okay. So he's instructing you -- he hasn't
 15 instructed you, Mr. Dortch, but he's basically saying that
 16 he does not want you to respond to anything communicated
 17 in any meeting at which the city attorney was present and
 18 it wasn't in public.
 19 So I guess -- we used to call that "executive
 20 session," but I still want to know does the City Council
 21 even know there's a lawsuit?
 22 A Yes.
 23 Q How? How do you know?
 24 A We have been made aware from our attorneys of
 25 the lawsuit.

8 (Pages 29 to 32)

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1 Q Okay. Has anyone ever circulated amongst the
2 members of the council to your knowledge a copy of this
3 lawsuit, Exhibit 4? Has anyone ever circulated just the
4 document itself amongst the members of the council?
5 MR. SHIPMAN: And, again, I'm going to object to
6 the extent that that circulation occurred in the context
7 of litigation from the city attorney's office to the City
8 Council.
9 MR. WRAY: Okay. But regardless of what was
10 communicated to you by any attorney -- I don't even want
11 to know that -- I just want to know if there was made
12 available to the members of the council a copy of the
13 lawsuit.
14 MR. SHIPMAN: To the extent that you --
15 MR. WRAY: That act alone. I don't think it's a
16 confidential communication.
17 MR. GILMORE: It's not.
18 MR. WRAY: It's just a copy of a public record.
19 MR. SHIPMAN: You can answer that.
20 THE WITNESS: I can answer it if I remember it.
21 BY MR. WRAY:
22 Q If you don't remember, please tell me.
23 A I don't remember being handed a copy of the
24 lawsuit at any time. I mean, I -- it's possible someone
25 could have emailed us a copy. I mean, this isn't a

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1 confidential document so--
2 Q It's definitely not.
3 A -- it's possible that it could have been
4 emailed to us.
5 Q Okay.
6 A I mean, usually when a lawsuit's filed we're
7 usually notified by an email. Someone will send us an
8 email. Occasionally the documentation might be attached
9 to it, but I just -- I don't recall if you ever sent this
10 out with a copy attached to it or not, I don't.
11 Q Okay. That's fine.
12 A I mean, but usually. I would say -- I would
13 say always if there's a lawsuit filed against the city,
14 we're notified.
15 Q All right. I was kind of trying to get beyond
16 that now and try to find out if you'd ever gotten a copy
17 of the actual allegations. As you can see, this is a
18 fairly lengthy document. Do you see how many pages it is?
19 It's 20 pages long.
20 A Correct.
21 Q And you've never read it?
22 A I've never read it.
23 Q Okay. By the way, have you ever seen or read
24 the lawsuit by Saunders Outdoor Advertising against the
25 city?

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1 A No.
2 Q Do you typically, you know -- let me withdraw
3 that and say it this way: During the time period of 2008
4 through 2012 you had a lot -- you spent a lot of time on
5 the digital billboard ordinance yourself personally,
6 right?
7 A Did I spend a lot of time writing an ordinance?
8 Q No. That was a bad question.
9 During the years 2008, 2009, 2010, 2011 and
10 2012, you spent a lot of time, official time or personal
11 time, whatever, addressing the digital billboard
12 ordinance, right?
13 MR. SHIPMAN: I'm just going to object to the
14 form that it's confusing.
15 MR. WRAY: Confusing? Well --
16 THE WITNESS: Well, what do you consider a lot
17 of time?
18 BY MR. WRAY:
19 Q Well, you were carrying the water in the very
20 beginning. You were the one that proposed that there
21 should be a digital billboard ordinance. You were the
22 person that proposed it.
23 A Yeah. But what do you consider a lot of time
24 after that? I mean, what I asked for was--
25 Q If you don't, say "I don't consider it a lot of

Page 36

1 time." Just say "I don't."
2 A I don't.
3 Q Okay. So--
4 A I mean, I don't know what you consider a lot of
5 time. But, I mean, just so you know, I mean, I asked
6 for -- at the time I think I asked for a text amendment
7 to our code to remove the language that outlaws the
8 digital billboards. And, really, that's all I asked for.
9 And then from there, obviously it changed drastically.
10 There were conversations I had during that
11 process but I don't think -- I mean, I've had, you know,
12 some meetings with individuals including members from
13 Scenic Nevada but I don't -- I don't think I would say I
14 spent a lot of time. I mean, I probably spent more time
15 in the last year on issues related to the southeast
16 connector than I did ever in 12 years -- 11 years combined
17 on billboards.
18 Q All right.
19 A So I wouldn't consider it a lot of time.
20 Q And maybe that explains why you're not that
21 interested either in the Scenic Nevada or Saunders Outdoor
22 lawsuits.
23 A I wouldn't say I'm not interested in them.
24 Right now it's in our attorney's hands. We've made our
25 decision. Our attorneys are defending that position. If

9 (Pages 33 to 36)

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1 they need information from us, they come to us and ask us
2 for guidance.
3 Q We do need information from you, but if we look
4 at Exhibit 4--
5 A Okay.
6 Q -- as you can see in the nature of the case on
7 the first page it says, "The citizens of Reno passed an
8 initiative prohibiting new billboard construction and
9 banning any issuance of any building permits for billboard
10 construction." That would be Exhibit 3 --
11 A 4.
12 Q This would be Exhibit 3.
13 A Oh, I'm sorry.
14 Q Right.
15 A Correct.
16 Q That's the initiative. "The citizens acted
17 because their elected city officials would not." And then
18 it goes on to talk about what happened after the law was
19 passed. They adopted a banking and relocation ordinance.
20 A Right.
21 Q Right?
22 A Correct.
23 Q And you were on the City Council at the time of
24 that banking and relocation ordinance in June of 2003?
25 A Yes. The only reason I was hesitant there, I

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1 couldn't remember if it was when I was on the Planning
2 Commission or if I already was on the council--
3 Q Either one.
4 A I was involved in it.
5 Q Right.
6 A But if it's 2003, you're correct. I was on the
7 council at the time.
8 Q And in the lawsuit that you haven't seen before
9 we have allegations about Dwight Dortch carrying the water
10 for the billboard industry, okay?
11 A Okay.
12 Q For example, paragraph 22 on page 5 "On
13 February 13th, 2008, a majority of the Reno City Council
14 led by Councilman Dwight Dortch voted to direct the Reno
15 city staff to initiate a text amendment that would
16 eliminate RMC Section 18.16.905(1) and allow the
17 construction and permitting of new digital billboards."
18 Do you see that?
19 A Correct. I don't know -- I guess it was--
20 Q The city attorney's office, who was handling
21 this lawsuit for the council, denied the first part of
22 that, that a majority of the City Council led by
23 Councilman Dwight Dortch did this.
24 MR. SHIPMAN: And specifically.
25 THE WITNESS: Yeah. And I think specifically

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1 because it says led by me.
2 BY MR. WRAY:
3 Q Right. And you're denying that, right? Just
4 like the city attorney.
5 MR. SHIPMAN: He hasn't denied that for the --
6 BY MR. WRAY:
7 Q The answer denied that, right, and that's why
8 you see it there? See the--
9 A Yeah.
10 Q And you're denying it today, right?
11 A I don't know what the "led by" refers to.
12 Q The person who initiates and asks for the action
13 to be taken. That's what we're asking -- that's what
14 we're saying. Is that false?
15 A No. I think that's fair.
16 Q That's true, isn't it? You were the person who
17 initiated it and asked for the action to be taken.
18 A That's first --
19 Q Right?
20 MR. SHIPMAN: Again, counsel, I think if it said
21 that, that would be a different thing than what this says.
22 THE WITNESS: It's the "led by."
23 MR. SHIPMAN: You're mischaracterizing what this
24 says.
25 MR. WRAY: No. I'm asking a question in a

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1 deposition.
2 BY MR. WRAY:
3 Q And my question is, You were the person who
4 initiated this.
5 A Yes, I was.
6 Q Now, going back in time--
7 A And this was after five years of allowing
8 issuing building permits for construction of billboards
9 after that code amendment was written. So since the
10 passage of the petition and writing of the ordinance and
11 putting the ordinance in place, we had been issuing
12 permits for new construction of billboards for over five
13 years.
14 (Deposition Exhibit 5 marked for
15 identification.)
16 BY MR. WRAY:
17 Q When you say "we," you mean the City Council and
18 you said--
19 A The City of Reno.
20 Q Okay. The next exhibit is an Exhibit No. 5 and
21 this exhibit is a photocopy of a publication by the city
22 about ReTRAC. That's the hole downtown for the trains,
23 right?
24 A Uh-huh.
25 Q Now, this banking and relocation ordinance, you

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1 had something to do with that, too, right?

2 **A Yes.**

3 **Q Okay. And that was on the Planning Commission?**

4 **A What year are you talking about?**

5 **Q Up through your election in November of 2002.**

6 Prior to that time, as you could see, the project start

7 date on the first page of Exhibit 5 -- you see --

8 September 13th, 2002, the project start date?

9 **A Uh-huh.**

10 **Q So before that somebody had to be making**

11 **application for this project through the Planning**

12 **Commission and City Council and City of Reno. Right?**

13 **A Correct.**

14 **Q Okay. Now, was the banking and relocation**

15 **ordinance derived from the trench project? Is that where**

16 **the banking and relocation came from?**

17 **A I don't recall.**

18 **Q Why was there a banking and relocation**

19 **ordinance? What was the purpose?**

20 **A I think it was that the ordinance needed to be**

21 **written because of the ballot initiative and the process**

22 **of no additional billboards had to be addressed.**

23 **Q It said "no new billboards." Why did you use**

24 **the word "additional"? Did this -- did the ordinance say**

25 **that was passed by the voters "no additional billboards,"**

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1 or did it say "no new billboards"?

2 **MR. SHIPMAN: Objection. Potentially a legal**

3 **conclusion. I mean, he testified that--**

4 **BY MR. WRAY:**

5 **Q The reason I marked Exhibit 3 is so we have a**

6 **clear understanding of what the initiative said.**

7 **A The initiative isn't what's in the ordinance.**

8 **Q Right. Thank you.**

9 **A And the ordinance is very clear. So we don't**

10 **refer back to the initiative now because we have an**

11 **ordinance on -- that represented the question, correct?**

12 **Q In time, firstly there was a ballot initiative**

13 **that was adopted, right, and subsequent to that there was**

14 **another ordinance adopted by the city called "The Banking**

15 **and Relocation Ordinance," right?**

16 **A And it's very clear. I think the statute's**

17 **very clear, the ordinance.**

18 **Q The ordinance, okay; that is, your banking and**

19 **relocation ordinance is very clear.**

20 **A Right, that's been in place since ...**

21 **Q And I asked you why.**

22 **A Why?**

23 **Q Why was it adopted?**

24 **A To address the ballot initiative.**

25 **Q Explain what you mean.**

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1 **A In the sense that we had to change our**

2 **ordinances because of the ballot initiative, so -- and my**

3 **recollection is that's why this was brought forward to**

4 **us.**

5 **Q So -- what was brought forward to you?**

6 **A The ordinances.**

7 **Q What ordinances?**

8 **A Aren't you addressing the banking--**

9 **Q Yes.**

10 **A -- ordinance?**

11 **Q What was brought forward to you?**

12 **MR. SHIPMAN: Just objection, confusing. Is**

13 **there a specific ordinance that you're referring to just**

14 **so--**

15 **MR. WRAY: Yes, the banking and relocation**

16 **ordinance.**

17 **MR. SHIPMAN: Okay. So the question is relative**

18 **to the banking and relocation ordinance.**

19 **BY MR. WRAY:**

20 **Q My question is, Why was it brought forward to**

21 **you? What was the need? What was the concern? What was**

22 **the reason for adopting this legislation, the banking and**

23 **relocation legislation? Why?**

24 **A Again, my recollection is that it was to**

25 **address the ballot initiative in the sense that there**

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1 **would be no additional billboards, so -- and that there**

2 **would be a process for -- let's say a billboard is**

3 **deteriorated and we have to issue a permit for someone to**

4 **go out and repair the deteriorated billboard.**

5 **Q Uh-huh.**

6 **A We wanted to address that, so we wanted to**

7 **address--**

8 **Q Why?**

9 **A Because that's our job.**

10 **Q No, no. I mean, why would you want to issue a**

11 **new permit?**

12 **A Again, we were addressing the cap number on**

13 **billboards and there had to be a process in place for the**

14 **billboard companies to either repair if they were**

15 **deteriorated or replace the structure if it needed to be.**

16 **Q Why? Why? Why did that have to happen?**

17 **MR. SHIPMAN: I'm going to object. Asked and**

18 **answered.**

19 **THE WITNESS: I don't know that--**

20 **BY MR. WRAY:**

21 **Q What do you mean? What's the answer?**

22 **MR. SHIPMAN: He gave you the answer.**

23 **BY MR. WRAY:**

24 **Q Why did the billboard industry need to repair or**

25 **replace a billboard?**

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<p>1 MR. SHIPMAN: I think that's a</p> <p>2 mischaracterization. The question -- the question was why</p> <p>3 was the ordinance put in place and I believe the record</p> <p>4 reflects that he did -- he answered that in his</p> <p>5 understanding. So to the extent that it's been asked and</p> <p>6 answered--</p> <p>7 MR. WRAY: No.</p> <p>8 MR. SHIPMAN: You may not like the answer.</p> <p>9 BY MR. WRAY:</p> <p>10 Q No, no. It's not one of those things where the</p> <p>11 attorney is going I don't like the fact that you said</p> <p>12 "yes" to this or gave a reason that I don't like.</p> <p>13 I'm asking why was it necessary for you as the</p> <p>14 City Council to adopt an ordinance for a billboard</p> <p>15 company to repair or replace a billboard? Why?</p> <p>16 A Because it just makes sense.</p> <p>17 Q Okay. You -- at that time when the banking and</p> <p>18 relocation ordinance was passed, you had a law on the</p> <p>19 books that said no new permits, right?</p> <p>20 A I don't know that we had a law on the books</p> <p>21 that said that.</p> <p>22 Q Okay. Let's look at Exhibit 3. Let's look at</p> <p>23 Exhibit 3--</p> <p>24 MR. SHIPMAN: I'm objecting --</p> <p>25 MR. WRAY: -- "Construction of new off-premises</p>	<p>1 THE WITNESS: I just don't recall the whole</p> <p>2 process back then. This is about a lawsuit and then there</p> <p>3 was a settlement to that lawsuit and then there was -- I</p> <p>4 mean, there was just -- there was many things that went on</p> <p>5 then--</p> <p>6 BY MR. WRAY:</p> <p>7 Q Okay.</p> <p>8 A -- that I just don't...</p> <p>9 Q Okay. Let's mark the 2002 ordinance as Exhibit</p> <p>10 6, please.</p> <p>11 (Deposition Exhibit 6 marked for</p> <p>12 identification.)</p> <p>13 BY MR. WRAY:</p> <p>14 Q What's been placed in front of the witness is a</p> <p>15 photocopy of a document produced in this action by the</p> <p>16 City of Reno, Bill No. 5830, Ordinance No. 5295, an</p> <p>17 ordinance amending 18.06 of Title 18 of the Reno Municipal</p> <p>18 Code. And as you can see if you look at it, it has to do</p> <p>19 with off-premises advertising displays, right?</p> <p>20 A Correct.</p> <p>21 Q Okay. This ordinance has a signature page for</p> <p>22 Judge Griffin -- I mean, Mayor Griffin -- on page 15,</p> <p>23 December -- January 22nd, 2002, right?</p> <p>24 A Correct.</p> <p>25 Q Okay. And if you go to page 5 of Exhibit 6</p>
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<p>1 advertising displays, billboards, is prohibited and the</p> <p>2 City of Reno may not issue permits for their</p> <p>3 construction," right? That was the law, right?</p> <p>4 MR. SHIPMAN: Again, to the extent that this is</p> <p>5 requesting a legal opinion or a legal conclusion, I'm</p> <p>6 objecting to the form of the question. Nobody's -- he's</p> <p>7 asking -- he's asked and answered the question. He's</p> <p>8 indicated that that initiative petition was part of our</p> <p>9 code, so--</p> <p>10 BY MR. WRAY:</p> <p>11 Q Really? Is that true? Do you adopt your</p> <p>12 attorney's testimony as your own?</p> <p>13 MR. SHIPMAN: That was his testimony.</p> <p>14 MR. WRAY: Just a minute.</p> <p>15 BY MR. WRAY:</p> <p>16 Q Do you adopt it? Was this initiative part of</p> <p>17 the code?</p> <p>18 A I'm not sure -- I'm not sure I know the answer</p> <p>19 to that.</p> <p>20 MR. SHIPMAN: Well, from a--</p> <p>21 BY MR. WRAY:</p> <p>22 Q Has the city -- does the city stipulate that the</p> <p>23 ballot initiative became part of the code on</p> <p>24 November 14th, 2000?</p> <p>25 MR. SHIPMAN: It was -- again, putting aside--</p>	<p>1 under Section 18.06.920, it says, "Restrictions on</p> <p>2 permanent off-premises advertising displays," subparagraph</p> <p>3 A, "The construction of new off-premises advertising</p> <p>4 displays, billboards, is prohibited and the City of Reno</p> <p>5 may not issue permits for their construction. Approved by</p> <p>6 the voters at the November 7th, 2000, general election,</p> <p>7 Question R-1. The results were certified by Reno City</p> <p>8 Council on November 14th, 2000."</p> <p>9 A Right.</p> <p>10 Q Okay. So this is the ballot initiative now</p> <p>11 part -- codified as part of the Reno Municipal Code,</p> <p>12 right?</p> <p>13 A Correct.</p> <p>14 Q Okay. So my question was, this part--</p> <p>15 A But the interpretation is new is additional.</p> <p>16 That's the interpretation.</p> <p>17 Q That's your interpretation.</p> <p>18 A I think that's the city's interpretation.</p> <p>19 Q Okay. Yours and the city's.</p> <p>20 A Correct.</p> <p>21 Q "New" means additional.</p> <p>22 A Correct.</p> <p>23 Q Okay. So no additional ones, right?</p> <p>24 A Correct.</p> <p>25 Q So if I today have someone over on Market Street</p>

12 (Pages 45 to 48)

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1 that wants to put up a billboard, you go, That's
 2 additional. You can't add that to -- you can't add that,
 3 right?
 4 **A Not necessarily.**
 5 **Q** What does "additional" mean?
 6 **A The number. Total number of billboards remains**
 7 **the same.**
 8 **Q** Okay. So do you read Exhibit 3 to say the total
 9 number of billboards stays the same?
 10 **A Yes.**
 11 **Q** Okay. But where does it say that in the
 12 language?
 13 **A That's my interpretation of it.**
 14 **MR. SHIPMAN:** And, again, to the extent--
 15 **BY MR. WRAY:**
 16 **Q** When you add a billboard, as long as it stays
 17 the same -- like let's say you take one away and put one
 18 in. If you add a billboard, right, and you're saying
 19 that's -- that's okay because it's within the same number,
 20 does a new permit have to be issued for that?
 21 **MR. SHIPMAN:** Objection to the extent it calls
 22 for a legal conclusion. You can answer.
 23 **BY MR. WRAY:**
 24 **Q** Do you know if a permit is required to construct
 25 a billboard?

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1 **A Yes.**
 2 **Q** Okay. Does a permit have to be issued for the
 3 construction of anyone putting up a new monopole sign
 4 billboard?
 5 **A Yes.**
 6 **Q** Okay. So the law says no permits, right?
 7 **MR. SHIPMAN:** Objection. Legal conclusion.
 8 **BY MR. WRAY:**
 9 **Q** Does the words -- do you read -- can you read
 10 the words that says, "and the City of Reno may not issue
 11 permits for their construction"?
 12 **A For additional billboards.**
 13 **Q** Are you adding that language?
 14 **A No. That's my interpretation. Because it**
 15 **reads, "The construction of new off-premises advertising**
 16 **displays, billboards, is prohibited and the City of Reno**
 17 **may not issue permits for their construction." So it's**
 18 **referring to the language in the first part of that**
 19 **sentence. The first part of that sentence is saying "No**
 20 **additional billboards."**
 21 **Q** It says --
 22 **A And if you guys thought that that wasn't the**
 23 **case, as we've issued permits for the last eight years or**
 24 **whatever the number is, why hasn't this come up? I mean,**
 25 **it's not like you guys don't know that these permits are**

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1 **being issued. You've known it. They've been there.**
 2 **Q** Sometimes when I'm sitting in City Council
 3 meetings and I have my 180 seconds to say my piece, I
 4 don't get to have a dialogue. I'd like very much to
 5 answer your questions that you ask one another up there,
 6 because we're sitting there in the audience and we can't
 7 participate, and it's extremely frustrating. But today I
 8 finally get to ask you questions, make you answer my
 9 questions--
 10 **A Okay.**
 11 **Q** -- and you're trying to turn it around again and
 12 make this the City Council where you get to ask all the
 13 questions, and that's not gonna happen today.
 14 Is that all right?
 15 **A I just think this is all frivolous. That's my**
 16 **problem. I think you're wasting a lot of people's time.**
 17 **Q** Okay. Do you mean Scenic Nevada is wasting
 18 people's time by challenging the ordinance to erect
 19 digital billboards? Is that what your position is?
 20 **A 10 years after the fact.**
 21 **Q** Tell me, is that what you think?
 22 **A 10 years after the fact.**
 23 **Q** Is that what you think?
 24 **A Or 12 years after the fact.**
 25 **Q** Do you think that Scenic Nevada is wasting the

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1 time of the city by challenging the digital billboard
 2 ordinance?
 3 **A Yes.**
 4 **Q** And why do you think that?
 5 **A Again, I think it's frivolous.**
 6 **Q** Why?
 7 **MR. SHIPMAN:** Asked and answered.
 8 **BY MR. WRAY:**
 9 **Q** What is the answer?
 10 **MR. SHIPMAN:** You can answer.
 11 **BY MR. WRAY:**
 12 **Q** What is the answer? Why is it frivolous?
 13 **A Again, I mean, we just went through this. I**
 14 **told you what my interpretation is. You've heard it for**
 15 **the last 12 years and now all of a sudden you want to**
 16 **file a lawsuit about -- how many permits have been issued**
 17 **over the last 12 years since this ordinance has been**
 18 **written? And we haven't heard a peep out of Scenic**
 19 **Nevada that this is -- that this ordinance is wrong, it's**
 20 **incorrect.**
 21 **BY MR. WRAY:**
 22 **Q** Are you saying that it's wrong for Scenic Nevada
 23 to say that the ordinance means what it says and says what
 24 it means?
 25 **A I'm saying that your interpretation is**

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1 different than ours and for the last 12 years we have not
 2 heard that you -- I mean, you could have filed a lawsuit
 3 the first time we issued a permit after this ordinance
 4 was written and you didn't. You chose not to.
 5 Q Okay.
 6 A You chose to wait 12 years until a digital
 7 billboard ordinance was written, which didn't change
 8 this. Alls it did was--
 9 Q What are you pointing to when you say "this"?
 10 A It doesn't change the ordinance as far as the
 11 no additional billboards. In fact, it reduces the number
 12 of billboards if someone wants to put up a digital
 13 billboard, which I would think you would be happy about.
 14 But, instead, now you're challenging what has been going
 15 on for the last 12 years and I think that's frivolous.
 16 Q That's what people said in Brown vs. Board of
 17 Education when people challenged separate but equal
 18 accommodations for whites and blacks in this country,
 19 because it had been going on for years, Mr. Dortch, black
 20 people--
 21 A That's a funny comparison.
 22 Q That's a funny comparison to you? You find that
 23 funny?
 24 A I do.
 25 Q Because several -- because Plessy vs. Ferguson

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1 said separate but equal was constitutional. And in 1954
 2 the supreme court said separate accommodations for races
 3 is not legal in this country. It's unconstitutional. If
 4 Mr. Dortch was on the supreme court, yes, but we've been
 5 doing it this way for years so it's--
 6 A That's not true.
 7 MR. SHIPMAN: Counsel, I'm just going to object
 8 to the extent this is harassment. If we can get back to
 9 the questions, I'd appreciate it.
 10 MR. WRAY: I think, with all due respect, Mr.
 11 Shipman, your client has made a speech in response to no
 12 question and I'm responding to that speech by asking him--
 13 THE WITNESS: I was responding to your question.
 14 MR. WRAY: -- by asking him -- asking him
 15 legitimate questions--
 16 MR. SHIPMAN: A mischaracterization of
 17 testimony.
 18 MR. WRAY: I'm asking him legitimate questions
 19 relating to the speech that--
 20 THE WITNESS: And I answered.
 21 MR. WRAY: -- relating to the speech he just
 22 made.
 23 MR. SHIPMAN: And, counsel--
 24 MR. WRAY: So that's a legitimate area of
 25 inquiry. If he wants to raise the question of whether you

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1 can or cannot bring a lawsuit at this stage to challenge
 2 the ordinance that was passed in 2012 -- and that's what
 3 his argument is -- I'm entitled to address it in his
 4 deposition. He raised it, I'm addressing it.
 5 THE WITNESS: You asked why I thought it was
 6 frivolous and I explained. I don't think that was making
 7 a speech.
 8 BY MR. WRAY:
 9 Q Yes, you made a speech about--
 10 A You asked me why it was frivolous and I
 11 answered that question the best way I thought I could.
 12 And I'm not questioning whether or not you could file a
 13 lawsuit. I'm questioning whether or not it's frivolous
 14 or not.
 15 Q Okay. Mr. Dortch, do you think that the exhibit
 16 that you're looking at, the exhibit that I showed you,
 17 Exhibit 6, which talks about the train trench was the
 18 reason why the banking and relocation ordinance came about
 19 or not?
 20 A I don't recall.
 21 Q Look at the second page of Exhibit 6. Do you
 22 see the highlighted portion of Exhibit 6, the second page?
 23 That's not -- I'm sorry. Exhibit 5. Exhibit 5, sir.
 24 It's the one that starts with "ReTRAC." Thank you.
 25 Do you see the highlighted portion?

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1 MR. SHIPMAN: And for the record, that's SN 509.
 2 BY MR. WRAY:
 3 Q "From Clear Channel's perspective, billboards
 4 that were banked from the train trench project were not
 5 compensated for and there was a settlement agreement that
 6 was entered into that actually provided these banked
 7 receipts. The financial liability to the City of Reno was
 8 transferred to the banked receipts."
 9 A Okay.
 10 Q Do you see that?
 11 A Uh-huh.
 12 Q Were you aware of the train trench project being
 13 the catalyst for creating a banking and relocation
 14 ordinance as suggested here by Commissioner Romeo?
 15 A That -- I honestly don't remember. I mean, I
 16 don't.
 17 Q Now, under the citizens' initiative of 2000, it
 18 say no new billboards and no permits can be issued for
 19 that. If a billboard company had a sign that was
 20 delapidated and had to come down, what would happen? If
 21 you literally followed the ordinance, what would happen?
 22 MR. SHIPMAN: Just objection to the form. At
 23 what time frame are you talking about? Are you talking
 24 about--
 25 MR. WRAY: Any time after November 2000.

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1 MR. SHIPMAN: After the banking ordinance had
2 been adopted, prior to the banking ordinance being
3 adopted? Today?
4 MR. WRAY: Just based on the citizens'
5 initiative, what would happen? Based on the citizens'
6 initiative the way it's worded, what would happen if a
7 billboard company's sign had to come down? They lost
8 their lease, the billboard was delapidated? What would
9 happen?
10 MR. SHIPMAN: Again, confusing, but you can
11 answer the question.
12 BY MR. WRAY:
13 Q Do you understand? If you don't understand,
14 just say "I don't understand."
15 A I'm not sure I follow you.
16 Q Okay. So if you can't get a new permit for a
17 billboard in Reno, if that's what the law says, and your
18 billboard, you lose your lease on it or it's delapidated
19 and it has to come down and you can't get a permit, you
20 can't replace it. Isn't that true? If you can't get a
21 permit, you can't replace it.
22 MR. SHIPMAN: Objection. Legal conclusion. You
23 can answer to the extent--
24 BY MR. WRAY:
25 Q Well, you're -- you're one of the people who was

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1 around when the banking and relocation ordinance was
2 adopted, right? You know what was going on.
3 A I wasn't -- I was around. I wasn't serving
4 on -- at the time that this was adopted, I wasn't serving
5 on any commission or council.
6 Q Actually, you were on the council in June of
7 2003 when the banking and relocation ordinance--
8 A I'm sorry. I thought that we were referring
9 to--
10 Q There was--
11 A Correct.
12 Q -- two different ordinances. And then in June
13 of 2003 another one, and you were there.
14 A Correct.
15 Q And my point is that if you can't get a new
16 permit and a billboard has to come down and you can't
17 replace it, there would be one less billboard in Reno,
18 wouldn't there?
19 A Correct.
20 Q And you didn't want that. You, Dwight Dortch,
21 did not want to see that.
22 A It's not our interpretation.
23 Q I understand our interpretation. But you,
24 Dwight Dortch, did not want to see that. You wanted them
25 to be able to replace it.

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1 A I would say that's fair.
2 Q So no attrition could occur.
3 A I mean, attrition does occur. I mean, I don't
4 think you could ever say no attrition will occur--
5 Q And I understand--
6 A -- just because of the locations. I mean, one
7 of the solutions we had many times is that because of
8 location and separation criteria, there's gonna be a lot
9 of times when boards come down because of those types of
10 situations and things like that, that they're not gonna
11 be able to put them back up just because -- I mean,
12 you're gonna see attrition because of the way our
13 ordinances were written to limit the number of locations
14 that you could actually put signs. And I think you see
15 that today. I think the number of signs that are out
16 there today is substantially less than it was in 2002,
17 so -- and--
18 Q What do you mean the number of signs is
19 substantially less than it was in 2002?
20 A Well, I think, the numbers -- I don't remember
21 what the--
22 Q Yeah. I was gonna say, What are the numbers?
23 A What's the cap number? The 298? I don't
24 remember what the cap number is. But, obviously, because
25 there are so many banked billboards, those are boards

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1 that couldn't go back up because they don't have
2 locations. And I think Clear Channel alone has over 40
3 banked boards, so the number is substantially--
4 Q Okay. What if there was no bank?
5 A I don't understand what the question is.
6 Q They couldn't -- they couldn't put up boards
7 anymore. What if they couldn't put up boards anymore?
8 A Well, if there's -- if the ordinance didn't
9 allow for a bank, then they wouldn't be able to put them
10 up.
11 Q Right. If you hadn't passed the banking and
12 relocation ordinance, they couldn't put up--
13 A That's actually not true. Our interpretation
14 at the time--
15 Q Why did you need to pass the ordinance?
16 A Because the issue at the time, if I recall, was
17 if a board comes down, anybody can come back and put up a
18 new board to get up to that cap number. So that the
19 industry was trying to protect their licenses for those
20 boards so that not just anybody could come in and apply
21 for a permit. You'd have to have a banked board to apply
22 for a permit. Now, they can sell their banked permits,
23 if they want to--
24 Q Excuse me. Excuse me. The banking and
25 relocation ordinance only applies to people that already

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1 had billboards, right, as of 2000?

2 **A Right.**

3 Q It doesn't apply to anyone else, right? Nobody

4 else could put up a billboard unless you already had a

5 banked receipt, right? Isn't that why Saunders Outdoors

6 is suing, because they don't have all the banked receipts

7 that Clear Channel has?

8 **A You asked -- you asked that question, though.**

9 Q No. My question is: Is he -- do you need

10 something from Mr. Shipman?

11 **A No. I'm fine.**

12 Q Okay. Good. Because when you're at the City

13 Council meeting, I don't see you doing that to John Kadlic

14 like that when someone's asking -- when discussion is

15 going on. You don't need help from Kadlic to answer

16 questions, do you?

17 **A Sometimes.**

18 Q I mean, yes, every once in a while someone asks

19 for a legal opinion.

20 **A Yeah.**

21 Q Are you looking for a legal opinion?

22 MR. SHIPMAN: Counsel, it seems like you might

23 be looking for a legal opinion, as I think--

24 MR. WRAY: No, I'm not. I just saw him

25 addressing his response to you as if he wanted you to say

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1 something.

2 MR. SHIPMAN: Well, I mean, I've had a

3 continuing run of objections here. To the extent that

4 you're asking legal conclusions of my client, I object to

5 that. And so, I mean, you can ask the question. I'm

6 just -- I want to just put on the record to the extent

7 you're asking a legal conclusion, I object. So feel free

8 to--

9 MR. WRAY: I understand your objection.

10 MR. SHIPMAN: Okay.

11 MR. WRAY: I don't have to respond to objections

12 right now--

13 MR. SHIPMAN: Correct.

14 MR. WRAY: -- but I think it's odd that you

15 would say that knowing the exhibits in this case and how

16 many times Mr. Dortch has made clear his positions on this

17 without any objection by the city attorney that he was

18 stating legal conclusions. Never until today. Now all of

19 a sudden you're trying to protect him from stating legal

20 conclusions.

21 BY MR. WRAY:

22 Q Now, in this case what I was saying was if you

23 can't replace a board, you can't bring it back, then the

24 number of boards would decline over time until there was

25 none, you know, logically. That's what would happen

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1 because nothing lasts forever, right?

2 **A Correct.**

3 Q But the City Council adopted a banking and

4 relocation ordinance that said--

5 **A Actually --**

6 Q Sorry?

7 **A I actually -- prior to the banking ordinance,**

8 **it's my understanding that if someone took a board down,**

9 **because we had a cap on the number, prior to the banking**

10 **ordinance, if someone took a board down someone could**

11 **come in and apply for -- if they had a location that they**

12 **could use it and the number was below the cap, anybody**

13 **could come in and apply for a billboard.**

14 Q Okay. Let's -- let's get our time period down.

15 November of 2000 the ordinance is passed by the city, the

16 voters of the city. They passed the initiative, right?

17 **A (Witness nods.)**

18 Q In January 2002 the City Council passes the

19 first version of their banking and relocation ordinance,

20 okay?

21 **A (Witness nods.)**

22 Q So you're saying prior to November of 2000 there

23 was a banking and relocation ordinance?

24 **A No. No.**

25 Q Okay.

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1 **A I'm saying--**

2 Q The reason--

3 **A I'm saying prior to a banking and relocation**

4 **ordinance, if we were below the cap, the**

5 **no-additional-billboards number, if we were below that,**

6 **then anybody could have came in and applied for a permit**

7 **and gotten a permit.**

8 Q But the thing that you're saying caused the cap

9 is the citizens' initiative, right?

10 **A Yes.**

11 Q Okay. So in this case there would be no ability

12 to replace a billboard that had to be taken down without

13 the City Council adopting the ordinance that it did called

14 the "banking and relocation ordinance."

15 **A Why is that?**

16 Q Mr. Dortch, do you recognize Exhibit 3 as the

17 law of the city? Do you recognize that as the law?

18 **A Based on what my attorney said, yes.**

19 Q Okay. And, actually, I showed you another

20 exhibit where it was codified as the law, wasn't it?

21 Remember, it was codified?

22 **A In Exhibit 6?**

23 Q Yes, it was codified in Exhibit 6.

24 **A Right.**

25 Q So you know that the law doesn't say anything

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<p>1 about replacing anything, right? It doesn't say -- this</p> <p>2 Question R-1 doesn't say anything about replacing</p> <p>3 billboards, does it?</p> <p>4 MR. SHIPMAN: Confusing. Again, let the record</p> <p>5 reflect that--</p> <p>6 THE WITNESS: I've answered that question</p> <p>7 several times.</p> <p>8 BY MR. WRAY:</p> <p>9 Q Does it say anything about replacing billboards?</p> <p>10 MR. GILMORE: Let the record reflect that the</p> <p>11 counsel for the plaintiffs pointing to Exhibit--</p> <p>12 MR. SHIPMAN: -- 3, which is the petition --</p> <p>13 initiative petition, not the relocation ordinance,</p> <p>14 correct?</p> <p>15 MR. WRAY: Exactly. I just said it's Question</p> <p>16 R-1.</p> <p>17 MR. SHIPMAN: Right.</p> <p>18 BY MR. WRAY:</p> <p>19 Q It doesn't say anything about replacing</p> <p>20 billboards, does it?</p> <p>21 A No.</p> <p>22 Q Okay. Exhibit 6 is the one that talks about</p> <p>23 replacing billboards in Section 18.06.920, subdivision B,</p> <p>24 right?</p> <p>25 A What page? What page?</p>	<p>1 A Correct.</p> <p>2 Q Paragraph B follows that in time, comes after</p> <p>3 it, right?</p> <p>4 A Clarifies it, correct.</p> <p>5 Q But it comes after it in time, correct?</p> <p>6 A Clarifying.</p> <p>7 Q Does it come after it in time or not?</p> <p>8 A Yes.</p> <p>9 Q Okay. So "In no event shall," that's where your</p> <p>10 cap comes from, doesn't it?</p> <p>11 A The cap is written in this ordinance, correct.</p> <p>12 Q Okay. In paragraph B.</p> <p>13 A Correct.</p> <p>14 Q Okay. And that took away the possibility that</p> <p>15 no matter what number of billboards existed in the year</p> <p>16 2000, that the number would ever go down. Because the</p> <p>17 city said no, we're gonna let the billboard industry have</p> <p>18 the same number that they had in the year 2000, right?</p> <p>19 That's what the city decided, the City Fathers, the City</p> <p>20 Council.</p> <p>21 A I would say yes, but we also knew that the</p> <p>22 number would come down, and it has.</p> <p>23 Q Well, but you would like for them in perpetuity</p> <p>24 to have the right to the same number of billboards that</p> <p>25 existed in the year 2000, right, in perpetuity?</p>
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<p>1 Q Page 5.</p> <p>2 MR. SHIPMAN: COR 000341?</p> <p>3 MR. WRAY: Uh-huh.</p> <p>4 THE WITNESS: And I'm sorry. Where are you</p> <p>5 looking?</p> <p>6 BY MR. WRAY:</p> <p>7 Q Subdivision B, "In no event shall."</p> <p>8 (Witness reviewing document.)</p> <p>9 BY MR. WRAY:</p> <p>10 Q The first sentence there--</p> <p>11 A Correct.</p> <p>12 Q -- that's the cap that you're talking about.</p> <p>13 That's where the cap comes from.</p> <p>14 A I would argue that the cap comes from the</p> <p>15 ballot question, though.</p> <p>16 Q Are you looking at the same thing I'm looking</p> <p>17 at? The ballot question is paragraph A. Paragraph B is</p> <p>18 the one that says "In no event shall the number exceed,"</p> <p>19 right?</p> <p>20 A Right. And I think--</p> <p>21 Q So paragraph B is the ordinance of 2002, right?</p> <p>22 Not A, B, right?</p> <p>23 A Well, A's part of the ordinance also.</p> <p>24 Q Sure it is. It was already in the law as of</p> <p>25 November 14, 2000. We have a stipulation, right?</p>	<p>1 A Actually, with the new digital ordinance that's</p> <p>2 not the case because they would have to exchange more</p> <p>3 boards for -- to have the right to have a digital</p> <p>4 billboard.</p> <p>5 Q Okay. And they could put up a new digital</p> <p>6 billboard, right?</p> <p>7 A Correct.</p> <p>8 Q And replace it with another digital billboard or</p> <p>9 whatever the future holds, right?</p> <p>10 A Correct.</p> <p>11 Q And when I say "a new digital billboard," it is</p> <p>12 new technology, right?</p> <p>13 A Correct.</p> <p>14 Q In fact, you made a big deal about the fact that</p> <p>15 this is just the new technology, right?</p> <p>16 A Right.</p> <p>17 Q It is something new, not something old, not</p> <p>18 something replacing. It is something new within the</p> <p>19 meaning of the construction of new off-premises</p> <p>20 advertising displays, billboards, is prohibited. It is</p> <p>21 something new. That's what a digital is, right?</p> <p>22 MR. SHIPMAN: Objection. Legal conclusion, but</p> <p>23 you can answer.</p> <p>24 BY MR. WRAY:</p> <p>25 Q Do you understand what I'm saying? There's no</p>

17 (Pages 65 to 68)

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<p style="text-align: right;">Page 69</p> <p>1 question a digital billboard is something new. It's new 2 technology, isn't it? 3 A It is new technology, correct. 4 Q And so when someone puts it up in this town, 5 it's something new, not something old, not something 6 replacing. It's new, isn't it? 7 MR. SHIPMAN: Objection to the legal conclusion, 8 but you can answer. 9 BY MR. WRAY: 10 Q I hope they do this during the council meeting, 11 tell you every time you say something that has any legal 12 connotation in it they object and say you can't say 13 anything. 14 BY MR. WRAY: 15 Q It's new, isn't it? 16 A I would agree, yes. 17 Q And the number of billboards has reduced in what 18 way? Since the ballot initiative of 2000, how has the 19 number of billboards been reduced? 20 A There are many boards that came down that did 21 not -- they've banked their receipts and haven't gone 22 back up. 23 Q Okay. So what you mean is the number that is on 24 the street is less? 25 A Correct.</p>	<p style="text-align: right;">Page 71</p> <p>1 MR. SHIPMAN: Objection. Legal conclusion. 2 THE WITNESS: No. 3 BY MR. WRAY: 4 Q Pardon me? 5 A Not my interpretation, not the city's 6 interpretation. 7 Q What is the settlement agreement? If you don't 8 understand, I'll rephrase. 9 A Okay. 10 Q You don't understand my question. 11 What is the settlement agreement as it relates 12 to the billboard laws in the city of Reno and the 13 citizens' initiative? Was there some settlement 14 agreement that had some effect on what the city did with 15 the billboard laws? 16 A As I recall, yes, but I -- 17 Q What was the settlement agreement? 18 A I don't -- I don't recall. I haven't looked at 19 that. 20 Q What lawsuit was it? 21 A I don't recall. 22 Q Who sued who? 23 A If I remember correctly, the industry sued the 24 city, I think. 25 Q Really? Why are you looking at Mr. Shipman? He</p>
<p style="text-align: right;">Page 70</p> <p>1 Q Although you know that in the city's mind the 2 billboard still exist? 3 A They exist but, as I said before, because of 4 our land use codes, it would be very -- and I think it 5 would be almost impossible to get anywhere near the 6 number of billboards that are out there right now, I 7 mean, as far as the banked receipts go, and that was the 8 purpose of the land use code. 9 Q Okay. And just to get -- just leave ReTRAC 10 behind, I'm looking at the third page of Exhibit 5, you 11 could see the portions that I've highlighted -- or that 12 Lori's highlighted. 13 MR. SHIPMAN: And that's SN 762. 14 MR. WRAY: Yes, it is. Thank you. 15 BY MR. WRAY: 16 Q You can see that there's been ratios suggested 17 for removing digital billboards and one of the things that 18 was interesting is -- in this particular meeting 19 July 18th, 2012, it says, "Councilperson Hascheff said 20 another approach would be to prohibit banking them." 21 Prohibit banking, did you ever consider that yourself? 22 A No. 23 Q Okay. Isn't that more consistent with what the 24 law is, the 2000 citizens' initiative, prohibiting 25 banking?</p>	<p style="text-align: right;">Page 72</p> <p>1 wasn't there. 2 A Because I thought he might recall. 3 Q His mother might. 4 MR. SHIPMAN: Objection. 5 MR. WRAY: Why? 6 BY MR. WRAY: 7 Q No. I mean, wasn't there something to do with 8 the county suing the city over annexations and there's new 9 territory that has billboards in it and the county didn't 10 allow new billboards? Imagine that. 11 A That sounds familiar. 12 Q The county actually had an ordinance that the 13 county commissioners passed that said we're not going to 14 have any new billboards. Imagine that. And they really 15 enforce it. There is no new billboards. 16 But the City of Reno in 2003 wanted to have new 17 billboards, despite the citizens' initiative and there 18 was a lawsuit over annexations and what to do about 19 billboards in the annexed territories. 20 Do you remember any of this? 21 A That does sound familiar, yeah. 22 Q Okay. And as a result of all that, the City 23 Council had to decide what to do and put a moratorium on 24 permits. As you said, for 10 years we've been issuing 25 permits. Do you now remember there was a moratorium on</p>

18 (Pages 69 to 72)

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<p style="text-align: right;">Page 73</p> <p>1 permits--</p> <p>2 A Yes.</p> <p>3 Q -- because of that lawsuit?</p> <p>4 A Yes.</p> <p>5 Q And that there was a settlement agreement</p> <p>6 reached?</p> <p>7 A Vaguely, yes, I remember.</p> <p>8 Q Okay. And as a result of that, the ordinance</p> <p>9 was -- became the 2003 -- which is Exhibit 7 -- Ordinance</p> <p>10 No. 5461.</p> <p>11 (Deposition Exhibit 7 marked for</p> <p>12 identification.)</p> <p>13 BY MR. WRAY:</p> <p>14 Q This is the 2003, Exhibit 7. This one, as you</p> <p>15 can see, June 11th of 2003 is one that you actually</p> <p>16 voted on.</p> <p>17 A Correct.</p> <p>18 Q And it has to do with that lawsuit and the</p> <p>19 settlement agreement that I'm talking about. And this is</p> <p>20 the moratorium on the banking and relocation. It's not</p> <p>21 the moratorium on banking. It says "No, there will be" --</p> <p>22 the moratorium is there won't be any permits issued</p> <p>23 because we're annexing territories from the county, right?</p> <p>24 A Where is that at? I'm sorry.</p> <p>25 Q In the "Whereas's" clauses, if you read through</p>	<p style="text-align: right;">Page 75</p> <p>1 a lawsuit. That's their determination. Not mine.</p> <p>2 Q Well, just follow me here. This is your public</p> <p>3 record that you voted on in 2003.</p> <p>4 A Right.</p> <p>5 Q I grant you it was 10 years ago but--</p> <p>6 A But I can't -- I can't draw a conclusion as to</p> <p>7 why the lawsuit was filed in the first place.</p> <p>8 Q Here's my point: You're all worried about</p> <p>9 annexing territories where there may be billboards and</p> <p>10 having to issue permits. The county doesn't allow new</p> <p>11 billboards. But Reno does, otherwise, you wouldn't even</p> <p>12 be doing this. Reno allows new billboards. Otherwise,</p> <p>13 you wouldn't even be needing this resolution, this</p> <p>14 ordinance, would you?</p> <p>15 A Possibly not. I don't know.</p> <p>16 Q If there was no new billboards and the county</p> <p>17 territories said no new billboards, what difference would</p> <p>18 it make? If your annexed territory becomes City of Reno</p> <p>19 property, can you put in new billboards? If Reno's law</p> <p>20 said no, you can't and the county said no, you can't,</p> <p>21 there wouldn't be any issue, no need for a moratorium,</p> <p>22 right?</p> <p>23 A I guess.</p> <p>24 Q Really? You just guess or you know?</p> <p>25 A Well, the county could say that if you annex</p>
<p style="text-align: right;">Page 74</p> <p>1 all the whereas clauses, you would see, for example, at</p> <p>2 the bottom of the first page there's a case called "County</p> <p>3 of Washoe vs. Washoe County Regional Planning Board."</p> <p>4 A Okay.</p> <p>5 Q Okay. And then all the Whereas's talk about</p> <p>6 what happened in various places, like Verdi where there</p> <p>7 was billboards that was going to be annexed and ...</p> <p>8 (Witness reviewing document.)</p> <p>9 BY MR. WRAY:</p> <p>10 Q And the City Council needed more time to</p> <p>11 consider all aspects regarding the relocation of</p> <p>12 advertising displays and then so they modified -- on page</p> <p>13 4 of the exhibit they modified the 18.06950 relocation</p> <p>14 part, right?</p> <p>15 A Okay.</p> <p>16 Q Okay. The question is, you know, all of these</p> <p>17 ordinances, these relocation ones like Exhibit 7 that</p> <p>18 we're looking at came about because the City Council</p> <p>19 decided that new permits can be issued for billboards,</p> <p>20 right?</p> <p>21 MR. SHIPMAN: Objection to the legal conclusion.</p> <p>22 THE WITNESS: I can't --</p> <p>23 BY MR. WRAY:</p> <p>24 Q You did --</p> <p>25 A I can't determine why someone would have filed</p>	<p style="text-align: right;">Page 76</p> <p>1 property, you do what you need to do with that property</p> <p>2 and then there wouldn't be a need for that moratorium</p> <p>3 either.</p> <p>4 Q That's right. You wouldn't have to if you</p> <p>5 didn't annex property, but you guys do annex property.</p> <p>6 A Or if the county's position was once it's</p> <p>7 annexed into the city, they're subject to the city's laws</p> <p>8 and requirements, then you wouldn't need that moratorium</p> <p>9 either, would you?</p> <p>10 Q I didn't -- I don't know what you just said or</p> <p>11 what question you're asking me, but maybe someday it'll be</p> <p>12 my turn to take a deposition and you can ask me that</p> <p>13 question.</p> <p>14 Exhibit 8, please.</p> <p>15 (Deposition Exhibit 8 marked for</p> <p>16 identification.)</p> <p>17 BY MR. WRAY:</p> <p>18 Q Exhibit 8, this is a -- okay. This is an</p> <p>19 outfall regular meeting, Reno City Council, January 30th,</p> <p>20 2008. And in this document, if you go to page 9 or SN 66</p> <p>21 in the lower right-hand corner, counsel added -- it's</p> <p>22 circled -- "Discussion and possible direction with respect</p> <p>23 to allowing the use of LED in off-premise signage-Dortch."</p> <p>24 And this is the first mention, I'll tell you,</p> <p>25 that we can find in a public record of someone saying</p>

19 (Pages 73 to 76)

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<p>1 that there should be digital billboards. And it's you</p> <p>2 who came up with it, right?</p> <p>3 A Correct.</p> <p>4 Q And why is that?</p> <p>5 A If my recollection is correct, someone from</p> <p>6 Clear Channel approached me and asked me to put it on the</p> <p>7 agenda.</p> <p>8 Q Who was that?</p> <p>9 A I honestly don't remember. I don't know if</p> <p>10 Susan was there already, or there was also someone prior</p> <p>11 to Susan that was there, a local manager--</p> <p>12 Q Go to the page--</p> <p>13 A -- prior to Susan and I just don't remember</p> <p>14 which one it was who approached me on it.</p> <p>15 Q I'm sorry for talking over you. Please go to</p> <p>16 the page that's SN 72. There's some highlighting on that</p> <p>17 page and there's an email string on that page.</p> <p>18 (To the Court Reporter) And Holshouser is</p> <p>19 H-o-l-s-h-o-u-s-e-r.</p> <p>20 BY MR. WRAY:</p> <p>21 Q And these emails date from February 1 of 2008.</p> <p>22 And you read these things in reverse chrono so it's in</p> <p>23 reverse order. So the one at the bottom of the page of</p> <p>24 the first one is from Tara Moran to Pete Mack.</p> <p>25 Do you know who Pete Mack is? He's with Clear</p>	<p>1 representatives were looking at the digital billboard in</p> <p>2 Sparks with the city, the next day, right,</p> <p>3 January 31st, 2008?</p> <p>4 A Okay.</p> <p>5 Q Is that right?</p> <p>6 A Correct.</p> <p>7 Q As you see from Pete Mack at Clear Channel to</p> <p>8 Tara emailing her back the same day, as it's highlighted,</p> <p>9 "Thanks again for meeting with us. We, too, look forward</p> <p>10 to productive interaction, alleviating staff concerns and</p> <p>11 the adoption of a constructive city ordinance that favors</p> <p>12 allowance of this innovative medium. Best regards, Pete,"</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q Now, there hadn't been any actual debate at that</p> <p>16 point about whether digital billboards should be allowed.</p> <p>17 It's just the staff was already meeting with the industry</p> <p>18 to decide we're gonna have an ordinance.</p> <p>19 Do you understand my question?</p> <p>20 A Yes.</p> <p>21 Q Okay. The policy was being decided between</p> <p>22 people in the planning department and the billboard</p> <p>23 industry at this point. Nobody else involved, right,</p> <p>24 February 1st, 2008?</p> <p>25 A Okay.</p>
Page 78	Page 80
<p>1 Channel, right?</p> <p>2 A I don't know that I've met Pete Mack.</p> <p>3 Q Susan Holshouser?</p> <p>4 A I do know Susan.</p> <p>5 Q And she's Clear Channel. Todd Collins?</p> <p>6 A That name sounds familiar.</p> <p>7 Q Susan Schulte?</p> <p>8 A Correct.</p> <p>9 Q And she's with?</p> <p>10 A Saunders.</p> <p>11 Q Saunders. Daniel Schulte, right?</p> <p>12 A Correct.</p> <p>13 Q So these are billboard people?</p> <p>14 A Correct.</p> <p>15 Q So the city person -- she's a planner, I</p> <p>16 guess -- is copying Daniela Monteiro, who is with the</p> <p>17 city, and Kelly Sweep, right--</p> <p>18 A Uh-huh.</p> <p>19 Q -- regarding LED ordinance on February 1, 2008.</p> <p>20 "Wanted to take this time to thank you for meeting with</p> <p>21 city staff yesterday to view the digital billboard in</p> <p>22 Sparks and discuss regulations to be proposed in the new</p> <p>23 ordinance."</p> <p>24 So between the time in this first page that you</p> <p>25 proposed it on January 30th and the next day, billboard</p>	<p>1 Q And you were part of that, too, because you had</p> <p>2 mentioned it two days before at a council meeting.</p> <p>3 A Okay.</p> <p>4 Q So when I just said you were carrying the water</p> <p>5 for the billboard industry, that's -- there's a very close</p> <p>6 connection between you raising the subject and the</p> <p>7 billboard industry having this meeting the next day.</p> <p>8 A You gotta understand, I mean, if a constituent</p> <p>9 comes to me and asks me to put an item on the agenda,</p> <p>10 whether it's the billboard or someone else, if it's</p> <p>11 something that I'm okay with, I put it on the agenda,</p> <p>12 regardless.</p> <p>13 Q In this case you mentioning it on January 30th,</p> <p>14 the meeting at the -- it's the next day and the day after</p> <p>15 that everyone's saying let's get an ordinance on file.</p> <p>16 That's pretty quick for someone just calling you and</p> <p>17 asking for something to be put on an agenda, right? It</p> <p>18 happened a little faster than just let's put it on a</p> <p>19 future agenda, didn't it?</p> <p>20 A Oh, I don't know about that.</p> <p>21 Q Well, you're looking at the exhibit, aren't you?</p> <p>22 A But I don't know that that's unusual.</p> <p>23 Q For the city to not even have it on an agenda</p> <p>24 yet and then be doing this, not even on an agenda. No</p> <p>25 staff direction at all. Officially nothing's happened,</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 right?</p> <p>2 A I'm trying to find the request.</p> <p>3 (Witness reviewing document.)</p> <p>4 THE WITNESS: I -- I think staff's just doing</p> <p>5 what they do. I mean, I think they're meeting with the</p> <p>6 industry to see what the issues are, and I don't see</p> <p>7 anything unusual about this.</p> <p>8 BY MR. WRAY:</p> <p>9 Q I didn't ask you if it was unusual. I just</p> <p>10 asked you--</p> <p>11 A You insinuated it was unusual.</p> <p>12 Q I'm not insinuating anything. I'm saying you</p> <p>13 were carrying the water. You had arrangements with the</p> <p>14 billboard industry on January 30th that you were going to</p> <p>15 get a digital billboard ordinance passed, you yourself,</p> <p>16 Dwight Dortch.</p> <p>17 A No. I said I would put it on the agenda and</p> <p>18 that's what I did.</p> <p>19 Q What else did you tell them?</p> <p>20 A I don't recall.</p> <p>21 Q Did you tell them I'll have the staff do this</p> <p>22 right away?</p> <p>23 A No.</p> <p>24 Q Did you set up the meeting between the staff and</p> <p>25 the billboard industry?</p>	<p style="text-align: right;">Page 83</p> <p>1 misconception on my part, but...</p> <p>2 Q Is digital billboard new technology?</p> <p>3 A But the only reason--</p> <p>4 Q Was it?</p> <p>5 A Yeah, it's new technology. That's the reason</p> <p>6 we had to change it because our ordinance was outdated on</p> <p>7 the way that you could light a billboard. That was</p> <p>8 really the only thing that was wrong with the ordinance</p> <p>9 was just the way you could light a billboard, and as long</p> <p>10 as we fixed that language--</p> <p>11 Q Okay.</p> <p>12 A -- then digital billboards would have been</p> <p>13 fine.</p> <p>14 Q Is a digital billboard the same as a static</p> <p>15 billboard except it has different lighting?</p> <p>16 A Yes.</p> <p>17 Q Not -- no difference other than that?</p> <p>18 A And you can change the face quicker.</p> <p>19 Q Every eight seconds?</p> <p>20 A Right.</p> <p>21 Q Okay. And you can see them -- at least I can</p> <p>22 see them from my house for miles. You can see from very</p> <p>23 far away, right?</p> <p>24 A I would assume.</p> <p>25 Q They're much more profitable for the billboard</p>
<p style="text-align: right;">Page 82</p> <p>1 A Not that I recall.</p> <p>2 Q Are you saying--</p> <p>3 A I think if I would have set it up, I would have</p> <p>4 been there.</p> <p>5 Q How did Ms. Morgan have the word to do this the</p> <p>6 next day? How did she know to do that?</p> <p>7 A I can't answer that. I don't know.</p> <p>8 Q Why not?</p> <p>9 A I don't know.</p> <p>10 Q Did you tell the city manager or someone in the</p> <p>11 City Community Development Department, I want the staff to</p> <p>12 go out with the billboard industry and get this thing</p> <p>13 going right now? Did you tell him that?</p> <p>14 A I don't recall doing that. And to be honest--</p> <p>15 Q Please be honest.</p> <p>16 A -- I don't recall that just because I really</p> <p>17 thought this was going to be a very simple process. I</p> <p>18 thought it was going to be a text amendment to just -- it</p> <p>19 was just -- I think there was just some language that</p> <p>20 needed to be changed regarding lighting that would have</p> <p>21 fixed the problem.</p> <p>22 So I don't know that there was a lot that needed</p> <p>23 to be changed. I don't think there was a whole ordinance</p> <p>24 that needed to be written. In fact, I really didn't think</p> <p>25 it would take much staff time at all. That was a</p>	<p style="text-align: right;">Page 84</p> <p>1 industry than a regular billboard, aren't they?</p> <p>2 A I'm not making my decisions based upon profit.</p> <p>3 Q I'm just asking you.</p> <p>4 A Probably are, yes.</p> <p>5 Q They can have many more advertisers on the same</p> <p>6 billboard, right?</p> <p>7 A Yeah. But they can't charge the same rate.</p> <p>8 Q So you don't think they're making enough money?</p> <p>9 A It's not my determination to make -- to decide</p> <p>10 whether they're making enough money or not. I hope</p> <p>11 they're successful. I hope every business in town is</p> <p>12 successful.</p> <p>13 Q Didn't the billboard industry tell you that they</p> <p>14 wanted an ordinance that favors allowance of this</p> <p>15 innovative medium?</p> <p>16 A I don't know if they used those words with me.</p> <p>17 I don't recall.</p> <p>18 Q Didn't they tell you that, We can put up a lot</p> <p>19 -- If we put up digital billboards, we can make more</p> <p>20 money?</p> <p>21 A I didn't have that conversation with them.</p> <p>22 Q Did they tell you how much it cost to put up a</p> <p>23 digital billboard?</p> <p>24 A Yes. I'm trying to remember if I remember the</p> <p>25 amount that they told me, but yes.</p>

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1 Q And, therefore, if it had to be removed for a
2 road-widening project or something, how much it would cost
3 the city to pay for that to be removed.
4 A Again, I didn't have those discussions. I
5 mean--
6 Q Did you ever have those discussions?
7 A No.
8 Q Has anyone ever talked with you at any time
9 about the cost to the city of removing a digital billboard
10 as opposed to a regular billboard?
11 A Not that I recall.
12 Q Is there a state law that says if you remove a
13 billboard, you have to compensate the owner?
14 A Oh, I think there's -- I mean, you've got --
15 for anything. I mean, not just a billboard. I mean, if
16 you go in and acquire property because you're widening a
17 road, you're going to have to pay for right-of-way. I
18 mean, it's -- I mean...
19 Q Is there a state law that applies specifically
20 to compensating owners of billboards?
21 A I don't know.
22 Q Have you ever heard that before today, before
23 this moment? Has anyone ever said that to you?
24 A I don't recall.
25 Q Well, you would recall something like that,

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1 wouldn't you, because it matters to the city budget? If
2 we put up 50 digital billboards and we have to take one
3 down and pay \$5 million for one board, that's important,
4 really, isn't it?
5 MR. SHIPMAN: Asked and answered.
6 BY MR. WRAY:
7 Q That question? Is it important?
8 MR. SHIPMAN: The question was did anybody talk
9 to him about that and he said--
10 BY MR. WRAY:
11 Q No. I'm asking the question, Is it important to
12 you as the city councilperson to know how much it's gonna
13 cost the city to replace a digital billboard?
14 A Would it be more important to know if someone's
15 going to put a \$10 million building and we have to run a
16 road through there for some reason?
17 Q I can't really answer your questions because
18 it's not my deposition today and you get your chance and
19 keep everyone to 180 seconds all day along.
20 A I wish you'd keep me to 180 seconds.
21 Q That's not the point. You're supposed to today
22 be answering questions.
23 A I've been answering them.
24 Q Is it important to you that it costs that much
25 money, costs lots more money for a digital billboard to be

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1 taken down than a regular billboard?
2 A I think every decision we make at the city we
3 do want to look at how it impacts our budget.
4 Q Okay. What did you look at--
5 A In a fairness issue-- on digital billboards?
6 Q Yeah. What -- as you say it's important, what
7 did you do with that regard as to digitals? Did you have
8 any discussion at any time about what's it gonna cost us
9 if we let them put up digitals and we have to take one
10 down?
11 A Not that I recall, no.
12 Q Okay. The next is a news article with a picture
13 of none other than Doug Smith on it.
14 This is Exhibit 9.
15 (Deposition Exhibit 9 marked for
16 identification.)
17 BY MR. WRAY:
18 Q This is a March 10th, 2008, news article from
19 the Reno Gazette-Journal entitled "Activists target
20 LED-lighted billboards," by Sue Voyles in the Reno Gazette
21 Journal. The highlighted line says, "At Councilman Dwight
22 Dortch's urging, the Reno City Council recently turned the
23 issue over to its Planning Commission to debate." Note
24 it's dated March 10th, 2008.
25 Is that statement by Ms. Voyles accurate?

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1 A I mean, I don't know if you want to call it
2 "urging." I mean, we handled it the same way we handle
3 everything. I brought the issue up, it came back to the
4 Council and we referred it to the Planning Commission.
5 Q Okay. Were you the person that was asking that
6 it be referred to the Planning Commission to debate? You
7 see how it's underlined, the words "to debate" are
8 underlined, right?
9 A Correct.
10 Q Okay. Is that what you wanted, a debate?
11 A What we do is we start the process. So we say
12 at the council that we want the Planning Commission to
13 look at this issue. That starts the process. And it's a
14 public process and it goes through the public process and
15 it comes back to us at some point. That's all we did, is
16 we initiated the process.
17 Q Were you ever really interested in having a
18 debate about the pros and cons of digital billboards?
19 A At that point I would say probably not because,
20 again, what I was looking for was a text amendment to our
21 ordinance.
22 Q Wrong answer. Look at the next page. Look at
23 the highlighted and underlined section. "Dortch said the
24 issue is worth debating," Hello. You actually at that
25 time said, at least to the press, "The issue is worth

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<p style="text-align: right;">Page 89</p> <p>1 debating." Wasn't a done-deal at all, was it?</p> <p>2 A I don't see that in quotations.</p> <p>3 Q Okay. Is she wrong? Is she lying? Is the</p> <p>4 story wrong?</p> <p>5 A I don't recall. She didn't put that in</p> <p>6 quotations where she put everything else in quotations.</p> <p>7 Q So you weren't interested in a debate at all.</p> <p>8 A You always have a debate any time you're having</p> <p>9 a discussion about anything. So I don't if you'd I'm not</p> <p>10 interested in a debate. Again, I thought this process</p> <p>11 was gonna be simple. I thought -- I thought--</p> <p>12 Q You don't have to repeat that. I heard that.</p> <p>13 When you said the word "again," I knew it was gonna be</p> <p>14 something you said before. So you're not -- what I'm</p> <p>15 saying is there was a citizens' initiative in 2000 that</p> <p>16 said no new billboards, and you're proposing, not only to</p> <p>17 have new ones, revolutionary new ones, new technology</p> <p>18 ones, you are proposing that, and you did not want a</p> <p>19 debate, did you?</p> <p>20 A We always have debate.</p> <p>21 Q Okay. So you did want a debate?</p> <p>22 A I think, again, that's the process.</p> <p>23 Q Okay. Next, Exhibit 10.</p> <p>24 (Deposition Exhibit 10 marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 91</p> <p>1 then he goes through these are the points one, two, three,</p> <p>2 four, five, six through nine, correct?</p> <p>3 A Correct.</p> <p>4 Q And these are your points that you told Hester,</p> <p>5 right?</p> <p>6 A Looks familiar, yes.</p> <p>7 Q All right. For example, No. 8 that's</p> <p>8 highlighted, "Replacement ratio LED to conventional one</p> <p>9 for one."</p> <p>10 A Correct.</p> <p>11 Q That's what you wanted.</p> <p>12 A Correct. I mean, I just wanted, again, a</p> <p>13 change in the text to allow for the billboards.</p> <p>14 Q The last sentence of his email said -- well, you</p> <p>15 wanted to change the text and you wanted one for one. And</p> <p>16 Mr. Hester was carrying out your directions by telling the</p> <p>17 other staff members Mr. Dortch wants one to one, right?</p> <p>18 A Correct.</p> <p>19 Q Let me know, he says -- Mr. Hester says, "Let me</p> <p>20 know if you need any more information, have questions, et</p> <p>21 cetera. Otherwise, this is the scope of the amendment</p> <p>22 that I and Councilman Dortch are expecting. Thanks,</p> <p>23 John." And that's true, too, isn't it?</p> <p>24 A Correct.</p> <p>25 Q Did he actually copy you with this email?</p>
<p style="text-align: right;">Page 90</p> <p>1</p> <p>2 BY MR. WRAY:</p> <p>3 Q Exhibit 10 is a Community Development Department</p> <p>4 memorandum dated March 12th, 2009, addressed to Digital</p> <p>5 Off-premises Advertising Display Stakeholders Workshop</p> <p>6 Participants from Claudia Hanson. We've now gone forward</p> <p>7 about a year in time to 2009 and we're looking at Ms.</p> <p>8 Hanson's statement about "Please find attached a draft</p> <p>9 ordinance for digital off-premises advertising displays,"</p> <p>10 which she says was based on recommendations from a</p> <p>11 workshop on April 25th.</p> <p>12 The next page is emails from John Hester to</p> <p>13 Daniela Monteiro, Donald Naquin, copied to Ms. Hanson.</p> <p>14 If you look at the highlighted portions, I think you</p> <p>15 could see what's going on here, if you look at it on the</p> <p>16 second page, which is SN 188.</p> <p>17 (Witness reviewing document.)</p> <p>18 BY MR. WRAY:</p> <p>19 Q The bottom one March 28th of 2008 at 4:58</p> <p>20 p.m., which is the later one, is from John Hester to</p> <p>21 Marilyn and Tara and it says, "This is to clarify the</p> <p>22 scope of the code amendment on billboards initiated by</p> <p>23 council at the request of Dwight Dortch"--</p> <p>24 A Correct.</p> <p>25 Q -- right? That's factually correct, right? And</p>	<p style="text-align: right;">Page 92</p> <p>1 A I don't recall.</p> <p>2 Q It's not here but, again, this is produced, you</p> <p>3 know, from something we got from Ms. Hanson so we don't</p> <p>4 know internally what happened.</p> <p>5 But did you, like, bring Mr. Hester into your</p> <p>6 office and say, John, I'm upset you're not doing what I</p> <p>7 want. This draft of April 25th 2009, is not what I</p> <p>8 wanted -- actually, that happened afterwards, the draft</p> <p>9 happened afterwards. But did you see a draft in 2009 and</p> <p>10 tell Mr. Hester, This isn't what I wanted?</p> <p>11 A I don't recall. I remember this conversation</p> <p>12 with John. I don't -- I didn't say I was upset.</p> <p>13 Q Well, the 2008 email is March 28th, 2008, and</p> <p>14 the one at the top is a year later. Mr. Hester's saying</p> <p>15 to Daniela, "I received an inquiry as to how the proposed</p> <p>16 billboard ordinance you sent out on March 12th, 2009,</p> <p>17 complies with the City Council direction. I articulated</p> <p>18 in my March 28th, 2008, email below." That was you who</p> <p>19 made the inquiry, right?</p> <p>20 A Correct.</p> <p>21 Q Why doesn't he say that, Dwight Dortch wants to</p> <p>22 know why you didn't follow his directions? Is this just</p> <p>23 bureaucratic, you know, hiding the ball? You're the one</p> <p>24 who was telling Hester to tell them where to get off,</p> <p>25 right? You were telling Hester, You tell them I want it</p>

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 this way. That's what happened.</p> <p>2 A No. I think is what I told John is if you look</p> <p>3 back at the minutes from the council meeting where we</p> <p>4 initiated it, I asked for a text amendment to the code to</p> <p>5 allow for LED billboards.</p> <p>6 Q Okay. As you said before, I just want to make</p> <p>7 them legal.</p> <p>8 A Correct.</p> <p>9 Q Right. No restrictions.</p> <p>10 A No. I said -- my opinion is that they were</p> <p>11 treated the same as any other board. It's just the</p> <p>12 difference in technology.</p> <p>13 Q I understand. No additional restrictions,</p> <p>14 nothing for this new technology, nothing.</p> <p>15 A Right.</p> <p>16 Q Okay. Then it says, by the way, in his</p> <p>17 March 16th, 2009, email it says, "I also want to receive</p> <p>18 and approve the next draft before it is distributed.</p> <p>19 "Thank you, John."</p> <p>20 He means you. He's going to give it to you to</p> <p>21 review before it's distributed, right, and then they can</p> <p>22 distribute it after Dwight looks at it?</p> <p>23 A I don't recall that.</p> <p>24 Q Isn't that what happened?</p> <p>25 A No. I don't recall that.</p>	<p style="text-align: right;">Page 95</p> <p>1 MR. GILMORE: Objection. Compound.</p> <p>2 MR. WRAY: Well, it is compound.</p> <p>3 BY MR. WRAY:</p> <p>4 Q Does it matter to you that the legislature has</p> <p>5 declared billboards to be a public nuisance?</p> <p>6 A Does it matter to me?</p> <p>7 Q No?</p> <p>8 MR. GILMORE: Assumes facts not in evidence</p> <p>9 but--</p> <p>10 THE WITNESS: I'm sorry?</p> <p>11 MR. GILMORE: It assumes facts not in evidence.</p> <p>12 BY MR. WRAY:</p> <p>13 Q He's saying there's no proof of what I just</p> <p>14 said, that there's a law that says billboards are a public</p> <p>15 nuisance. There's no proof of that. That's what he's</p> <p>16 objecting to. And I'm asking you does it matter?</p> <p>17 A That the legislature says it's a public</p> <p>18 nuisance?</p> <p>19 Q Yeah. You're passing a digital billboard</p> <p>20 ordinance and there's a law on the books that says these</p> <p>21 are a public nuisance. Should that matter?</p> <p>22 A Obviously, they didn't think it was a big</p> <p>23 enough nuisance to not allow them in the state.</p> <p>24 Q Well, as I understand it, you think that a</p> <p>25 public nuisance -- or you think that a billboard, digital</p>
<p style="text-align: right;">Page 94</p> <p>1 Q What are the negative impacts of digital</p> <p>2 billboards?</p> <p>3 A In relation to the difference between them and</p> <p>4 regular billboards?</p> <p>5 Q Yeah. In particular what are the negative</p> <p>6 impacts that digital billboards enhance? Every billboard</p> <p>7 is a nuisance. You know that.</p> <p>8 MR. GILMORE: I object.</p> <p>9 MR. WRAY: You object?</p> <p>10 BY MR. WRAY:</p> <p>11 Q Do you want one in your front yard, Councilman?</p> <p>12 A No. That's why we don't allow them in</p> <p>13 residential areas.</p> <p>14 Q Okay. They're a nuisance, aren't they?</p> <p>15 A No, not where we allow them they're not.</p> <p>16 Q Did you know there's a state law that says</p> <p>17 they're a nuisance? Did you know that?</p> <p>18 A Just because there's a state law that says it</p> <p>19 doesn't mean I have to agree with it. You asked me my</p> <p>20 opinion.</p> <p>21 Q No. But when you're talking about digital</p> <p>22 billboards or any billboards, don't you think it matters</p> <p>23 if they're a nuisance, if they're an actual public</p> <p>24 nuisance by the legislature of our state says they're a</p> <p>25 public nuisance? Doesn't that matter to you?</p>	<p style="text-align: right;">Page 96</p> <p>1 or otherwise, digital billboard can be added like any</p> <p>2 other billboard. It should be treated the same as any</p> <p>3 other billboard, no difference. Is that -- is that your</p> <p>4 position?</p> <p>5 A I think I've made that statement several times.</p> <p>6 Q Okay. So my question is, What are the negative</p> <p>7 impacts of a digital billboard?</p> <p>8 A In the locations that we allow them, I don't</p> <p>9 see any.</p> <p>10 Q None?</p> <p>11 A Correct.</p> <p>12 Q Do you think they're distracting?</p> <p>13 A Not in the manner that we regulate them, no.</p> <p>14 Q What is it about your regulation that makes them</p> <p>15 not distracting?</p> <p>16 MR. GILMORE: Hold on. Can I ask a</p> <p>17 clarification? Because it seems you're hopping back and</p> <p>18 forth between Mr. Dortch as a person having a personal</p> <p>19 belief as to the nuisance issue and then sometimes you ask</p> <p>20 him about "you guys" as in him as a representative of the</p> <p>21 City Council.</p> <p>22 MR. WRAY: Would you like me to clarify?</p> <p>23 MR. GILMORE: Maybe, yeah, because you're</p> <p>24 hopping back and forth. I want to know if we're talking</p> <p>25 about Mr. Dortch as a neighbor and as a citizen or</p>

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1 Mr. Dortch as a representative, a 30(b)6 of the city, so
2 to speak.
3 BY MR. WRAY:
4 Q All my questions about the billboard on your
5 front lawn were all about you as a councilperson dealing
6 with an ordinance. That's the context that I'm talking
7 about, in that context.
8 A And, you know, again, it's our job to establish
9 where they should be located, what they should be allowed
10 to do, how fast they can change. We don't have -- and no
11 animation, those types of issues. And, to be honest, I
12 think they're more attractive than some of these old
13 billboards that should be taken down.
14 Q Why should old billboards be taken down?
15 A Well, they just become an eyesore.
16 Q So billboards that are delapidated can be an
17 eyesore, even new ones can be eyesores, too, right? A
18 brand-new one could still be an eyesore, can't it?
19 A In what manner?
20 Q Well, it's a big monopole with a sign that's
21 15 feet high and 30 feet wide and it's next to somebody's
22 business. You think that helps their property value next
23 door or hurts it? You think it hurts it or helps it?
24 MR. SHIPMAN: Objection. Speculation.
25 BY MR. WRAY:

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1 Q Do you know?
2 A I'm not a professional appraiser so I wouldn't
3 know.
4 Q All right. So the council never discussed, as
5 far as you recall -- just tell me if they did or didn't --
6 whether or not a billboard affects property values of
7 neighbors. Never discussed it.
8 A I would be surprised if that didn't come up in
9 some of our discussions.
10 Q In public meetings or--
11 A Correct.
12 Q Were all the discussions about digital
13 billboards that you recall in public meetings?
14 A I think so. I mean, prior to the lawsuit.
15 Q Okay. Well, did you discuss with fellow
16 councilpersons your views about the digital billboard
17 ordinance without having a public meeting about it?
18 A Not that I recall.
19 Q Did you discuss it with Claudia Hanson, discuss
20 your views of the digital billboard ordinance without
21 having a public meeting?
22 A I honestly think I went through John. I don't
23 know that I had a one-on-one with Claudia.
24 Q So you had a one-on-one with Mr. Hester?
25 A Correct.

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1 Q And his successor is what? Mr. or Mrs.--
2 A Bill Thomas is now--
3 Q Bill Thomas.
4 A He's an assistant city manager and Fred
5 Turner's the director of the Community Development
6 Department.
7 Q Okay. So Fred and Bill and John and maybe
8 Claudia, you discussed your views of the digital billboard
9 ordinance with them, I'm sure.
10 A It's possible. I don't--
11 Q In any of these discussions did you have a
12 back-and-forth with any of the staff, you yourself as a
13 councilperson, about safety issues, distracted driving,
14 property values, energy usage, any of those things?
15 A I think some of those things have come up. I
16 don't -- I don't necessarily -- and, again, I don't know
17 if they came up in a public meeting or one-on-ones. I
18 don't--
19 Q Let me ask you--
20 A I just don't recall.
21 Q You know, you said earlier that there's less
22 billboards today than there was before, right?
23 A Correct.
24 Q There's less billboards.
25 A Correct.

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1 Q Is that a good thing?
2 A I think the way that our land use code is
3 written that keeps the separations and those types of
4 things is a good thing. So as long as the billboards
5 meet our requirements, I think that's a good thing.
6 Q Don't you think the less billboards there are in
7 this town, the better?
8 A It depends on their location. I think
9 billboards are a valid, proven means of advertising for
10 companies.
11 Q Do you think the citizens agree with you? In
12 the citizens vote do you think they agree with you? They
13 say no more bill boards, no more permits.
14 A You know, the only people I get complaints
15 about billboards from is Scenic Nevada. That's the only
16 people I ever get a complaint about a billboard from.
17 Q Do you think the citizens' initiative expressed
18 the public view?
19 A I don't know. I would assume so. I mean,
20 it's--
21 Q So 57 percent of the people voted to have no new
22 billboards, so unless Scenic Nevada represents 57 percent
23 of the population, you can't believe that it's just Scenic
24 Nevada who's against billboards, can you? You can't
25 believe that.

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1 **A** No. But I've had conversations with several
2 people about the billboards that said they voted for the
3 petition and they don't have a problem with the
4 billboards that we have. So, I mean, I've had those
5 conversations. I've had them in public meetings.
6 **Q** So getting back to my question, then--
7 **A** So I think it's easy to say that the people
8 voted for it and that's still their attitude. I don't
9 know that that's still their attitude.
10 **Q** Did you know that there was a poll taken--
11 **A** Okay.
12 **Q** -- recently, like in 2011?
13 **A** Okay.
14 **Q** And that the poll figures showed that the people
15 are at least as against digital billboards as they were
16 against regular billboards back in 2000? Did you know
17 that?
18 **A** I also saw a poll that said Romney was gonna
19 get elected and I was really hopeful.
20 **Q** So you must think that it doesn't have any
21 bearing--
22 **A** I don't legislate polls.
23 **Q** People might have passed this law in 2000, but
24 who knows if they still think that today.
25 **A** Correct.

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1 **Q** And, therefore, I'm gonna do what I want. I'm
2 gonna -- I don't care if the people wanted no new
3 billboards. I think there should be new billboards.
4 That's me, Dwight Dortch.
5 **A** We're not gonna lift the cap. We have no
6 intention of lifting the cap and I wouldn't be in favor
7 of lifting the cap.
8 **Q** I didn't ask you about a cap. I asked you about
9 new billboards. You think there should be new billboards,
10 right?
11 **A** I don't think there should be additional
12 billboards.
13 **Q** Okay. A new billboard would be one--
14 **T** Lori Wray) Do you have a picture? Do you
15 have a picture of a billboard under construction?
16 **MS. LORI WRAY:** Yes.
17 **BY MR. WRAY:**
18 **Q** Would it involve new pieces of metal and
19 fasteners, people with tool caddies around their waist and
20 crickets putting up a sign? Would that be a new one or
21 not?
22 **A** I've already answered this question for you
23 several times.
24 **Q** Okay. Here's a picture. Let me show it to you.
25 Is that a new billboard?

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1 **A** Assuming that that is the billboard that falls
2 under the cap.
3 **MR. SHIPMAN:** Objection as it relates to a legal
4 conclusion but you can answer.
5 **BY MR. WRAY:**
6 **Q** Does it look like an old billboard?
7 **A** If it falls under the cap.
8 **Q** So you think that's an old one. Does that metal
9 look old? Does that metal look old?
10 **A** No, it doesn't.
11 **Q** Does the crane look old?
12 **A** No.
13 **Q** Are they putting up an old sign or a new sign?
14 **A** They're putting up a new sign.
15 **(To the videographer.)** Hey, that's the picture.
16 **MR. SHIPMAN:** Could we have that marked?
17 **THE VIDEOGRAPHER:** Okay. I've got it.
18 **BY MR. WRAY:**
19 **Q** It's SN 501 Bates number and it'll be marked as
20 Exhibit 11.
21 **(Deposition Exhibit 11 marked for**
22 **identification.)**
23 **BY MR. WRAY:**
24 **Q** Exhibit 11 has been marked and it's a two-page
25 document with a photo on the second page.

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1 The next document is going to be Exhibit 12 and
2 it is an email from Dwight Dortch to Chris Barrett.
3 **(Deposition Exhibit 12 marked for**
4 **identification.)**
5 **BY MR. WRAY:**
6 **Q** And in this email Dwight Dortch has forwarded an
7 email from Thelma Matlin, January of 2012 regarding no
8 digital billboards in Reno and as -- he forwards it to
9 Chris at Barrett Resources dot biz.
10 Now, who is Chris? Who is Chris Barrett?
11 **A** He was representing Clear Channel at the time.
12 **Q** Okay.
13 **A** And I think he still does.
14 **Q** He's some kind of a fixer. That's what John
15 Frankovich said. Is he a fixer? What is Chris Barrett?
16 **A** What do you mean "he's a fixer"?
17 **Q** A fixer. You know, didn't you see Michael
18 Clayton? You didn't see that movie? Not a movie buff.
19 Well, Chris Barrett is a guy that goes around
20 and he's not officially anything but he takes care of
21 stuff. He makes things happen. That's a fixer.
22 Is that what Chris Barrett is?
23 **A** I don't know.
24 **Q** Why are you sending him this?
25 **A** Because he asked if there was any

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1 correspondence regarding the billboards.
 2 Q So if someone from Scenic Nevada said the same
 3 thing to you, would you say the same -- would you forward
 4 it to him, Hey, here it is, do you want the rest? Is that
 5 what you would do?
 6 A Yes. It's a public document anyway.
 7 Q I'm not arguing with you. I'm just asking. It
 8 seems to me when we look at this, like "FYI, do you want
 9 the rest," it's not your first communication with Chris
 10 Barrett. Obviously, you'd be saying, Chris, my name is
 11 Dwight Dortch. I'm a councilperson and -- because you
 12 know Chris Barrett, right?
 13 A I do.
 14 Q In fact, when you -- at this time you knew
 15 exactly what he was and what he was doing, and that's why
 16 you sent him this.
 17 A Correct.
 18 Q What was he doing?
 19 A He asked me for any correspondence that I've
 20 received regarding the billboard ordinance.
 21 Q Why Dwight Dortch? Did he explain why he was
 22 asking you as opposed to anyone else?
 23 A No. I didn't ask. I mean--
 24 Q Were you a conduit for the billboard industry?
 25 If they needed something, you would give them whatever

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1 information or inside dope they needed? Is that the
 2 function you performed for them?
 3 A Inside dope? I'm not--
 4 Q It's an expression. It means they wanted to
 5 know what's going on behind the scenes. Don't look at him
 6 unless he's answering the questions. Right?
 7 A Am I restricted as to who I can look at in
 8 this--
 9 Q Not at all.
 10 A Okay.
 11 Q You can look at the ceiling.
 12 A Just curious.
 13 Q But when you answer a question, you look over
 14 there and the camera's going to see you looking over there
 15 as if this guy's speaking. He's not speaking. Mr.
 16 Shipman's sitting there minding his own business.
 17 So my question is, What was Chris Barrett --
 18 what were you and Chris Barrett doing at this point?
 19 A I've answered that question.
 20 Q Besides sending him the email, what else were
 21 you doing?
 22 A I don't understand what you're asking.
 23 Q If you don't understand it, just -- that's fine.
 24 You don't understand where we're going, that's fine.
 25 A I mean, you asked the question, I answered it.

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1 He requested the information and I gave it to him.
 2 Q How did you get to know Chris Barrett?
 3 A I think I got to know him in 2002 through the
 4 mayor.
 5 Q The mayor's friend?
 6 A Correct.
 7 Q At this time Chris Barrett is working for Clear
 8 Channel and he's the mayor's friend and he's your friend--
 9 A Yes.
 10 Q -- in 2012? Who else's friend on the council
 11 was he?
 12 A I don't know the answer to that question.
 13 Q How close of a friend? You golf?
 14 A I've played golf with Chris?
 15 Q Hunt?
 16 A Never hunted with Chris.
 17 Q Dinner?
 18 A Yes, I think--
 19 Q Socialize? Each other's house?
 20 A I don't think I've ever had Chris up to my
 21 house.
 22 Q Yeah, but you've been to the mayor's house.
 23 A Correct.
 24 Q And Chris Barrett's there. Is he sort of a
 25 sidekick to the mayor?

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1 A No, I wouldn't say that.
 2 Q How did he get to be the representative for
 3 Clear Channel? Who set that up?
 4 A I have no idea.
 5 Q Did the mayor tell you?
 6 A I have never heard from the mayor about it.
 7 Q Well, he wasn't Clear Channel's rep in 2002.
 8 When did it happen?
 9 A I don't know.
 10 Q What did Mr. Barrett provide to you as the rep
 11 for Clear Channel?
 12 A I don't think he provided anything for me.
 13 Q What's Mr. Barrett's credentials?
 14 A I couldn't tell you. I don't know.
 15 Q What's his business, profession or occupation?
 16 A You'd have to ask him. I don't--
 17 Q Well, we did. We did at a council meeting, but
 18 Frankovich told me he was a fixer. So that's what we got
 19 out of Chris Barrett. Nothing. So you see what I mean?
 20 A I -- I can't help you.
 21 Q Right. Okay. We have a document in which
 22 Aiazzi, who was mentioned earlier today, was saying
 23 something in 2012 about the purpose of a ratio, and I just
 24 want to mark this Exhibit 13, please.
 25 (Deposition Exhibit 13 marked for

27 (Pages 105 to 108)

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1 identification.)

2 BY MR. WRAY:

3 Q Here's my -- there's a highlighted section -- as

4 you can see jumps out at you -- that says -- Aiazzi says,

5 according to the minutes, "He said that even though Scenic

6 Nevada disagreed with the way in which it was done, the

7 purpose of the ratio was to reduce the number of

8 billboards," right? Do you agree with Aiazzi's

9 statements?

10 A Is this in regards to--

11 Q The ratio, like three for one, two for one, one

12 for one.

13 A Correct, yeah.

14 Q The purpose of ratio was to reduce the number of

15 billboards.

16 A Correct.

17 Q Okay. Do you agree with that?

18 A With using--

19 Q Do you agree with his statement that the purpose

20 of having a ratio, two to one or three to one or four to

21 one, was to reduce the number of billboards?

22 A Yes.

23 Q Why would you want to reduce the number of

24 billboards?

25 A As I've stated earlier, I didn't.

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1 Q Okay. So that is the purpose of a ratio and

2 that's why you're against a ratio, because you want this

3 number of billboards to go up or stay the same.

4 A No.

5 Q What do you want? Stay the same or go up?

6 A I believe that we handle a reduction in the

7 number of boards through our land use code.

8 Q You mean where they can put them, right?

9 A Correct.

10 Q Okay. I get that. But, legally speaking,

11 exist -- they exist forever because you can't lose them

12 unless there's a ratio, right? You have to give up two

13 for one, two banked receipts for one pole, right?

14 A Right.

15 Q And you're against that?

16 A I'm against handling it in that manner, yes.

17 Q Okay.

18 A But it was a compromise on my part. I mean,

19 you know -- I mean, I think as the discussion went along,

20 you know, you work with the other council members to come

21 up with the best solution possible.

22 Q And the reason why that solution of ratio is

23 necessary is because of the banking and relocation system.

24 There's all these banked receipts. That's the ratio, two

25 for one, right?

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1 A Correct.

2 Q But if you had a system since the year 2000 that

3 said there will be no new billboards, you wouldn't need a

4 ratio to get rid of billboards. You just couldn't replace

5 them, right?

6 A Correct.

7 Q So you're trying to accomplish something using a

8 ratio that should have been accomplished in the year 2000

9 when the citizens said there'll be no new permits. You

10 tried to accomplish the same thing but not following what

11 the citizens wanted to do. Isn't that right?

12 A I disagree with you. We've had this discussion

13 several times.

14 Q Well, there was an article in the paper when you

15 all approved digital billboards. Exhibit 14.

16 (Deposition Exhibit 14 marked for

17 identification.)

18 BY MR. WRAY:

19 Q This one is not written by Sue Voyles. It's

20 written by Brian Dugan and it says -- quote from Mr.

21 Aiazzi again -- "The people in this area would like to

22 reduce the number of billboards and what we're doing here

23 gets us to this end, Councilman David Aiazzi said."

24 Isn't that true, that people in this area would

25 like to reduce the number of billboards?

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1 A I don't know that that's the case.

2 Q Okay. So the adoption of the ordinance itself

3 in 2000 doesn't convince you that people want to get rid

4 of billboards. Is that right?

5 A Correct.

6 MR. WRAY: Okay. I'll pass the witness.

7 MR. GILMORE: Should we switch seats so he

8 doesn't look across?

9 BY MR. GILMORE:

10 Q Do you need to take a comfort break?

11 A Let's get done.

12 Q Five minutes?

13 A Do you want to take five?

14 Q No. I'm asking you. We're robots. We can go--

15 MR. WRAY: No. Let's take five.

16 MR. GILMORE: Should we?

17 MR. WRAY: Absolutely.

18 THE VIDEOGRAPHER: Going off the record at 12:14

19 p.m.

20 (Recess taken.)

21 THE VIDEOGRAPHER: We are back on the record in

22 the matter of Scenic Nevada, Inc. vs. City of Reno. The

23 time is 12:20 p.m.

24 EXAMINATION

25 BY MR. GILMORE:

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1 Q Councilman Dortch, my name's Frank Gilmore. I
2 represent Saunders Outdoor. I think you know that.
3 A Correct.
4 Q You're aware that prior to the filing of this
5 Scenic Nevada lawsuit, Saunders filed a lawsuit against
6 the City of Reno.
7 A Correct.
8 Q I assume you were made aware of that through
9 direct city channels as opposed to reading it in the
10 newspaper--
11 A Correct.
12 Q -- is that a correct assumption? Okay.
13 And the same question: Was there ever an
14 occasion where the City Council or some subcommittee of
15 the City Council collectively discussed, reviewed,
16 analyzed the Saunders lawsuit?
17 A Outside of an attorney-client meeting?
18 Q I'm just asking you whether or not any such
19 communication -- any such conversation ever occurred.
20 MR. SHIPMAN: And I'm understanding the question
21 to be excluding attorney-client meetings, because you're
22 talking about subcommittees and those are traditionally--
23 MR. GILMORE: Let me clarify it.
24 BY MR. GILMORE:
25 Q I will never ask you what an attorney of yours

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1 ever told you, okay? Because the content of that message
2 is protected by attorney-client privilege. Okay? But the
3 fact that your attorney is sitting here next to you is not
4 protected by the attorney-client privilege because that's
5 just the existence of a fact that is or is not true, okay?
6 So if I ever ask you, Do you have an attorney,
7 you don't get to object on the attorney-client privilege
8 because I'm not asking about the content of the message.
9 I'm just simply asking you whether or not you're
10 represented and whether he's there, whether he's not
11 there -- he or she or whatever.
12 You understand the distinction?
13 A (Witness nods.)
14 Q So what I'm asking is -- I don't want to delve
15 into the communication aspect of it. I'm just simply
16 wanting to know whether there was ever a meeting where you
17 and some other members of the City Council in your
18 official function as a council member had a discussion
19 about the Saunders lawsuit.
20 A Yes.
21 Q Okay. Were -- are you aware as you sit here
22 today that Saunders has made overtures to the city about
23 settlement of the Saunders lawsuit in exchange for
24 concessions from the city?
25 A I don't think I seen any settlement proposals.

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1 Q Okay. So is that the same thing as saying
2 you're not aware that that's ever occurred?
3 A Yes.
4 Q Okay. So, for example, if I represent to you
5 that my office had conversations with the city attorney's
6 office that said here's the settlement offer that Saunders
7 Outdoor is willing to make in order to dismiss the
8 lawsuit, is it your recollection that such an offer was
9 never relayed to you as a member of the City Council?
10 A I -- I don't think we've seen a settlement
11 agreement yet.
12 Q Okay. Do you understand as you sit here today
13 that if there were to be a settlement offer relayed
14 through official legal channels from my office to the city
15 attorney's office that you as the client, as it were,
16 would be the one to receive the offer and then make the
17 decision as to whether--
18 A Absolutely.
19 Q Okay.
20 A Absolutely.
21 Q So you would concede that it's not the city
22 attorney's office that decides what lawsuit should be
23 settled and what the terms should be, correct? That would
24 be the function--
25 A Correct.

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1 Q -- of the City Council.
2 A Correct.
3 Q Okay. I -- why don't you give me generally your
4 understanding of what the Saunders lawsuit consists of and
5 what their claims are as a layperson. I'm not asking you
6 to play lawyer and -- but as your understanding.
7 A I mean, in general--
8 Q Yeah.
9 A -- I think you're objecting to the ratio that
10 was approved in the ordinance.
11 Q Okay. And what is your understanding of the,
12 sort of, legal basis of the challenge to the ratio?
13 A I think what I recall is a discrimination issue
14 to some degree. Is that fair?
15 Q Well, I'm not going to confirm that either way.
16 I just wanted to know your understanding.
17 During the course of the litigation there have
18 been a few motions filed back and forth and I may refer
19 to those to ask you whether these are statements that you
20 agree with or disagree with, okay?
21 In a filing responding to the city's efforts to
22 get the Saunders complaint dismissed, okay, the City of
23 Reno filed a motion to dismiss the Saunders complaint.
24 Are you aware of that as you sit here today?
25 A That we filed a motion to dismiss, yes.

29 (Pages 113 to 116)

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1 Q Okay. You're probably also aware that my office
2 on behalf of Saunders filed an opposition to that.
3 A (Witness nods.)
4 Q Okay. In my -- in the opposition I drafted on
5 behalf of Saunders, I made a couple of allegations of fact
6 and I wanted to go through that with you right now, a few
7 of those.
8 One of the allegations on page 3 of my
9 opposition -- and I won't mark it. This is already in
10 the file -- says "The ordinance" -- meaning the new
11 proposed ordinance that provides for the ratio system
12 allowing for the digital amendment, the -- and I'll use
13 that word "ordinance" sort of a capital "O" in the
14 filing. "The ordinance expressly restricts the right to
15 display speech upon any off-premises digital advertising
16 display." Is that a statement with which you agree or
17 disagree?
18 MR. WRAY: I'm sorry. Could you please read the
19 question back?
20 BY MR. WRAY:
21 Q The ordinance -- I'll read it again. "The
22 ordinance" -- meaning the digital billboard amendment --
23 "expressly restricts the right to display speech upon any
24 off-premises digital advertising display."
25 MR. SHIPMAN: Objection. Legal conclusion.

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1 BY MR. GILMORE:
2 Q I just want your understanding of whether or not
3 you agree or disagree with that statement.
4 A I disagree.
5 Q Okay. In what way do you disagree with that?
6 A I don't know how it restricts.
7 Q Okay. If I were to form a business, Mr.
8 Gilmore's billboard business, and I went downtown to City
9 of Reno, under this ordinance, which has been approved,
10 right--
11 A Correct.
12 Q -- it's just not--
13 A Correct.
14 Q -- effective yet because there's been a
15 moratorium. Do you agree with that?
16 A Correct.
17 Q Okay. If Mr. Gilmore were to go down to the
18 City of Reno and say I'm making an application to display
19 speech on the freeway on an off-premises advertising --
20 off-premises digital advertising display, is it your
21 understanding that that would be approved by the city or
22 disapproved?
23 MR. SHIPMAN: Objection. Legal conclusion
24 but...
25 BY MR. GILMORE:

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1 Q Your understanding of the ordinance.
2 A If you were to come in and apply to--
3 Q Put up a sign with digital LED advertising
4 display--
5 A I mean--
6 Q -- off-premises, would that be--
7 A I mean, do you have a banked board? Are you in
8 a proper location land use-wise? I mean, do you meet all
9 the criteria?
10 Q Let's assume I met all the -- what you call
11 "land use criteria." Would that application be approved?
12 A Do you have a banked board?
13 Q Let's assume that I did. Let's assume I had --
14 let's assume I had an existing board and I came into the
15 City and I said, I want to display electronic speech on my
16 board and I want you to let me. Under this iteration of
17 the ordinance, would that ever be approved?
18 A I'm assuming yes.
19 Q Why? Why would it be?
20 A We don't -- we don't tell you what you can put
21 on the board and we don't limit speech.
22 Q That wasn't -- I'm not asking about the content.
23 I'm talking about the medium.
24 The present ordinance does not allow any
25 billboard owner or anybody else in this city, for that

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1 matter, to be able to display digital speech without
2 meeting certain requirements of the ordinance, correct?
3 A Yeah. But you're limiting the medium, maybe,
4 but you're not limiting speech.
5 Q Well, let's make sure we're on the same page--
6 A Yeah, we're not.
7 Q -- in terms of words. You would agree with me
8 that a picture, a sign, a phrase, a quote, an
9 advertisement, those are all types of speech, correct?
10 A Correct.
11 Q Okay. So speech can be displayed in several
12 ways. It can be oral. It can be in a photograph. It
13 could be on a big sign billboard. It could be on a little
14 handbill. There's many ways in which speech can be
15 displayed, correct?
16 A Correct.
17 Q So if somebody puts a message on a billboard
18 that says, Vote for Obama, that can be displayed either
19 with a monopole static board, correct? It could be
20 displayed with a tri-vision board.
21 A (Witness nods.)
22 Q Right? Yes?
23 A Yes.
24 Q It could be displayed with a fancy LED with
25 popping signs and animations and all that, correct?

30 (Pages 117 to 120)

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1 A No.
2 Q No. I'm saying it could be hypothetically. I'm
3 not saying in the city of Reno. I'm just saying--
4 A Oh.
5 Q -- hypothetically you could display speech that
6 way, right?
7 A Correct.
8 Q The current iteration of the Reno Municipal Code
9 as it's been adopted does not allow a static board member
10 to simply update the face from static to digital.
11 A Correct.
12 Q You would agree with that?
13 A I would agree.
14 Q Okay. So the city would say to that individual,
15 I'm sorry. If you make an application to upgrade your
16 digital -- your static board to a digital board, you
17 cannot do that unless you're willing to meet our XYZ
18 requirements.
19 A Correct.
20 Q Is that correct? Okay. Because there is
21 presently on the books and even before the ordinance there
22 was a restriction on the display of speech upon an LED
23 sign, correct?
24 A Correct.
25 Q Okay. We looked at Exhibit 6 that was marked by

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1 the Scenic lawyer, and he didn't get into it but I will
2 really quickly. There's -- he showed us an iteration of
3 Ordinance 5295, that's Exhibit 6, produced by the city.
4 And you would agree with me, Councilman, that
5 under this iteration of the Reno Municipal Code it was
6 impermissible for a billboard operator to display speech
7 using an LED face, correct?
8 A I'm sorry. Which one of this is it? This
9 doesn't--
10 Q Exhibit 6 is an ordinance from--
11 A Correct.
12 Q You understand?
13 A Correct.
14 Q And Mr. Wray didn't get into it but I will. The
15 definition that was adopted, or at least the
16 interpretation that was adopted by the city, was on page
17 7.
18 MR. SHIPMAN: Counsel, the COR number, please?
19 MR. GILMORE: 33. COR 33 is the Bates.
20 BY MR. GILMORE:
21 Q If you look at 18.06.930, sub K, which is on
22 page 7, it says, "In order to display an off-premises
23 advertising, billboard" -- for lack of a better word --
24 "all lighting shall be directed toward the off-premises
25 advertising display." Do you remember that?

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1 A Correct.
2 Q That was a requirement that if you're gonna put
3 a billboard in the city of Reno, the lighting had to be
4 facing toward the board rather than away from it. And
5 when this ordinance was in effect, if somebody were to
6 make an application to the city for a sign permit to
7 display an LED face, they would say, Oops, your LED face
8 does not comport with subsection K because the lighting
9 faces out rather than in.
10 A Correct.
11 Q Okay. So you would agree with me that this
12 ordinance restricted the ability of citizens to display
13 speech on an LED board, right?
14 A Correct.
15 Q Okay. Just like the current iteration does.
16 You cannot simply go into your billboard and swap it out
17 from a vinyl to an LED.
18 A Correct.
19 Q Okay. Maybe some day you can if you can meet
20 the--
21 A There's criteria you would have to meet to do
22 that.
23 Q Correct. Part two of that on page 4 of my
24 opposition I made another factual allegation. "Thus, the
25 ordinance requires that before any person may display

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1 speech on a digital billboard, that person must be
2 prepared to show that they can exchange existing
3 billboards or banked inventory at the required ratios
4 under the RMC."
5 A Correct.
6 Q Does that sound right?
7 A Yes.
8 Q Okay. Following on, "For those speakers who are
9 not able to meet the ratio" -- and when I say "ratio," do
10 you understand--
11 A I understand.
12 Q Okay. "For those speakers who are not able to
13 meet the ratio, the ordinance provides for, quote, special
14 exceptions, which may be applied for by only those
15 applicants who have existing signs within the restricted
16 areas." Do you see with that?
17 A Yes.
18 Q That's your understanding of how the ordinance
19 reads today?
20 A Correct.
21 Q Okay. Continuing on, "For those sign owners who
22 have no signs located within the, quote, restricted areas
23 as defined by the ordinance, no special exception to the
24 ratio requirement is available." Do you understand that?
25 A Yes.

31 (Pages 121 to 124)

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1 Q Okay. So if you live on the outermost
2 boundaries of Reno and you don't have sufficient signs to
3 be able to meet a ratio requirement, the current iteration
4 of the ordinance does not allow that person to make an
5 application for special exception to get a digital face.
6 Do you understand that?
7 A Yes.
8 Q Okay. However, if you are -- if you can make an
9 application for special exception, the ordinance requires
10 before a special exception is approved a, quote, review
11 process. You understand that?
12 A Yes.
13 Q Okay. And the review process allows the City
14 Council to hold public hearings and, quote, approve,
15 comma, approve with conditions, comma, or deny special
16 exceptions based on criteria in the statute or in the
17 code. Is that right?
18 A Correct.
19 Q Okay. During this process that led up to the
20 amended ordinance, the one that I've been talking about --
21 I'll call that "the digital billboard ordinance" -- there
22 was discussion -- and we've seen it in some of these
23 exhibits -- there were discussions about issues related to
24 the lights being so bright that it caused a distraction to
25 drivers, correct?

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1 A Correct.
2 Q There was discussion about National
3 Transportation Safety Board having -- whether it's --
4 having guidelines as to whether it's three candle foot or
5 those kinds of things.
6 A Right.
7 Q You remember generally that kind of
8 conversation, right?
9 A Yes.
10 Q So you would agree with me that throughout the
11 course of the discussions that led up to the enactment of
12 the ordinance, City Council was aware -- was aware of
13 issues related to driver safety, right?
14 A Correct.
15 Q City Council was aware of a conversation -- I
16 can't remember who brought it up -- about whether or not
17 it was going to be visible from a recess playground and
18 whether students were going to be standing there staring
19 at billboards instead of attending recess.
20 Do you remember something like that?
21 A Vaguely.
22 Q Okay. There was something about whether or not
23 the National Highway Safety Administration believed that
24 digital billboards would run afoul of some beautification
25 act that -- you understand -- you remember all that?

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1 A Yes.
2 Q So, clearly, in your memory the city was aware
3 that those kinds of things were being discussed.
4 A Correct.
5 Q Okay. In this lawsuit I have sent a couple of
6 -- what we call in the business "Discovery requests" -- to
7 the City of Reno and then the city has responded. Are you
8 generally familiar with how those work?
9 A Yes.
10 Q One of those I sent was called "a request for
11 admission." The idea behind that is I'm trying to get the
12 city to admit certain things I want them to admit in order
13 to make the trial process a little simpler. Admit your
14 name is Dwight Dortch. Okay. I admit it. Now we don't
15 have to go to court and establish you are, in fact, Dwight
16 Dortch. You follow me? One of the requests I said,
17 Request No. 1, "Admit that the City Council made no
18 express findings that the use of an LED display upon a
19 billboard in the city of Reno was a detriment to the
20 city's health, safety, welfare or aesthetic goals."
21 The answer I got from the city was, "The city
22 admits that the City Council made no express findings
23 that the use of an LED display upon a billboard in the
24 city of Reno was a detriment to the city's health,
25 safety, welfare or aesthetic goals."

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1 Is that a statement which you concur with?
2 A You want my personal opinion or -- what do--
3 Q Well, this isn't an opinion question. This is
4 -- this is a yes-or-no fact question, which is, Did the
5 City Council ever make an express finding that an LED
6 billboard, just by virtue of it being a digital display
7 and has bulbs and it can flip and all that--
8 A Correct.
9 Q -- was a detriment to the city's health, safety,
10 welfare or aesthetic goals?
11 A Did we -- so did we ever make the determination
12 that it was a detriment?
13 Q Yes.
14 A No.
15 Q But you had the opportunity to, correct?
16 A Yes.
17 Q Okay. And let me break down this idea of
18 health, safety, welfare or aesthetic goals.
19 Would you agree with me as a member of the City
20 Council one of your paramount considerations is to ensure
21 the health, safety, welfare--
22 A Yes.
23 Q -- and aesthetic goals of the citizens of Reno?
24 A Right.
25 Q Okay. And you would agree with me that the City

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1 Council is empowered to be able to make ordinances that
2 ensure the city's health, safety, welfare and aesthetic
3 goals, correct?
4 **A Correct.**
5 Q Including restricting aspects -- certain aspects
6 of billboards, right?
7 **A Correct.**
8 Q The city can make restrictions, as you said to
9 Mr. Wray's question, land use restrictions that say you
10 can't build so high, you can't build so wide.
11 **A Correct.**
12 Q You can't build within 5 feet of a motorway, all
13 those kinds of things, right?
14 **A Absolutely.**
15 Q Would you agree with me that those kinds of
16 restrictions on billboards is in order to promote and
17 further the city's health, safety, welfare and aesthetic
18 goals?
19 **A Yes.**
20 Q Okay. So clearly -- well, let me ask you, Would
21 it be your position sitting here today that in evaluating
22 whether or not to adopt the ordinance that had been
23 presented the city certainly took into account the health,
24 safety, welfare and aesthetic goals of its citizens?
25 **A Determining that it wasn't detrimental.**

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1 Q Correct. I mean, you looked in it.
2 **A Correct.**
3 Q You had the opportunity to look into it.
4 **A Correct.**
5 Q You had data from all different kinds of
6 sources.
7 **A Correct.**
8 Q In fact, we'll get to it, but you even reviewed
9 the city or planning -- or somebody from the city reviewed
10 reports from the National Traffic Safety Board, or
11 something like that--
12 **A Yes.**
13 Q -- that said we do not find that digital
14 billboards present a threat to safety or present an issue
15 with respect to the beautification act of highways.
16 **A Yes.**
17 Q Do you remember that? So the City Council was
18 clearly presented with data upon which the City Council
19 could have made a finding that an LED board was
20 detrimental to health, safety, welfare, correct?
21 **A Correct.**
22 Q Okay. And the fact is -- and I think the city's
23 already confirmed it and I just wanted you to re-up it --
24 that the City Council really never came out and said we
25 have a problem with LED boards because the LED board

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1 itself and the characteristics that are unique to an LED
2 board negatively affect health, safety, welfare or
3 aesthetics, correct?
4 **A Correct.**
5 Q Okay. You mentioned in an exhibit here, Exhibit
6 9 -- I won't get to it because I'm trying to move along --
7 that you had proposed a text amendment to the city code
8 that would permit the display of LED boards, correct?
9 **A Correct.**
10 Q And what Mr. Wray didn't look at in Exhibit 9 is
11 something that -- I'm not gonna ask you to look at it
12 because I'm trying to move on, but I'll read it to you.
13 There was some conversation about, you know, did you
14 encourage or discourage debate, something like that. And
15 I think the next page that Mr. Wray was looking at says
16 exactly -- I'm looking at COR 540, which is the last page
17 of Exhibit 9. I'll just read it to you.
18 "Councilperson Dortch stated that the pros and
19 cons of allowing the use of LEDs in signs can be debated
20 when the text amendment is presented to the Planning
21 Commission."
22 **A Correct.**
23 Q Do you recall that being the case? This doesn't
24 really say expressly whether you're in favor of passing it
25 or whatever, but you do recognize that there are certain

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1 pros and cons of allowing the use of LEDs, right?
2 **A Correct.**
3 Q What might some of the cons be from a health,
4 safety, welfare, aesthetics standpoint?
5 **A You know, again, I think it comes down to our**
6 **land use code. Yeah, you don't want billboards in**
7 **residential areas, and they're not effective in**
8 **residential areas anyway. You want high-traffic areas**
9 **from a business standpoint. But you still don't want**
10 **them in residential areas. You don't want the clutter,**
11 **you don't want the -- that piece of it.**
12 Q Let me back up and make it a little bit more
13 clear. I mean specifically the cons of permitting what
14 I'll call an upgrade from vinyl to digital.
15 **A Oh. My argument all along is there is no con.**
16 **And, in fact, there might be some positives, was my**
17 **argument. I mean, I've been clear on that all along.**
18 Q You would recognize that there are people in
19 this room and certainly citizens outside of this building
20 that would contend that there are several cons associated
21 with an upgrade, quote, from a vinyl board to a digital
22 board. You would agree with that, right?
23 **A I would agree they're using that argument to**
24 **eliminate billboards.**
25 Q And some of those -- some of those arguments

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1 might be that the lights are too bright and they shine in
2 the eyes of a driver, right? You've heard that.
3 **A Yes.**
4 **Q** Or they're on all night and they sort of flash
5 and it creates a distraction and shadows.
6 **A Yeah.**
7 **Q** You've heard all that, right?
8 **A But I think all of that's been disputed**
9 **professionally.**
10 **Q** I don't really -- I'm not at this point trying
11 to get into that. I'm just trying to have you concede to
12 me that you've heard that those kinds of arguments have
13 been made.
14 **A Correct.**
15 **Q** And the City Council had all the opportunity to
16 consider those because they heard it every single time
17 they met from somebody from Clear -- from Scenic Nevada,
18 right?
19 **A I would agree.**
20 **Q** You were getting emails from people, you were
21 getting Scenic Nevada stepping up every time. In spite of
22 that, however, the city never said in an open meeting, so
23 far as I can tell -- and I'm gonna ask you to confirm this
24 -- nobody from the City Council ever said, you know, we
25 really need to consider restricting LED signs because it

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1 presents a health, safety, welfare or aesthetic reason.
2 The City Council never said that, did they?
3 **A Not that I recall.**
4 **Q** Lots of citizens said it.
5 **A Right.**
6 **Q** And there's lots of editorials in the newspaper
7 said it. But I can't find a single instance in a meeting,
8 in a public hearing, in an open comment where a member of
9 the City Council said we need to look into restricting LED
10 boards because there's a health, safety, welfare element
11 that we are not considering adequately.
12 **A I agree.**
13 **Q** Okay. In Exhibit 5 that Mr. Wray provided us
14 there's a reference to Mr. West, Clear Channel
15 Communications. I'm looking on page two, which is SN 509
16 of Exhibit 5.
17 **A Okay.**
18 **Q** Third paragraph down it says, "Mr. West" -- you
19 understand that to be Mr. Aaron West--
20 **A Yes.**
21 **Q** -- an employee of Clear Channel?
22 "-- stated that originally three billboards
23 were proposed for one digital billboard. Given
24 opportunities and flexibility within the code and the
25 right circumstances and consideration in other areas, the

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1 number could possibly go up to five billboards."
2 Did you understand that it was actually Clear
3 Channel's proposal that the ratio system being
4 implemented in the city of Reno toward upgrading -- or
5 updating this ordinance?
6 **A I don't recall. I know that there were several**
7 **council members that actually proposed it also. I don't**
8 **know who proposed it first but it had been talked about**
9 **and, again, I think there were several council members**
10 **that proposed it.**
11 **Q** Certainly there were several council members who
12 agreed with that.
13 **A Yeah. I don't recall who proposed it first.**
14 **It could have been Clear Channel. I don't know.**
15 **Q** In Exhibit 10 we have a memorandum from
16 Community Development that Mr. Wray looked at. Page 2 is
17 an email -- the Hester email. Hester writes an email that
18 ultimately gets copied to Claudia Hanson, Manager of
19 Planning, Marilyn Craig, City Attorney, correct?
20 And it says down in here this would have been
21 an email that was sent back in March of 2008 -- No. 8 in
22 terms of the clarify the scope of the code amendments,
23 No. 8 says, "Replacement ratio LED to conventional
24 billboards" -- do you see that--
25 **A Uh-huh.**

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1 **Q** -- "one for one."
2 **A Yes.**
3 **Q** Back in 2008 it was your contemplation that the
4 replacement or ratio or upgrade from vinyl static to
5 digital face should have been one to one, correct?
6 **A Correct.**
7 **Q** Okay.
8 **A** Again, I didn't think there should be any
9 discussion of a ratio. Again, I was just trying to get
10 the -- to me this was there's new technology and because
11 our code in 2002, I think, didn't anticipate LED
12 technology on billboards, that's really the reason it got
13 written the way it got written in 2002. It wasn't
14 because anyone got upset and says oh, God, we never want
15 digital billboards. There was no one anticipating this
16 technology. That was -- that was all I was trying to
17 accomplish.
18 **Q** Fair enough. But we all know that from this
19 original proposal in March 2008 to the eventual
20 implementation and adoption of the new ordinance in two
21 thousand and -- I guess it would have been approved in
22 early 2012 -- does that sound right? -- January 2012 --
23 now contains a ratio requirement that was not contemplated
24 at least by you in March 2008. Sound right?
25 **A Correct.**

34 (Pages 133 to 136)

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1 Q Okay. You're aware that when City Planning went
2 back and looked at the ratio system that Planning came
3 back and said it should be a one to one ratio.
4 Is that your understanding?
5 A I don't know the answer to that.
6 Q Okay. Let's --
7 A Again, I think they were bringing forward my
8 request for the text amendment, so I don't know that they
9 said it should be one to one. I don't recall that. I
10 don't know.
11 Q I'm looking for Exhibit 13. I'm all out of
12 order here. We have Exhibit 13, which is minutes from a
13 Reno City Council meeting. This isn't what I wanted.
14 MR. WRAY: Which one do you want? I've got them
15 all in order.
16 MR. GILMORE: Give me one second.
17 BY MR. GILMORE:
18 Q Let me just ask a different question.
19 Are you aware that when this issue was first
20 put on the City Council agenda and there was a directive
21 to staff to have City Planning go through and consider
22 the pros and cons of a text amendment, that Planning came
23 back and said that they had reviewed issues related to
24 lighting, they had reviewed issues related to the traffic
25 safety, they had reviewed issues related to the

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1 beautification?
2 A Correct.
3 Q And that all those things came back and said
4 that it was Planning's recommendation to the City Council
5 that, notwithstanding all of those cons that might have
6 been identified, that they did not believe there was a
7 reason to restrict digital billboards in the city of Reno
8 based solely on those types of considerations, health,
9 safety, welfare, aesthetics.
10 A Correct.
11 Q Is it reasonable to assume based on your
12 experience and tenure at the City Council that if planning
13 had considered LED faces to be a detriment to the health,
14 safety, welfare or aesthetics of the city of Reno, that
15 that would have found its way into a report and certainly
16 the City Council would have heard about it?
17 A Yes.
18 MR. WRAY: Objection. Speculation. Move to
19 strike.
20 THE WITNESS: I would expect our staff to bring
21 that to us.
22 BY MR. GILMORE:
23 Q We haven't seen anything suggesting that
24 Planning did, but it's reasonable to assume based on your
25 experience.

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1 A We would expect our staff to bring those issues
2 forward to us.
3 Q Okay. Now I will ask you something about
4 Exhibit 13. Here it is. "Vice-Mayor Aiazzi states his
5 belief that the council did not pass the ordinance to
6 benefit the industry" -- by that I'm sure he means the
7 billboard industry -- "but acted in response to the
8 citizens' vote to reduce billboard clutter. He" --
9 meaning Aiazzi -- "said that even though Scenic Nevada
10 disagreed with the way in which it was done" -- "it"
11 meaning implementation of the ordinance -- "the purpose of
12 the ratio was to reduce the number of billboards." That's
13 a statement that's attributed to Councilman Aiazzi.
14 A (Witness nods.)
15 Q So do you -- as you sit here today, do you
16 believe that the city's goal in implementing the ratio was
17 to reduce clutter of billboards in the city?
18 A The council as a whole? I mean, I think the
19 compromise that we made with Clear Channel in the
20 corridors was a great compromise and getting them to
21 offer up the reduction in the corridors, to me, I think
22 that was a win/win for everybody, so in that sense yes.
23 Q Who is the "everybody" in that scenario?
24 A The citizens.
25 Q Clear Channel, the city of Reno, collectively, I

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1 suppose, right? Who else?
2 A And the citizens. I mean, it is cluttered. I
3 mean, those corridors are very cluttered with billboards.
4 Q The -- I heard you say when we were talking --
5 when Mr. Wray was asking you about Exhibit 13, I heard you
6 say that, you know, reduction in clutter should be
7 accomplished through land use objectives.
8 A And I think it would have been even without --
9 even without the ratio. I mean, for them to take a board
10 down and be able to put it up in that corridor, there is
11 so many land use criteria that they probably couldn't
12 meet without taking additional boards down anyway. And I
13 made that argument throughout, so -- and at that point
14 they could still bank them. If they could find locations
15 for them somewhere else, they could take them somewhere
16 else. To go to the ratio in that corridor, to me it
17 really didn't matter because, as we've discussed many
18 times -- not you and me--
19 Q Sure.
20 A -- but Council, you know, my opinion is we are
21 solving the issue through land use. The reason -- the
22 reason I don't like caps and limiting the number is you
23 put a value on that banked sign, much like we've done
24 with pawnshops. We limit the number of pawnshops, so if
25 someone wants to go out and buy a pawn shop license, it's

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1 going to cost them a million dollars. Well, that doesn't
 2 benefit anybody. There's other ways to restrict it to
 3 where that license, that one piece of paper doesn't have
 4 that much value, in my opinion, and I think that's what
 5 your land use code is for. So I'm kind of off on a
 6 tangent here.
 7 Q Because the city can take certain actions that
 8 genuinely drive up the value of certain rights, correct?
 9 A Correct.
 10 Q If you're going to only have a hundred alcohol
 11 permits, then people who want alcohol permits have to go
 12 and buy them.
 13 A Right.
 14 Q The city's action has driven up the cost of
 15 that.
 16 A Right. And that's why I don't favor that.
 17 Q Okay. Now--
 18 A Now, I do think you can accomplish it through
 19 your land use code. I think you can accomplish the same
 20 thing.
 21 Q Why would -- why do you believe that the land
 22 use code is a preferable way to reduce clutter than is to,
 23 say, implement a ratio system?
 24 A I think I just explained it. I think I just
 25 answered that for you.

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1 Q How about because if you -- let me give you an
 2 example and tell me if you agree with me.
 3 Because if you think that billboards are too
 4 tall, then you can enact a land use--
 5 A Absolutely.
 6 Q -- that says we want billboards to be 10 feet
 7 shorter than they are. You can do that, correct?
 8 A We can't go out and require you to change the
 9 existing ones.
 10 Q No. But you can enact ordinances that -- in the
 11 future.
 12 A Right.
 13 Q Signs can be restricted in height, right?
 14 A Correct.
 15 Q Size, location.
 16 A Correct.
 17 Q Setback.
 18 A (Witness nods.)
 19 Q Visibility.
 20 A Absolutely.
 21 Q Even time of operation, right?
 22 A Right.
 23 Q There are all kinds of things that the city
 24 could do in the land use sphere to ensure that the desire
 25 of reducing the clutter can be accomplished, right?

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1 A Absolutely.
 2 Q Okay. So is it your testimony -- and I think
 3 I've heard you but I want to make sure I understand it
 4 correctly.
 5 It's your testimony that what we've seen in
 6 your emails and in your comments is that you preferred
 7 the land use avenue to accomplish the city's objectives
 8 in preference to this ratio concept.
 9 A Absolutely.
 10 Q Okay. And do you believe -- and I know I'm
 11 asking you to -- I'm not asking you to jump in the heads
 12 of the other City Council members but I'm asking you to
 13 opine based on what you've seen and heard and experienced
 14 and felt and surmised -- that other members of the City
 15 Council disagreed with you on that?
 16 A Yes.
 17 Q And so today we have a ratio system instead of a
 18 revised, enhanced land use code that--
 19 A Right. But I think if you look at what's
 20 happened since we've revised our code back -- I mean, I
 21 think it goes back to when I was on the Planning
 22 Commission when we first started having this discussion,
 23 you know, distance requirements and things like that --
 24 we have done more to reduce the number of billboards in
 25 the city of Reno through land use than we have through

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1 banking.
 2 Q Right. Because if you want to reduce issues
 3 related to aesthetics, height, size, location, you can
 4 affect that directly by making a land use ordinance,
 5 correct?
 6 A Correct.
 7 Q Okay. So it's a direct correlation from what
 8 you want done--
 9 A Right.
 10 Q -- to how you go about doing it, correct?
 11 A I agree.
 12 Q Okay. In the -- and that's how -- do you agree
 13 that that's how this process should have been evaluated
 14 from the city's perspective?
 15 A Well, that's how we started the process.
 16 Q Okay. Now, in Exhibit 5 there's meeting minutes
 17 from a commission meeting, and we're back to where Mr.
 18 West proposed the three billboards for one digital.
 19 A Uh-huh.
 20 Q And then next paragraph, "Commissioner Romeo
 21 wanted to know if there were 300 billboards in the
 22 inventory converted to digital, the industry would be
 23 happy with 60 digital billboards with the same square
 24 footage." You see that a lot in these types of meetings,
 25 the reference to "the industry." What does that mean to

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1 you, if anything?

2 **A** I'm sorry. Did-- well, he's referring to --

3 he's asking -- he's asking Mr. West to answer for all of

4 you, basically.

5 **Q** There you go. Commissioner Romeo is saying to

6 Mr. West, Hang on. Now, if we were to tell you that of

7 the 300 in inventory if we were to get you 60, would you

8 guys be happy with that? I mean, he's asking Mr. West

9 that, isn't he?

10 **A** Right.

11 **Q** Because--

12 **A** That's what it looks like to me.

13 **Q** Because you would agree with me that the city

14 dealt largely with Clear Channel in determining what the

15 industry, quote, would be happy with in terms of the ratio

16 system. Does that sound right to you?

17 **A** I don't know the answer to that, to be honest.

18 **Q** Okay. Well, you know when Mr. Wray asked you in

19 the beginning there are a few players in the industry.

20 There's--

21 **A** Right.

22 **Q** -- Clear Channel, the 800-pound gorilla.

23 **A** Right.

24 **Q** There's Yesco, who, as Mr. Wray alluded to, is

25 sort of with Clear Channel, and that's because you know

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1 Yesco builds the boards for Clear Channel.

2 **A** Right.

3 **Q** You do know that. And we do know somewhere in

4 Reno or Sparks there's a warehouse with digital boards

5 sitting there waiting to be put up as soon as this

6 lawsuit's over. You understand that?

7 **A** Not surprise.

8 **Q** Okay. You don't know that to be a fact?

9 **A** No.

10 **Q** Okay.

11 **A** But it wouldn't surprise me.

12 **Q** And that Clear Channel has already ordered them

13 and Yesco has already built them. Do you know that?

14 **A** No.

15 **Q** Okay. And that they're sitting in a warehouse

16 and one day as soon as this lawsuit is over, if Saunders

17 or Scenic Nevada is not successful, those signs are gonna

18 be put up. Are you aware of that?

19 **A** It doesn't surprise me but I'm not aware.

20 **Q** So there's Yesco, Clear Channel, CBS, Saunders.

21 But you would agree -- would you agree with me Saunders is

22 more of a minor player in this industry--

23 **A** Yes.

24 **Q** -- in comparison to the total number of boards

25 and all that?

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1 **A** (Witness nods.)

2 **Q** So there's five or six players that have been

3 involved in the city's, sort of, stakeholder process.

4 Would you agree with that?

5 **A** Yes.

6 **Q** Okay. So when Mr. West has dialogue with

7 Commissioner Romeo or anybody else at the city and says

8 yes, this is something the industry would be happy with,

9 what do you understand Mr. West's representation to be on

10 behalf of the industry?

11 **A** You know, from my standpoint, I mean, I would

12 not ask him to answer a question for the industry as a

13 whole.

14 **Q** Okay. He kind of answers it, because two

15 paragraphs down it says, "In response to Commissioner

16 Romeo's question, from Clear Channel's perspective the

17 billboards that were banked from the train trench" et

18 cetera, et, cetera, et cetera. So, really, what he's

19 talking about is not from the industry's perspective.

20 He's talking about from Clear Channel's perspective.

21 **A** Right.

22 **Q** I sort of read that in a way that makes sense to

23 the objective reader. You also mention in a response to

24 Mr. Wray that the city did compromise in creating the new

25 ordinance that's under attack, correct?

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1 **A** Correct.

2 **Q** And that's not unusual because if you're a -- my

3 opinion and tell me if you think I'm wrong -- legislators

4 are constantly in the battle of compromise in order to get

5 things done. Would you agree with that?

6 **A** Yes.

7 **Q** Okay. So it's not all that unusual that the

8 City Council had to compromise some things in order to get

9 a deal done, right?

10 **A** Correct.

11 **Q** Okay.

12 **A** Amongst yourselves, you mean?

13 **Q** Compromise with -- amongst yourself, compromise

14 among the citizens, compromise among the business holders,

15 compromise among the out-of-state financial interests. I

16 mean, there's all kinds of compromise that goes into that,

17 right?

18 **A** Right.

19 **Q** We're not being naive about it, right?

20 **A** Right.

21 **Q** But this ratio compromise was not something that

22 was supported by Saunders and some of the other minor --

23 minority stakeholders. Is that something you agree with?

24 **A** Correct.

25 **Q** You saw me attend several Reno City Council

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1 hearings on this issue where I voiced my opinions on
2 behalf of my client, Saunders, correct?
3 **A Correct.**
4 **Q** Where we said if you go in and do this deal,
5 compromise with Clear Channel, that's going to affect some
6 of the minor players because the ratio system is unfair,
7 et cetera, et cetera. You remember me saying that, right?
8 **A Yes.**
9 **Q** Okay. So at the time this ordinance was
10 adopted, you knew that at least certain members of the
11 industry were not going to, quote, be happy with 60
12 digital billboards instead of 300 statics. You've been
13 made aware of that, right?
14 **A Correct.**
15 **Q** Okay. Let me see if I have anything else.
16 I just found that reference and I just want to
17 make sure I said it right. There's an exhibit that I'll
18 be marking in the next deposition. It's a workshop
19 minutes from May 2011 where Mr. West from Clear Channel
20 says -- tells the City Planning, "There's a memo from the
21 Federal Highway Administration dated September 25th,
22 '07, that actually indicates that digital billboards are
23 in compliance with the Federal Highway Beautification
24 Act." That's what we sort of talked about before--
25 **A Right.**

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1 **Q** -- and I think I screwed up the acronym.
2 The city -- a couple more questions for you and
3 then I'll be done. The city says in its -- one of its
4 filings to the judge that, quote, To promote the health
5 and safety of the residents and to achieve its goals of
6 traffic safety and aesthetics, the city set forth the
7 conversion ratios." Is that a statement with which you
8 agree or disagree?
9 **A One more time.**
10 **Q** "To promote the health and safety of the
11 residents and to achieve its goals of traffic safety and
12 aesthetics, the city set forth the conversion ratios."
13 Is that a statement with which you agree or
14 disagree?
15 **A I don't recall that being the discussion as --**
16 **to get to the conclusion but--**
17 **Q** Okay. So you sense a disconnect, perhaps, as I
18 do. It says -- this sentence--
19 **A I just don't recall that being discussed. I**
20 **don't recall that being the discussion to get to the**
21 **conclusion.**
22 **Q** Okay. So you've got a driver -- or you've got a
23 means and you've got an end. You understand that concept
24 pretty clearly.
25 **A Uh-huh.**

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1 **Q** Somebody comes to the city and says we have a
2 real issue. There's a lot of litter in the street. We
3 want to stop litter. Okay. And the city says how are we
4 going to accomplish a means to get us to the end, which is
5 to get rid of litter, and the City Council goes, well,
6 okay, let's consider what causes litter, who does it, how
7 do we get rid of it, how do we penalize? And the city can
8 make all kinds of things that are going to intend to
9 directly curb the litter problem, right?
10 **A Correct.**
11 **Q** Okay. So you and I have talked in the last half
12 hour about how the city reviewed the concepts related to
13 health, safety and welfare as it pertains to an LED board.
14 And you agreed with me that the city came back and said
15 you know what, we haven't given any credence to the idea
16 that digital billboards shouldn't be displayed because
17 they provide a health, safety or aesthetic detriment to
18 the city. That's the only finding the city's ever made,
19 is that there is no detriment. You agree with me?
20 **A Correct.**
21 **Q** Okay. Yet the city seems to suggest -- and I
22 just want your take on this -- seems to suggest that the
23 reason they've created a conversion ratio system in the
24 ordinance is to address health, safety and welfare
25 concerns. Does that make sense to you?

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1 **A I don't know where you're getting that**
2 **conclusion.**
3 **Q** Okay.
4 **A I don't.**
5 **Q** Not in your findings.
6 **A Not that I recall.**
7 **Q** Not in your personal beliefs.
8 **A (Witness shakes head.)**
9 **Q** Not in the findings of any of the memos that
10 I've seen or read in the tens of thousands of pages that
11 have been produced in this case.
12 **A Correct.**
13 **Q** Can you -- okay. Don't know.
14 **A Correct.**
15 **Q** Okay. I do have two more questions and I
16 apologize. I promise you this is it.
17 The city said in one of its filings to the
18 court "Billboard operators who either have no or
19 insufficient inventory to comply with the conversion
20 ratio are not in the same class as others who do have
21 sufficient inventory to obtain a permit by applying for
22 it." Is that a statement with which you agree or
23 disagree?
24 **A Not in the same class? I--**
25 **Q** Okay. I guess that is a legally loaded term,

38 (Pages 149 to 152)

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<p>1 legally speaking.</p> <p>2 Let me ask it to you in a layperson way. The</p> <p>3 ordinance -- the ordinance deals with billboard operators</p> <p>4 differently depending on whether you own a board at all,</p> <p>5 whether you own a hundred boards, or whether you own five</p> <p>6 boards. Would you agree with that?</p> <p>7 A Yes.</p> <p>8 Q If you own zero boards but you're looking to own</p> <p>9 a board, this ordinance your rights are differently</p> <p>10 implicated than would be if you owned a hundred, correct?</p> <p>11 A Yes.</p> <p>12 Q Yeah. Let me give you an example. If you--</p> <p>13 A But the original ordinance would not allow that</p> <p>14 either, though, the 2002 ordinance. Still, if you've got</p> <p>15 zero boards, you're not -- I mean, you have to go out and</p> <p>16 you have to buy a banked receipt from someone else or</p> <p>17 something else.</p> <p>18 Q Correct.</p> <p>19 A I mean, you're in a different position--</p> <p>20 Q Correct.</p> <p>21 A -- than anyone else.</p> <p>22 Q If you're outside the restricted area and you go</p> <p>23 and you acquire one banked inventory and you have a spot,</p> <p>24 perfect property right against the mountain where you can</p> <p>25 shine your light up on the mountain for everybody on the</p>	<p>1 (Whereupon, deposition was concluded at 1:12</p> <p>2 p.m.)</p> <p>3 -oOo-</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 mountain to see, you could not under this ordinance go and</p> <p>2 get a digital billboard, could you?</p> <p>3 A Correct.</p> <p>4 Q Okay. So that one billboard owner who is in</p> <p>5 now -- officially an industry member doesn't have the same</p> <p>6 access to display LED speech as does somebody who owns</p> <p>7 nine billboards in the corridor. Is that correct? Would</p> <p>8 you agree with that?</p> <p>9 A Correct.</p> <p>10 MR. GILMORE: Okay. All right. I have no more</p> <p>11 questions. Thank you.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MR. WRAY: Mr. Shipman, questions?</p> <p>14 MR. SHIPMAN: No.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 MR. WRAY: Okay. So nobody has any more</p> <p>17 questions.</p> <p>18 THE VIDEOGRAPHER: All right. This concludes</p> <p>19 the recorded deposition of Dwight Dortch. The time is</p> <p>20 1:11 p.m.</p> <p>21 Do any parties request copies of the video?</p> <p>22 MR. SHIPMAN: Not right yet. I might.</p> <p>23 THE VIDEOGRAPHER: Okay. We're going off the</p> <p>24 record in the matter of Scenic Nevada, Inc. vs. City of</p> <p>25 Reno. The time is 1:12 p.m.</p>	<p>1 CERTIFICATE OF WITNESS</p> <p>2</p> <p>3 I hereby certify under penalty of perjury that I</p> <p>4 have read the foregoing deposition, made the changes and</p> <p>5 corrections that I deem necessary, and approve the same as</p> <p>6 now true and correct.</p> <p>7</p> <p>8 Dated this _____ day of _____, 2014.</p> <p>9</p> <p>10 _____</p> <p>11 DWIGHT DORTCH</p> <p>12 -oOo-</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 STATE OF NEVADA)
 2) ss.
 3 COUNTY OF WASHOE)
 4
 5 I, CHRISTINA MARIE AMUNDSON, a Certified Court
 6 Reporter in and for the States of Nevada and California do
 7 hereby certify:
 8 That I was personally present for the purpose of
 9 acting as Certified Court Reporter in the matter entitled
 10 herein; that the witness was by me duly sworn;
 11 That said transcript which appears hereinbefore was
 12 taken in verbatim stenotype notes by me and thereafter
 13 transcribed into typewriting as herein appears to the best
 14 of my knowledge, skill, and ability and is a true record
 15 thereof.
 16
 17
 18 Christina Marie Amundson, CCR #641 (NV), CSR #11883, (CA)
 19 -oOo-
 20
 21
 22
 23
 24
 25

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1 IN THE SECOND JUDICIAL DISTRICT COURT
 2 OF THE STATE OF NEVADA
 3 IN AND FOR THE COUNTY OF WASHOE
 4 -oOo-
 5
 6 SCENIC NEVADA, INC.,
 7 Plaintiff, Case No. CV12-02863
 8 vs. Dept. No. 7
 9 CITY OF RENO, a political
 10 subdivision of the STATE OF
 11 NEVADA, and the City Council
 12 thereof,
 13 Defendants.
 14 _____
 15 Pages 1 to 166, inclusive.
 16
 17 VIDEOTAPED DEPOSITION OF CLAUDIA HANSON
 18 _____
 19 Thursday, January 16, 2014
 20 Reno, Nevada
 21
 22
 23
 24 REPORTED BY: CHRISTINA AMUNDSON
 25 CCR #641 (Nevada)
 CSR #11883 (California)

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1 A P P E A R A N C E S
 2 FOR PLAINTIFF:
 3 LAW OFFICES OF MARK WRAY
 4 BY: MARK WRAY, ATTORNEY AT LAW
 5 608 Lander Street
 6 Reno, NV 89509
 7
 8 FOR SAUNDERS OUTDOOR ADVERTISING:
 9 ROBISON, BELAUSTEGUI, SHARP & LOW
 10 BY: FRANK GILMORE, ATTORNEY AT LAW
 11 71 Washington Street
 12 Reno, NV 89503
 13
 14 FOR COUNCILMAN DORTCH:
 15 CITY OF RENO, OFFICE OF THE CITY ATTORNEY
 16 BY: JONATHAN D. SHIPMAN, ATTORNEY AT LAW
 17 1 East First Street, 3rd Floor
 18 Reno, NV 89505
 19
 20 ALSO PRESENT:
 21 Evolve Recording
 22 Mark Ivey, Videographer
 23 2630 Heather Field Lane
 24 Reno, 89521 240.0186, mark@evolvedepo.com
 25 Lori Wray

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 21 Admission
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 23 5/24/11
 24 -oOo-
 25

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1 BE IT REMEMBERED that on Thursday, January 16, 2014,
 2 commencing at 2:15 p.m. of said day, at the Law Offices of
 3 Mark Wray, 608 Lander Street, Reno, Nevada 89509, before
 4 me, CHRISTINA M. AMUNDSON, a Certified Shorthand Reporter,
 5 personally appeared CLAUDIA HANSON.
 6
 7 THE VIDEOGRAPHER: We are now on the record in
 8 the matter of Scenic Nevada, Incorporated v. the City of
 9 Reno. My name is Mark Ivey. I am the videographer. I
 10 work for Evolve Recording located at 2630 Heather Field
 11 Lane 89521. Today's date is January 16th, 2014, and the
 12 time is 2:19 p.m. This deposition is being held at 608
 13 Lander Street Reno, Nevada 89509. This is the recorded
 14 deposition of Claudia Hanson. Ms. Hanson, the court
 15 reporter will swear you in now.
 16 (Witness sworn.)
 17 THE VIDEOGRAPHER: This deposition is an audio,
 18 visual and stenographic deposition. Would all attorneys
 19 present please identify themselves and anybody with them
 20 beginning with the party noticing the proceeding.
 21 MR. WRAY: My name is Mark Wray and I'm the
 22 attorney for the plaintiff, Scenic Nevada, Inc. I'm
 23 attending this deposition with Lori Wray, who is a member
 24 of the board of directors of Scenic Nevada.
 25 MR. GILMORE: I'm Frank Gilmore. I'm an

1 (Pages 1 to 4)

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JA 1493

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Page 5	Page 7
<p>1 attorney representing also a plaintiff, Saunders Outdoor 2 Advertising, Inc., the plaintiff in CV12-02917. 3 MR. SHIPMAN: I'm Jonathan Shipman, the deputy 4 city attorney representing the City of Reno in the Scenic 5 Nevada case. 6 ----- 7 CLAUDIA HANSON, 8 called as a witness in the matter herein, 9 who, having been first duly sworn, was examined 10 and testified as follows: 11 EXAMINATION 12 BY MR. WRAY: 13 Q Would you please tell us your full legal name. 14 A Claudia Carroll Hanson. 15 Q Is Carroll, C-a-r-o-l? 16 A C-a-r-r-o-l-l. 17 Q All right. Where do you reside? 18 A Truckee, California. 19 Q How long have you resided there? 20 A Since 1998. 21 Q What's your address? 22 A Physical address? 23 Q Yes. 24 A 16105 Oxford Circle. 25 Q Oxford Circle, is that -- is that the part of</p>	<p>1 associate. 2 Q Okay. So an assistant planner or associate 3 planner? 4 A Senior. 5 Q Pardon me? 6 A It was right around when I became a senior, so 7 I'm not sure. 8 Q Okay. Some kind of planner in 2000. 9 A Uh-huh. 10 Q And what about 2002? What was your position 11 then? 12 A I would have been associate or senior. 13 Q So that's the same. How about 2008? 14 A 2008 I was -- I think I was interim planning 15 manager at that time. 16 Q And who did you report to as interim planning 17 manager? 18 A John Hester. 19 Q When did you move to your next position? What 20 year? 21 A I don't remember. They switched titles all the 22 time. 23 Q When did you stop -- good point. 24 When did you stop reporting to John Hester? 25 A When he retired about two or three years ago.</p>
Page 6	Page 8
<p>1 Truckee that's closer to Reno or the part that's farther 2 away by Central? You know -- 3 A I guess as the crow flies it's closer to Reno. 4 Q Okay. Okay. Nice place. 5 A I think so. 6 Q Beautiful, isn't it? Probably no billboards on 7 your street, I would imagine. 8 A My street's not very long. 9 Q What year were you born? 10 A 1969. 11 Q What is your business, profession or occupation? 12 A I'm the planning and engineering manager for the 13 City of Reno, Nevada. 14 Q How long have you been with the City of Reno? 15 A I originally was employed in 1994. I was gone 16 in '95 -- a portion of '95 and '96 and I came back in 17 1997. 18 Q Okay. From 1997 forward, you know, what 19 positions were you in? 20 A I've been a junior planner, assistant planner, 21 associate planner, senior planner, deputy director of 22 community development, planning manager, and planning and 23 engineering manager. 24 Q And what position did you have in 2000? 25 A In 2000? I was probably an assistant or</p>	<p>1 Q Okay. Then who did you start reporting to? 2 A Bill Thomas. 3 Q And do you still report to him? 4 A I report to Fred Turnier directly and Fred 5 reports to Bill Thomas. 6 Q Okay. So in or about 2010 you were reporting to 7 Bill Thomas but now it's Fred? 8 A Correct. 9 Q And how long have you been reporting to Fred 10 Turnier? 11 A Let's see. He's been on about a year and a 12 half, I think, maybe two years, and then he was also the 13 planning manager in -- when I was a senior planner he was 14 the planning manager so I reported to him back in 2005 and 15 six, something like -- somewhere in that range. 16 Q Okay. Now, the food chain goes Claudia to -- or 17 someone reports to you, right? 18 A Yes. 19 Q So the food chain goes someone to Claudia, then 20 Claudia to Bill and then Bill to Fred, or is it Fred to 21 Bill? 22 A Claudia to Fred and Fred to Bill. 23 Q And then Bill to the City Council? 24 A To the city manager. 25 Q The city manager.</p>

Deposition of Claudia Hanson, 1/16/2014

Page 9	Page 11
<p>1 A Bill's the assistant city manager.</p> <p>2 Q And the city manager is someone named Clinger?</p> <p>3 A Andrew Clinger.</p> <p>4 Q I'm sorry. C-l-i-n-g-e-r?</p> <p>5 A Yes.</p> <p>6 Q Okay. So at the time that the digital billboard</p> <p>7 ordinance was being proposed for the first time -- this is</p> <p>8 about the beginning of 2008, okay? I'm just going to take</p> <p>9 you back to that time period.</p> <p>10 A Okay.</p> <p>11 Q All right. And the idea for this happening came</p> <p>12 from Dwight Dortch, correct?</p> <p>13 A City Council initiated the...</p> <p>14 Q Okay. Was there any particular person on the</p> <p>15 City Council who initiated the idea of adopting the</p> <p>16 digital board ordinance?</p> <p>17 A Probably could have been Dwight Dortch. I know</p> <p>18 he had some of the discussion.</p> <p>19 Q He had what?</p> <p>20 A He had some of the discussion during the</p> <p>21 initiation time.</p> <p>22 Q Okay. And you were there during that initiation</p> <p>23 time, right?</p> <p>24 A I don't know if I was in the room. I'm not</p> <p>25 always present during initiations.</p>	<p>1 A Yeah. So that would mean that Councilman Dortch</p> <p>2 added that they have an item on the agenda every meeting</p> <p>3 that -- where any councilperson can add additional agenda</p> <p>4 items. So he added it at that time and then it would seem</p> <p>5 that it would come up on a later agenda for the actual</p> <p>6 discussion. So this is just putting it on the agenda.</p> <p>7 This wouldn't be the initiation itself.</p> <p>8 Q The initiation is the agenda that's actually on</p> <p>9 the agenda?</p> <p>10 A Correct. This was adding the item for a future</p> <p>11 agenda.</p> <p>12 Q So the future agenda being -- is when the staff</p> <p>13 would get direction to do something?</p> <p>14 A Correct.</p> <p>15 Q Okay. That's why it's kind of odd in this case.</p> <p>16 You know it happened the day after what we're calling</p> <p>17 Exhibit 8?</p> <p>18 A No.</p> <p>19 Q Well, you brought with you today a stack of</p> <p>20 paper, which is off camera, but it's a big stack of paper.</p> <p>21 And one of the documents was labeled 5571, COR 5571. So</p> <p>22 we'll mark this as -- next in order is 15, please.</p> <p>23 (Deposition Exhibit 15 marked for</p> <p>24 identification.)</p> <p>25</p>
Page 10	Page 12
<p>1 Q What do you think an initiation is? I -- maybe</p> <p>2 it's different that what I think it is.</p> <p>3 A Initiation is when an item is put on the agenda</p> <p>4 for consideration by the entire City Council to direct</p> <p>5 staff and to ask the city manager to allocate more than</p> <p>6 two staff hours to work on a project and then the council</p> <p>7 has to agree -- the majority of council has to agree.</p> <p>8 Q Okay. So initiation usually starts with someone</p> <p>9 saying, Put this on the agenda?</p> <p>10 A Yes.</p> <p>11 Q I think I understood that. We saw an exhibit</p> <p>12 earlier today which was, you know, January of --</p> <p>13 January 31st of -- January 30th of --</p> <p>14 MS. LORI WRAY: January 30th. I have to find</p> <p>15 it.</p> <p>16 BY MR. WRAY:</p> <p>17 Q And it was maybe what you're calling initiation.</p> <p>18 I don't know. So this document which we call Exhibit 8,</p> <p>19 which is to your right in a stack --</p> <p>20 A Do you have a page?</p> <p>21 Q Yeah. Page 9 of the document, or SN 66 in the</p> <p>22 lower right-hand corner, where it says -- the circled</p> <p>23 part, "Council added discussion and possible direction</p> <p>24 with respect to allowing the use of LED in off-premises</p> <p>25 signage-Dortch."</p>	<p>1 BY MR. WRAY:</p> <p>2 Q There's a stack of 700 pages to my right which</p> <p>3 are -- have these label numbers in the lower right-hand</p> <p>4 corner that were produced by the city today as part of</p> <p>5 many productions the city has done in this case. And</p> <p>6 these particular records are something you had a hand in</p> <p>7 producing, right?</p> <p>8 A It's the complete file of everything, so it was</p> <p>9 -- it was -- we've had many staff people work on the</p> <p>10 ordinance.</p> <p>11 Q And these ones were garnered or compiled from</p> <p>12 some source over at One East First Street, right?</p> <p>13 A Yes.</p> <p>14 Q Okay. And you're on one of the floors up there</p> <p>15 and you have an office and you found these documents.</p> <p>16 A Yes.</p> <p>17 Q Okay. And so we went through this rather</p> <p>18 quickly here during the lunch hour. We found this</p> <p>19 particular one which is dated January 31st, 2008.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q Okay. Have you seen this before?</p> <p>23 A No. I don't remember that I did.</p> <p>24 Q Okay. Do you remember --</p> <p>25 A Does not look familiar.</p>

3 (Pages 9 to 12)

Page 13	Page 15
<p>1 Q See, the date on Exhibit 8 is January 30th, 2 2008, and the date on this one is January 8th, 2008. 3 A I do see that. 4 Q This is one of the city's records of its staff 5 activity, correct? 6 A I don't know what this is a record of. There's 7 no title on it. I don't know who produced this. 8 Q Okay. Give me the next -- I have it. Go back 9 to Exhibit 8 and you go to the page in the lower 10 right-hand corner that says "SN 72," which is an email 11 string dated February 1st, 2008, we see that Tara Moran 12 -- is it Tara? 13 A Tara Moran. 14 Q Okay. 15 -- is emailing with a guy named Pete Mack and 16 someone named Susan Holshouser and others, right? 17 A Uh-huh. 18 Q Daniela Montiero is copied, Kelly Sweep, and it 19 has to do with a meeting that had happened the day before. 20 Do you see that? 21 A Yes. 22 Q Okay. So Tara Moran, apparently, had a meeting 23 with Pete Mack, Susan Holshouser in Sparks to discuss 24 regulations to be proposed in the new ordinance. 25 A Okay.</p>	<p>1 at sign in Sparks, January 31st"? Does that matter? 2 A I can't say that they're minutes. It may be the 3 notes from anybody that it was up. It could be this 4 meeting. I don't know for sure. And it appears I wasn't 5 even at that meeting because I wasn't listed in this email 6 and I don't recall meeting with anybody out there. 7 Q Okay. Well, then, it might be hard for you to 8 conclude that it was some direction for staff to start 9 working on this before there was an agenda item. Remember 10 how you told me that initiation happens when it's put on 11 the agenda of the City Council and that's when staff takes 12 action? Remember you that? 13 A The initiation, I also mentioned, is when 14 there's allocation by more than two hours of staff work by 15 the city manager. 16 Q Okay. So this is an example of a different kind 17 of initiation. Less than two hours, right? 18 A It wouldn't be an initiation. It would be -- 19 sometimes there's work done on any number of projects 20 before it's initiated. As soon as staff recognizes that 21 it's going to go over two hours, then we would -- we would 22 let -- 23 Q Well, actually -- 24 A -- our supervisors know about that. 25 Q -- Mr. Dortch said, Put it on the agenda. The</p>
Page 14	Page 16
<p>1 Q And the subject is "LED ordinance," right? 2 A Yes. 3 Q So now if we put these three things together, 4 this Exhibit 8 with this January 31st meeting with 5 stakeholders at sign in Sparks, we can, I think, 6 establish -- can't we -- that these are the minutes of the 7 meeting taken by somebody the day before these emails were 8 written and one day after Mr. Dortch said, Let's put it on 9 the agenda, right? 10 A I can't conclude that. I don't know if these 11 are minutes from a meeting. I don't know what these are. 12 Q Really? You're still -- you still don't think 13 these minutes had something to do with Exhibit 8? 14 A It could have. It could have been a different 15 meeting. I don't know what this is or who produced this. 16 Q Seriously? Are you toying with me? 17 A No. 18 Q You think these minutes that you produced in 19 this lawsuit about the billboard ordinance are not the 20 minutes of the meeting that was held on January 31st? 21 A I can't say that for sure. There's no title on 22 this. There's no indication of who wrote these. 23 Q Does it matter to you that there was a meeting 24 in Sparks the day before, according to Exhibit 8, SN 72, 25 and this Exhibit No. 15 says, "Meeting with stakeholders</p>	<p>1 next day, according to the emails, there was a meeting. 2 We even have a document that looks like something to do 3 with a meeting on January 31st. And they're still 4 hasn't been anything on the council agenda yet, right? 5 A There -- I'd have to go back and look at all the 6 agendas before that. I don't -- I would imagine not. 7 Q Was Mr. Dortch pushing the digital billboard 8 ordinance because he thought it would be a simple change 9 to the law that he wanted to get done quickly? 10 A You would have to ask Mr. Dortch that. I don't 11 know. 12 Q Why should I have to ask him? Didn't you know? 13 A Why he put something on the agenda? 14 Q Was he pushing -- does he think at this time in 15 2008, Mr. Dortch, from your knowledge that this is a 16 simple fix to the law that he wants to put in digital 17 billboards. It's just a simple thing that needs to be 18 done. Let's get it done. Is that what he was thinking? 19 A I don't know what Mr. Dortch was thinking at the 20 time. 21 Q Did he communicate that to you? 22 A No. 23 Q Did he ever communicate that to you? 24 A No. 25 Q So the first time you ever heard any suggestion</p>

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<p>1 like that is from me right now?</p> <p>2 A I don't remember him ever saying that.</p> <p>3 Q Okay. You report to people -- do they know</p> <p>4 you're here? Mr. Turnier, does he know you're here?</p> <p>5 A Yes, Mr. Turnier does know.</p> <p>6 Q How does he know?</p> <p>7 A I told him where I would be this afternoon. I</p> <p>8 always tell him where I am every day.</p> <p>9 Q Okay. Other than telling him, I'm going to be</p> <p>10 at Mark Wray's office, did you have any other discussion</p> <p>11 with him about what reason you might be here?</p> <p>12 A I told him what the case was about.</p> <p>13 Q Did you have any other discussion with him about</p> <p>14 this case or about your deposition?</p> <p>15 A No.</p> <p>16 Q Any discussion with Mr. Thomas?</p> <p>17 A No. I don't know if Bill Thomas knows I'm here</p> <p>18 or not.</p> <p>19 Q Any discussion with anyone else?</p> <p>20 A I told my staff where I would be today.</p> <p>21 Q Have you discussed this deposition with anyone</p> <p>22 other than the city attorney?</p> <p>23 A Other than coming here, no.</p> <p>24 Q Okay. Now, are you concerned to any degree that</p> <p>25 anything you say in this deposition might affect your job?</p>	<p>1 A That would still be my answer. I can't confirm</p> <p>2 that it is or is not.</p> <p>3 Q Have you reviewed anything in preparation for</p> <p>4 your testimony here today?</p> <p>5 A No.</p> <p>6 Q Have you ever seen the first amended complaint</p> <p>7 in the lawsuit of Scenic Nevada v. City of Reno?</p> <p>8 A Have I ever seen what?</p> <p>9 Q Have you ever seen -- give me the Exhibit 4 --</p> <p>10 Exhibit 4?</p> <p>11 (Witness reviewing document.)</p> <p>12 THE WITNESS: I think this was forwarded to me</p> <p>13 when it first came in and I glanced at it. I usually</p> <p>14 don't read these in much detail.</p> <p>15 BY MR. WRAY:</p> <p>16 Q Never read it?</p> <p>17 A I glanced through this. I didn't read it word</p> <p>18 for word.</p> <p>19 Q That's what I meant. Exactly right. I</p> <p>20 understand you probably looked and thumbed through and</p> <p>21 said yeah, okay, there's a lot of pages and they're</p> <p>22 arguing, but you didn't actually read it?</p> <p>23 A No.</p> <p>24 Q And you've never been asked by anyone to go</p> <p>25 through this and respond factually to what it says,</p>
Page 18	Page 20
<p>1 A No.</p> <p>2 Q So you understand that no matter what</p> <p>3 consequences other people might think that will or will</p> <p>4 not happen as a result of this lawsuit has no bearing on</p> <p>5 you, right?</p> <p>6 A I don't believe it does.</p> <p>7 Q You're just here to answer questions regardless</p> <p>8 of who it helps or hurts, right?</p> <p>9 A Correct.</p> <p>10 Q You're not here to help your job, hurt your job</p> <p>11 or anything like that, right?</p> <p>12 A Correct.</p> <p>13 Q Are you telling me that this Exhibit 15 is not</p> <p>14 the minutes of a meeting of January 31st, 2008, by your</p> <p>15 city staff --</p> <p>16 A I am --</p> <p>17 Q -- involving digital billboards?</p> <p>18 MR. SHIPMAN: I'm just going to object asked and</p> <p>19 answered. You can answer.</p> <p>20 MR. WRAY: I know what the answer was, but I</p> <p>21 just laid a foundation for something and she said before</p> <p>22 she does not know if that's what this is about.</p> <p>23 MR. SHIPMAN: Okay.</p> <p>24 BY MR. WRAY:</p> <p>25 Q Is that still your answer?</p>	<p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q You've never had a discussion with the City</p> <p>4 Council or any member of the City Council about Exhibit 4,</p> <p>5 correct?</p> <p>6 A No, I have not.</p> <p>7 Q There's never even been a meeting of the City</p> <p>8 Council to discuss Exhibit 4, has there?</p> <p>9 A Not that I know of.</p> <p>10 Q Same question as regards to a lawsuit that was</p> <p>11 filed by Saunders Outdoor Advertising? Have you ever read</p> <p>12 that?</p> <p>13 A In the same way, glanced through it.</p> <p>14 Q Never had a meeting with the City Council to</p> <p>15 discuss that lawsuit?</p> <p>16 A No.</p> <p>17 Q And it's never been circulated, even a copy of</p> <p>18 of it, to be discussed, right?</p> <p>19 A I don't know.</p> <p>20 Q It sounds like the lawsuit that was filed by</p> <p>21 Scenic Nevada is not a high priority for the city in terms</p> <p>22 of things that have to be addressed, correct?</p> <p>23 A I -- in my job I am not the primary staff person</p> <p>24 that works on lawsuits. I --</p> <p>25 Q Well, a political lawsuit is something --</p>

5 (Pages 17 to 20)

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1 **A** -- sight of them and then I wait if anybody
2 needs assistance on it. I'm not a staff person that's
3 assigned to lawsuits.
4 **Q** Does that ever vary depending on what kind of
5 lawsuit it is, like if it has to do with planning and
6 development as opposed to someone who slipped and fell on
7 a banana at city hall? I mean, doesn't it matter what
8 kind of lawsuit it is?
9 **A** I don't know. That would be determined in the
10 city attorney's office.
11 **Q** So you have no idea what the issues are in the
12 Scenic Nevada case, correct, none whatsoever?
13 **A** Well, I glanced through it but not -- I couldn't
14 give you a summary of it.
15 **Q** Well, I'm not looking for a summary because it's
16 20 pages, but I just wanted to know if you understood what
17 the issue was.
18 **A** I didn't familiarize myself with it, no.
19 **Q** Okay. Do you know what the issue is in the
20 Saunders Outdoor lawsuit?
21 **A** Not particularly, no.
22 **Q** Again, this is not a high priority for -- at
23 least for you, right?
24 **A** Not on my list of tasks that I do in my
25 day-to-day work, no. We run them off to the city

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1 attorney's office.
2 **Q** Was there a difference in the years past where
3 this was more of a priority for you, that the issue
4 exists?
5 **A** Lawsuits?
6 **Q** No. I'm glad you corrected me because it was
7 not a good question.
8 Was there a time in the past, say the last few
9 years, where digital billboards were more of an issue for
10 you to address, because this lawsuit is --
11 **A** Oh, sure.
12 **Q** -- believe it or not, this lawsuit is about
13 digital billboards. I want to tell you that, because I --
14 **A** I do know that, yes.
15 **Q** You did know that?
16 **A** Yes.
17 **Q** Oh. And did you know that the Saunders
18 lawsuit's about digital billboards, too?
19 **A** I did know that, yes.
20 **Q** Oh, okay. Was there a time when digital
21 billboards took up some of your time, at least?
22 **A** Of course, when we're developing the ordinance.
23 As soon as there's any lawsuit filed, then it literally
24 leaves the hands of the community development department
25 and goes to the city attorney's office.

Page 23

1 **Q** And during this time period where it was taking
2 up more of your time, were you communicating regularly
3 with other staff members in the city about this lawsuit?
4 **A** John Hester and I would discuss it and we would
5 discuss kind of the -- how it was progressing at staff
6 meetings, just general discussion on it.
7 **Q** Do you know how many emails have been produced
8 in this case between you and Mr. Hester --
9 **A** I don't.
10 **Q** -- concerning digital billboards?
11 **A** I don't.
12 **Q** Were you asked to look for any emails between
13 you and Mr. Hester or anyone concerning digital
14 billboards?
15 **A** Was I personally?
16 **Q** Yes, you personally. Were you --
17 **A** I know there was --
18 **Q** Were you asked -- excuse me for talking over
19 you. I apologize. I'm not supposed to do that.
20 But were you asked to go through your own
21 records wherever you work in the city hall to produce any
22 records consisting of communications between yourself and
23 others?
24 **A** I know there was a -- I forget what the term is
25 -- the --

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1 **Q** Notice of deposition?
2 **A** No. The request for information. I saw one of
3 those come through.
4 **Q** Request for documents.
5 **A** Request for documents, thank you. And those --
6 for the electronic records, we direct those to our IT
7 department and they will do the search on the emails.
8 **Q** Okay. So you didn't do any searching?
9 **A** No. I don't have -- I can't access the historic
10 emails from my computer so our IT department does that.
11 **Q** Okay. Do you know what was produced?
12 **A** I don't.
13 **Q** Did you go through any of the documents that
14 were located by others, maybe the IT department --
15 **A** No.
16 **Q** -- in the city?
17 **A** No, I didn't.
18 **Q** Never?
19 **A** No.
20 **Q** So you have no idea what was produced in this
21 case?
22 **A** No. All I have is the files, the staff reports,
23 the printouts, the documents from Scenic Nevada, the
24 brochures from Clear Channel, anything that's in the
25 planning file.

6 (Pages 21 to 24)

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1 Q I thought that the stack we got today had
2 something to do with you personally finding it and
3 producing it. That's why I'm asking these questions.
4 A I had -- we moved our offices a year -- a year
5 and a half ago and I had duplicates, what seemed to be
6 duplicates of everything. I just wanted to make sure you
7 had everything so we made additional copies, just to make
8 sure you had everything.
9 Q So you had a file in your office which you
10 believe was duplicates?
11 A Yes.
12 Q And you --
13 A But I didn't -- I did not have time to go
14 through all of them so I made copies and sent them on.
15 Q Okay. Is there anything you excluded from that?
16 A I didn't even go through it.
17 Q Was it in one file, one Expando file?
18 A Yeah. Yes.
19 Q Just loosely?
20 A Uh-huh, yes.
21 Q No order?
22 A No order.
23 Q That's what it looks like, yeah.
24 Some of them are printouts of emails. Were you
25 in the habit of printing out emails?

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1 A Sometimes I would, sometimes I wouldn't.
2 Q But in this case the initial documents in the
3 stack are emails. Did you know that?
4 A I did see those on top, yes.
5 Q Were those things you printed out at that time?
6 A I -- some of that, I believe, was some Tara's --
7 some of Tara's information and it could have been Donald's
8 as well, Donald Naquin worked on this for a while as well,
9 so I think it was a combination of everybody's.
10 Q Was it?
11 A I typically don't print out emails.
12 Q Somebody did.
13 A Sometimes I do but it's not in my standard
14 practice.
15 Q Okay. Did you print out any in this case?
16 A In which case?
17 Q The one we're here for, Scenic Nevada.
18 A So any time between 2007 and 2010 or whatever?
19 Q Yeah.
20 A I'm sure I did. Yeah, I'm sure I did.
21 Q Well, we have documents, sensitive emails that
22 were printed out. I'm asking you if you printed any out.
23 A I'm sure I did at some point. I couldn't tell
24 you which ones.
25 Q Okay. So did you go on your computer to print

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1 out emails?
2 A Over the last -- since 2007, sure.
3 Q Okay. And then were they in this Expando file
4 that --
5 A I don't know. I don't know what was in that
6 file. I didn't go through it. I just saw that it was
7 billboard information.
8 Q Okay. During this time period that you were
9 emailing between staff, did you also have emails with
10 Scenic Nevada?
11 A Oh, yeah.
12 Q Do you have emails with members -- businesses
13 that erect billboards like Clear Channel?
14 A Yeah.
15 Q Do you know who Aaron West is?
16 A I do.
17 Q And how do you know him?
18 A He works for Clear Channel. I knew him
19 originally when he worked for -- I think it was NAI
20 Alliance.
21 Q Could you slow that down for me.
22 A When he worked for NAI Alliance.
23 Q What is that?
24 A It's a real estate company.
25 Q How did you know him working for a real estate

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1 company?
2 A Because I worked for the planning department of
3 City of Reno and we worked with Realtors almost every day.
4 They do commercial real estate.
5 Q So the commercial real estate company NAI
6 Alliance had dealings with the city and he was working for
7 them.
8 A Yes.
9 Q And that's --
10 A Prior to his employment with Clear Channel.
11 Q And how long have you known Mr. West?
12 A Maybe 10 years -- eight, ten years, something
13 like that.
14 Q How many billboards were in Reno in 2011?
15 A I couldn't tell you offhand.
16 Q Do you have an estimate?
17 A No.
18 Q It's been suggested that the citizens'
19 initiative of 2000 regarding billboards was an initiative
20 to place a cap on the number of billboards.
21 Have you heard this before?
22 A I've heard that before.
23 Q Okay. And if that's the case, then I guess the
24 number has a lot of significance, right?
25 A Right.

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1 Q This is the number. You can't have more than
2 this.
3 A Correct.
4 Q So when people talk about the cap on billboards,
5 what number are they talking about?
6 A It would be what you asked earlier, is the
7 number allowed -- or the number existing in 2000.
8 Q Right. And you actually have no estimate.
9 A I don't.
10 Q Is there someone working for the city who you
11 would go to to say, you know, What is your estimate of the
12 number of billboards that existed in 2000, and they would
13 know?
14 A Probably not, not an estimate. I mean, I could
15 say fewer than 500. Is that close enough for you?
16 Q That's a start.
17 A Okay. I would say fewer than 500.
18 Q Good. And there's nobody you could go to,
19 right, who would actually know an estimate of the number
20 that existed in 2000, correct?
21 A Maybe -- there might be a couple staff people
22 who did some inventory --
23 Q Okay.
24 A -- data entry over the last couple years.
25 Q Are they still around?

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1 A Yes.
2 Q And so there is someone you could ask for an
3 estimate, right?
4 A Yes.
5 Q Now, could you ask someone for an exact number?
6 A Off the top of their head, no.
7 Q Okay. So who would you ask for an exact number?
8 Forget about the top of their head. Who would you ask for
9 an exact number?
10 A The same people, my same staff people.
11 Q Name a name.
12 A Daniela Montiero.
13 Q So Ms. Montiero, you could say, Daniela, I need
14 to know exactly how many billboards were in the city of
15 Reno as of November 14th, 2000.
16 A She would probably be the one I would go to,
17 yes.
18 Q Did she do an inventory?
19 A Did she do the inventory? Is that what you
20 said?
21 Q Yes.
22 A She did not do a field inventory, no.
23 Q Is it true that the industry gave the numbers to
24 the city as to what the amounts of billboards were?
25 A That's what I was told. I don't know that for

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1 sure.
2 Q Why not? How come you don't know for sure?
3 A Because I did not work on billboards in 2000.
4 Q No. But, I mean, when you started working on
5 them, did it come to your attention that the numbers the
6 city was using for the number of billboards came from the
7 industry?
8 A That's what my supervisor told me, yes. I --
9 they did not give it to me. They gave it to my supervisor
10 at the time.
11 Q Okay. So we know that the industry told the
12 city how many billboards there were.
13 A Yes.
14 Q And the city accepted the number.
15 A Yes.
16 Q Is that the way it's done today?
17 A No.
18 Q How is it done today?
19 A Today we -- it was originally based off of that
20 information and as boards are banked or cashed -- a banked
21 board is cashed and reconstructed or relocated, then we
22 would ask for clarification and we have a building
23 inspector go out and do the inspections on it.
24 Q Okay. I get it. That's what you do when
25 somebody is trading in a board. I'm asking the number of

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1 billboards total. How is it done today? How do you know
2 the number?
3 A We -- based off that original inventory,
4 annually -- although we missed this last year due to
5 computer glitches -- we informed the billboard industry of
6 the inventory that we have on their signs and we asked for
7 any corrections on those.
8 Q So you take their word for it?
9 A No. If I could finish the sentence.
10 Q I apologize for speaking over you. Go ahead.
11 A Thank you. They give us any corrections or
12 clarifications and we will go out and verify those and
13 determine how any of the changes have -- have occurred.
14 And if there's a permit associated with it, then we will
15 make the constructions, if we can document it how it
16 happened, and if there is no documentation, then we
17 wouldn't make the changes to the inventory.
18 Q Do you think that the city, then, has gone
19 through and identified by inventory itself all of the
20 billboards in the city?
21 A We have up until the last annexations of the
22 Tier 1 program, which was --
23 Q I don't know what "Tier 1" means.
24 A Which was the Tier 1 annexation program which
25 was our priority area for annexation. I think it was a

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1 year and a half ago when we brought in hundreds of
 2 parcels, many of them South Virginia corridor, way South
 3 Virginia corridor, and we -- we have not confirmed the
 4 inventory on those parcels.
 5 Q So nobody's gone out to the places that were
 6 annexed and counted up the number of billboards.
 7 A Correct.
 8 Q Do you have a number that you can give us for
 9 the number of billboards that exist today?
 10 A I -- fewer than 500. I don't know the number
 11 off the top of my head.
 12 Q Well, we had a witness here today who was
 13 talking about the significance of the cap, the cap. You
 14 can't have more than the cap. How do you know if
 15 something is less or more than the cap, if you don't even
 16 know what the number of the cap is?
 17 A Well, we work with the number of boards that we
 18 have. So if somebody were to come in and relocate a board
 19 or bank a board, they would have to prove that they have
 20 one -- either an existing board or a banked board at that
 21 point.
 22 Q Okay. So you don't know the numbers because it
 23 doesn't matter.
 24 A It doesn't matter in our day-to-day working with
 25 them.

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1 Q Okay. You don't know if the number of
 2 billboards is less or more than it was in 2000.
 3 A Because of annexed property, it would be more.
 4 Q More.
 5 A Just because we annexed.
 6 Q How much more?
 7 A I don't know.
 8 Q Does anyone ever ask these questions like I'm
 9 asking them to you, like how many billboards are there,
 10 how many more do we have now than we had before?
 11 A Has anybody else ever asked me that?
 12 Q Yes. Has anyone asked these questions?
 13 A Lori Wray.
 14 Q Touche. Anyone else?
 15 A I can't think of anybody else asking me that.
 16 Q So if there was a law passed in 2000 that says
 17 there shall be no more new construction, no permits for
 18 new construction, there should be no more new structures
 19 since the year 2000 according to that law.
 20 Do you understand what I'm saying?
 21 A I understand what you're saying.
 22 Q Okay. But there is new construction of
 23 billboards since the year 2000, isn't there?
 24 A There is reconstruction of preexisting boards.
 25 Q Okay. So we're not trying to be semantic here.

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1 I'm trying to address a fact that when someone shows up
 2 with a truckload of steel to erect a sign, an off-premises
 3 sign, a billboard sign, I'm calling that new and you're
 4 not, correct?
 5 A It would be new materials. It's not a new board
 6 as it's considered in our inventory.
 7 Q In Market Street there was never a billboard --
 8 this is two years ago, right, the Market Street appeal?
 9 You remember the Market Street appeal?
 10 A I do.
 11 Q Okay. There was never a billboard on that piece
 12 of dirt before, right?
 13 A I really don't remember the details. I think it
 14 was a relocated -- it was either a relocated board or
 15 constructed from a bank --
 16 Q Okay.
 17 A -- banked.
 18 Q But my question is, On the piece of dirt there
 19 on Market Street, there had never been a billboard there
 20 before, correct?
 21 A I'm pretty sure not but I don't know for sure.
 22 Q And these guys showed up with a truck with all
 23 this steel and started building a billboard, right?
 24 A I believe a board was constructed there, yes.
 25 Q Now, let's just say there's a law -- Exhibit 3

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1 -- that says the construction of new off-premises
 2 advertising displays is prohibited and the City of Reno
 3 may not issue permits for their construction. Let's just
 4 say that's the law. Now, the Market Street billboard was
 5 new construction, wasn't it?
 6 MR. SHIPMAN: Objection. Legal conclusion. You
 7 can answer. I mean, it's a confusing question. At what
 8 time are you talking about? I mean, are you asking --
 9 MR. WRAY: What do you mean "at what time"?
 10 MR. SHIPMAN: Are you asking about the time, you
 11 know -- the day after this initiative was passed? Are you
 12 talking about under the current ordinances, the current
 13 sign code?
 14 MR. WRAY: I'll reask the question.
 15 MR. SHIPMAN: Are you asking in a legal capacity
 16 or are you just asking is it new materials? I mean,
 17 there's some ambiguity here in terms of what you're --
 18 BY MR. WRAY:
 19 Q Ms. Hanson, I know you're worried -- or counsel
 20 is worried that I'm trying to put words in your mouth
 21 because of this argument about new construction. We had
 22 an exhibit earlier today, Exhibit 11, which we showed a
 23 picture of Market Street. Okay?
 24 A Uh-huh.
 25 Q That's a picture --

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1 **A** Okay.

2 **Q** -- Exhibit 11. Now, you've been a professional

3 since 1994 at least in the city as a planner, haven't you?

4 **A** Yes.

5 **Q** You've had to deal with construction since 1994

6 in the city, almost 20 years -- or 20 years right now,

7 right, for 20 years? I think you know what construction

8 is, don't you?

9 **A** I do.

10 **Q** Isn't that construction?

11 **A** That is.

12 **Q** Isn't that new construction?

13 **A** That is new materials, taking a banked receipt

14 of a board -- I can't remember if it was a banked receipt

15 or a relocated board. I can't remember.

16 **Q** Let me try a different way. Is this old

17 construction? Is there such a thing as old construction?

18 Is that what you're saying?

19 **A** No. I'm saying that's an old board.

20 **Q** How is it old? In what way is it old?

21 **A** Well, we were -- at the time in 2007 there was

22 an inventory of the boards and those boards were allowed

23 to be relocated or reconstructed.

24 MR. SHIPMAN: And I'm going to object. The

25 question's confusing. Are you asking about what is the

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1 regulatory status of this board as being new or are you

2 asking is this actually a new board in the sense that

3 there wasn't one there, now metaphysically there is?

4 Those are two different questions.

5 MR. WRAY: It's not metaphysical. It is

6 physical.

7 BY MR. WRAY:

8 **Q** But, I mean, seriously, I mean, with all due

9 respect, unless you're toying with me, you gotta agree

10 that is new construction, unless you think that's not people

11 with a crane putting up metal pieces in the ground to

12 build a board to put on this monopole. You can't tell me

13 that's not new construction, can you?

14 **A** Those are -- it is new materials being

15 constructed on that site for a banked -- I'm assuming a

16 banked receipt board.

17 **Q** Okay. Now, that is construction going on where

18 nothing was before, right? This is new. It's not there

19 before. If you went there a month before, this picture,

20 there wouldn't be anything there?

21 **A** Correct.

22 **Q** So that's new, isn't it?

23 **A** Correct.

24 **Q** How many billboards do we got banked today?

25 **A** Fewer than 300, I believe.

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1 **Q** Okay. So it could be anywhere from one to three

2 hundred. Is that your best estimate?

3 **A** Yes.

4 **Q** Okay. So for all we know, there would be one

5 banked billboard, and why are we here, right? One banked

6 billboard. Therefore --

7 **A** There's more than that. There's between 100 and

8 300.

9 **Q** There's more than one, you know?

10 **A** Between 100 and 300.

11 **Q** You know there's a lot because you know the

12 whole issue between Saunders Outdoor and Clear Channel,

13 Clear Channel has, like, 75 banked receipts and,

14 therefore, they can trade them in and get digitals,

15 whereas Saunders can't. You know that, don't you? You

16 were at the City Council.

17 **A** I understand what was said at that meeting, yes.

18 **Q** I don't want you to dummy up on me. You know

19 this stuff. You're really smart on this stuff. Just tell

20 me what you know. That's all. That's what this is about,

21 okay?

22 **A** Okay.

23 **Q** So there's north of 75 banked receipts, isn't

24 there?

25 **A** I'm sorry? I don't understand.

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1 **Q** Let me ask you a different question since we're

2 not communicating extremely well.

3 Why are billboards banked?

4 **A** Billboards are banked to give the owners of the

5 board an opportunity to relocate them at a later time.

6 **Q** Why?

7 **A** To maintain their rights to have that board.

8 **Q** So --

9 **A** Sometimes boards are removed for -- if they're

10 falling apart. Some are moved because right-of-way is

11 expanded. Some are moved because the lease is lost with

12 the underlying property owner. Some are moved because a

13 new building is going in.

14 **Q** Right.

15 **A** There's all sorts of reasons why they need to be

16 banked, why they need --

17 **Q** Exactly. I might lose my lease -- excuse me for

18 talking over you. And I'm sorry to the court reporter and

19 I apologize to Ms. Hanson and counsel. And I apologize.

20 I'm just trying to move things along. If I speak over

21 you, just slap me. But --

22 MS. LORI WRAY: It's not going to help.

23 BY MR. WRAY:

24 **Q** -- I get the fact that someone could lose their

25 lease, right. And the city feels compelled when a

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1 billboard company loses a lease to allow them to take the
 2 right, if you will, to a billboard and move it somewhere
 3 else, right?
 4 **A Correct.**
 5 **Q Why? Why do you feel that way?**
 6 **A That's been the direction from counsel.**
 7 **Q Who?**
 8 **A City Council.**
 9 **Q Who on the council?**
 10 **A All of them. There was -- throughout -- since**
 11 **2000 that's been the direction from City Council. When I**
 12 **say the "City Council," a majority of council. I can't**
 13 **tell you who was the vote.**
 14 **Q No. I'm sorry. I didn't mean for you to say**
 15 **that Sherry Doyle was in favor. I know. But I guess in**
 16 **2000 there was a ballot initiative and the people voted,**
 17 **as you see in Exhibit 3, right?**
 18 **A Yes.**
 19 **Q It says new construction is prohibited, new**
 20 **permits are prohibited. I just showed it to you, right?**
 21 **A Yes.**
 22 **Q So you're saying the City Council said we have**
 23 **to let these people relocate. Is that part of the law**
 24 **that you see or is that something the City Council told**
 25 **you, or what?**

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1 **A That was -- let me think of what it is. I**
 2 **believe it's in RMC 1816. It states that the -- there is**
 3 **a cap -- there's discussion of the cap and that relocation**
 4 **of the boards and then is allowed and banked and they're**
 5 **allowed to be banked.**
 6 **Q Right.**
 7 **A There's a description of the banked receipts.**
 8 **Q Okay. There's an ordinance. It's 1806.950,**
 9 **isn't it?**
 10 **A Is that 1816? I can't --**
 11 **Q Maybe it's 1816. There you go. Exhibit 6. I'm**
 12 **showing you page 5 of Exhibit 6, okay? That's what you're**
 13 **referring to, isn't it? I'm sorry about the light, but**
 14 **that is what you're referring to, isn't it?**
 15 **A Yes.**
 16 **Q Okay.**
 17 **MR. SHIPMAN: Just for the record, is that COR**
 18 **00031?**
 19 **MR. WRAY: Yeah, COR 31.**
 20 **BY MR. WRAY:**
 21 **Q But, basically, this is a -- what you've been**
 22 **calling banking and relocation.**
 23 **A Yes.**
 24 **Q Okay. And isn't that what you call it, "banking**
 25 **and relocation"?**

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1 **A Yes.**
 2 **Q Okay. So the question that we're getting at**
 3 **here is this was a direction from council. They adopted**
 4 **an ordinance, right, and that's why you're answering the**
 5 **question, well, we do that because the council ordered it,**
 6 **right?**
 7 **A Correct.**
 8 **Q Okay. Beyond that question, you know, as a**
 9 **planner, as a person who's, you know, dealing with the**
 10 **Title 18 all the time -- Article 18, sorry -- you know**
 11 **that the part just above it says there shall be no new**
 12 **construction, right?**
 13 **A Correct.**
 14 **Q And there shall be no new permits, right?**
 15 **A Correct.**
 16 **Q Do you discuss with the City Council, by the**
 17 **way, ladies and gentlemen, it says no permits shall issue,**
 18 **so how can we do this? How can we possibly issue a permit**
 19 **when it says we can't?**
 20 **A No, I don't question council on their decisions.**
 21 **Q Okay. You just implement.**
 22 **A Correct.**
 23 **Q What if someone applies to put up a new**
 24 **billboard? What do you do? What if someones applies to**
 25 **put up, to erect, construct a new billboard? What if**

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1 someone does that? What do you do?
 2 **A I ask for their -- what board is coming down or**
 3 **a banked receipt or where they have the right to -- or the**
 4 **ability to construct.**
 5 **Q You don't play any games with them, do you?**
 6 **A No.**
 7 **Q This is 16.**
 8 **(Deposition Exhibit 16 marked for**
 9 **identification.)**
 10 **BY MR. WRAY:**
 11 **Q Okay. Exhibit 16 is a building permit**
 12 **application by Yesco Outdoor Media May 24th, 2011, to**
 13 **erect a new billboard, isn't it?**
 14 **A That's what it says, yes.**
 15 **Q Well, is this or is this not a building permit**
 16 **application?**
 17 **A This is a building permit application and**
 18 **description of work it says "Erect new billboard."**
 19 **Q Okay. So Yesco came along in May of 2011 and**
 20 **said we want to erect a new billboard, right?**
 21 **A Yes.**
 22 **Q And what did you do with this?**
 23 **(Witness reviewing document.)**
 24 **THE WITNESS: It looks like it was approved with**
 25 **revisions by Daniela Montiero on July 5th, 2011.**

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<p style="text-align: right;">Page 45</p> <p>1 BY MR. WRAY:</p> <p>2 Q After you validated --</p> <p>3 A After I validated that Y 10 was a valid receipt.</p> <p>4 Q Okay. Right?</p> <p>5 A That's what the note said.</p> <p>6 Q Right. And it was -- and according to the</p> <p>7 record -- and you can look at the first page or the second</p> <p>8 page -- it was new billboard construction, right?</p> <p>9 A That's what the applicant put on their</p> <p>10 application, yes.</p> <p>11 Q And that's what planning review put on the City</p> <p>12 of Reno Building and Safety Division Application Status</p> <p>13 Trail Report, right? That's the second page.</p> <p>14 A Yes.</p> <p>15 MR. SHIPMAN: SN 480?</p> <p>16 MR. WRAY: Yes, SN 480.</p> <p>17 BY MR. WRAY:</p> <p>18 Q That's what the city put on there, right --</p> <p>19 A Yes.</p> <p>20 Q -- accurately describing what was going on?</p> <p>21 What I mean by accurately, I mean new billboard</p> <p>22 construction. That's accurate. That's what was going on,</p> <p>23 right?</p> <p>24 A Correct.</p> <p>25 Q Then you look at the third page, "Description of</p>	<p style="text-align: right;">Page 47</p> <p>1 inconsistent with your legal position.</p> <p>2 A It's new construction but it would be the</p> <p>3 relocation of CC-3 and CC-4, according to this email.</p> <p>4 Q And that's a sham, isn't it? You know it's a</p> <p>5 new billboard. The people in the neighborhood know that</p> <p>6 there was no billboard there before, right? The people</p> <p>7 where these billboards were put up know there was no</p> <p>8 billboard there before.</p> <p>9 A I don't believe it's a sham, to answer that</p> <p>10 question, no.</p> <p>11 Q Okay.</p> <p>12 A There was not a billboard on that site, it</p> <p>13 appears.</p> <p>14 Q Okay. So if the citizens voted in 2000 there</p> <p>15 shall be no new construction and no permits issued for</p> <p>16 construction, here we've got permits and new construction,</p> <p>17 right? We've got both.</p> <p>18 A Yes. New construction of a preexisting board.</p> <p>19 Q Now, wait a minute. You have to wait for me to</p> <p>20 finish, too.</p> <p>21 A Okay.</p> <p>22 Q So my question is, If the citizens voted in 2000</p> <p>23 no new construction, no new permits, here in Exhibit 16 we</p> <p>24 got new permits and new construction, right?</p> <p>25 MR. SHIPMAN: Objection as to legal conclusion</p>
<p style="text-align: right;">Page 46</p> <p>1 work," Mr. Aaron West, "New billboard structure to replace</p> <p>2 two units, Moana Lane."</p> <p>3 This is another application, right?</p> <p>4 A Yes.</p> <p>5 Q Okay. And Mr. West is just being very frank</p> <p>6 about it. This is a new billboard, right?</p> <p>7 A Yes.</p> <p>8 Q The next page, "Billboard relocation electrical,</p> <p>9 banked," another city document, right?</p> <p>10 A Yes.</p> <p>11 Q Now, the next page that I have is called COR</p> <p>12 3959. It's an email chain between Daniela Montiero and</p> <p>13 Mr. West, right?</p> <p>14 A Yes.</p> <p>15 Q And she says July 10th of 2012 to Mr. West, in</p> <p>16 her email, "Dear applicant, the following permit has been</p> <p>17 reviewed." And then she says one, two, three, four, five,</p> <p>18 six, and somebody highlighted No. 6. Lori Wray</p> <p>19 highlighted No. 6. It says, "Please revise application to</p> <p>20 remove reference of new billboard as no new billboards are</p> <p>21 allowed in the city." Right?</p> <p>22 A Yes.</p> <p>23 Q Now, that's a sham, isn't it? The applicant</p> <p>24 knows it's a new billboard, the city knows it's a new</p> <p>25 billboard but you don't use the word "new" because that's</p>	<p style="text-align: right;">Page 48</p> <p>1 but she can answer.</p> <p>2 BY MR. WRAY:</p> <p>3 Q I'm reading the document.</p> <p>4 A I would say it is new construction of a</p> <p>5 preexisting board.</p> <p>6 Q Do you mean to tell me in the picture that you</p> <p>7 looked at that that board existed in real life somewhere</p> <p>8 before?</p> <p>9 A No. It was a banked receipt.</p> <p>10 Q Okay.</p> <p>11 A It existed in some other form on another site</p> <p>12 but they are --</p> <p>13 Q You mean in a parallel universe there was</p> <p>14 another -- this board existed somewhere?</p> <p>15 A On another site within the city of Reno.</p> <p>16 Q This board, the one that we see in the picture?</p> <p>17 A The banked receipt associated with that board.</p> <p>18 Q Okay. A piece of paper issued by the city</p> <p>19 telling me -- the person that had the right to the other</p> <p>20 billboard is all you're talking about. They weren't</p> <p>21 erecting a piece of paper here. They were erecting a</p> <p>22 billboard, right?</p> <p>23 A Correct.</p> <p>24 Q Okay. So that billboard never existed before.</p> <p>25 That billboard that you're looking at in the picture --</p>

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1 **A** These materials did not, correct.

2 **Q** Well, let me ask you this: Do you think the

3 people of Reno voted that the city was to issue no new

4 paperwork or no new billboards? Which do you think it

5 was?

6 **A** I don't know.

7 **Q** You think the citizens -- you really don't know

8 if the citizens were trying to stop billboards or trying

9 to stop new paper? You don't know?

10 **A** I don't know.

11 **Q** Really? What college did you go to?

12 MR. SHIPMAN: Objection. Harassment.

13 BY MR. WRAY:

14 **Q** What college did you go to?

15 **A** Cal Poly.

16 **Q** Okay. Cal Poly, San Luis Obispo?

17 **A** Yes.

18 **Q** And you're telling me after four years at Cal

19 Poly you don't know the answer to whether the citizens

20 wanted to stop new billboards or just stop new paperwork?

21 You don't know the answer to that question?

22 **A** I don't know how people voted.

23 **Q** You're a planner, right, a professional planner?

24 **A** Yes.

25 **Q** You have to deal with ordinances every day of

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1 the week, don't you?

2 **A** I do.

3 **Q** Okay. And you're sitting here under oath, under

4 the penalty of perjury telling us in this deposition that

5 you don't know if the people voted to say no new

6 construction and no new permits. You don't know if they

7 voted that.

8 **A** It's the way the bill was written. It says no

9 new permits for new construction. So I would imagine they

10 would be going off of the words that were on the ballot.

11 **Q** Okay.

12 **A** What each individual thinks that that believes,

13 I don't know.

14 **Q** So when it was passed and you were working for

15 the city at the time, you're going oh, I don't know what

16 they're trying to accomplish here. Maybe, you know --

17 maybe they're trying to stop us from -- what? I'm not

18 sure.

19 **A** Again, at the time of the ballot I was not

20 working on billboards and I was not associated. I did not

21 even review the ballot and I was not a voting citizen in

22 the city of Reno.

23 **Q** Well, I know, you live in California. You live

24 in a place where there's no billboards on your -- at least

25 where you live, right?

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1 **A** There are no billboards on my street, that is

2 correct.

3 **Q** Yeah, okay. Okay. Your relationship with the

4 billboard people -- tell me, in regards to this exhibit --

5 I'm going to show you Exhibit 17, a little bit about Mr.

6 West.

7 (Deposition Exhibit 17 marked for

8 identification.)

9 BY MR. WRAY:

10 **Q** Exhibit 17 is a two-page document consisting of

11 an email string on May 10th and 11th of 2011. Emails

12 purport to be between Aaron West and Claudia Hanson.

13 These are emails that you participated in, right?

14 **A** It appears that way, yes.

15 **Q** Okay. Okay. So the first email in these email

16 chains you have to start with the last one to read them in

17 reverse order because that's the chronology. It's an

18 email from you to Mr. Frankovich and others about a

19 workshop on May 24th 2011. Do you see that?

20 **A** Yes.

21 **Q** What does "AICP" mean?

22 **A** American Institute of Certified Planners.

23 **Q** Is that a special designation you got after

24 graduation from Cal Poly?

25 **A** Yes.

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1 **Q** Does that mean you have some special expertise

2 in what you do?

3 **A** It means I took the exam proving that I know the

4 basics of planning and passed the exam.

5 **Q** Oh, every planner is an AICP, then?

6 **A** Once you take the exam.

7 **Q** Yeah. But, I mean, everyone who works for the

8 city is an AICP. Anyone who works in the planning

9 department is an AICP.

10 **A** Currently all three planners are AICP, yes.

11 **Q** Okay. So Mr. West responds on the first page,

12 "Will the Planning Commission be in attendance as well or

13 is this just a blowup of Scenic?" Now, who is Scenic?

14 **A** I would imagine he means Scenic Nevada.

15 **Q** Okay. This seems rather familiar, Mr. West's

16 comment to you, as if you exchanged -- you had some sort

17 of dialogue between you about just another blowup with

18 Scenic. Do you see what I'm saying here?

19 **A** I don't. Because my response is "The Planning

20 Commission will not be there," and I did not entertain his

21 comment.

22 **Q** You responded to it by saying, "The Planning

23 Commission will not be there," right?

24 **A** Correct.

25 **Q** So at this time in May of 2011 you had known him

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1 since when?
 2 A I don't remember when I first met him. Probably
 3 2004, somewhere in there, 2005, when he worked for a real
 4 estate company.
 5 Q Okay. During the time period of this in 2011 --
 6 well, actually 2008, nine, ten, eleven -- were you sort of
 7 like a conduit to Mr. West for the city? You would let
 8 Mr. West know what was going on, you personally?
 9 A I don't think he worked for Scenic Nevada when
 10 we started this.
 11 Q You mean Clear Channel.
 12 A Sorry. Clear Channel. I don't think Mr. West
 13 worked for Clear Channel when the ordinance began.
 14 Q Okay. Whenever he started working for them, did
 15 you become a conduit for him to tell him whatever was
 16 going on?
 17 A Yeah. I believe I was a conduit for everybody.
 18 Q Do you think you wrote like in this manner here
 19 to everyone the way you're writing with Mr. West?
 20 A -- "will not be there -- and to me -- and
 21 then -- so the two from me are "The Planning Commission
 22 will not be there," and, "Thanks, Aaron. I'm not sure how
 23 I would get through this without you." Sure, I
 24 communicate that way with lots of people.
 25 Q Like Scenic Nevada, I'm not sure how I'd get

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1 through this without you, right?
 2 A Sure.
 3 Q Get through what?
 4 A Through the -- we had many versions of the
 5 ordinance. We had multiple workshops and hearings over
 6 the years and there were often many versions of and
 7 corrections to different documents.
 8 Q Okay. And did you really mean that: Thanks,
 9 Aaron. I'm not sure how I would get through this without
 10 you"?
 11 A Did I really mean it?
 12 Q Yeah. Were you sincere?
 13 A Probably not. I'm sure I could have handled it
 14 just fine without him.
 15 Q And do you know what you're responding to when
 16 you said that, what he said that caused you to say that?
 17 Do you know what the response was?
 18 A It doesn't even make any sense the comment that
 19 I have on there.
 20 Q Is that because there's emails missing in this
 21 chain?
 22 A I have no idea.
 23 Q Why do you think it doesn't make any sense?
 24 A I don't know.
 25 Q Why did you say it doesn't make any sense?

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1 A Well, from his comment, from Aaron West, "First
 2 we need to figure out exactly -- what exactly it is that
 3 we are debating over. That's easy. We're trying to
 4 provide a much needed valuable community service and
 5 Scenic hates us."
 6 Q And your response is, "Thanks, Aaron. I'm not
 7 sure how I would get through this without you," right?
 8 A Yes. So it seems like there was some
 9 communication between that didn't -- that isn't in here.
 10 There may have been a phone call or I don't know what it
 11 would be. But that -- my response doesn't seem to follow
 12 his very well. It seems like there was something in
 13 between.
 14 Q Unless you're agreeing with him and saying yeah,
 15 I'm on your side, Aaron, and I couldn't get through this
 16 without you and he's making all the comments about Scenic
 17 Nevada and why the Planning Commission isn't there and
 18 you're agreeing with him. Then it all makes perfect
 19 sense, doesn't it?
 20 A No. I don't think this -- well, there must have
 21 been a communication in between. It was probably a phone
 22 call or something.
 23 Q Did you have phone calls with him?
 24 A Yes.
 25 Q Is there things you didn't want to say in

Page 56

1 emails? Is that it?
 2 A Are there things that I didn't want to say in
 3 emails?
 4 Q Yeah. Were there things that you and Aaron
 5 talked about that you didn't want to say in an email?
 6 A I don't -- I don't believe I ever said anything
 7 that I wouldn't put in an email. He may have but I would
 8 not.
 9 Q He may have said stuff to you on the phone that
 10 he told you he didn't want to put in an email, or what?
 11 A No, he wouldn't say that. He would say pretty
 12 much the idea that's conveyed in this email, that Scenic
 13 Nevada hates them, it's a blowup of Scenic. He would
 14 say -- he would make more comments like that and I would
 15 not be comfortable with that and I wouldn't entertain it.
 16 Q Except in this exhibit you did, just by
 17 happenstance the one exhibit we got.
 18 A I don't think I did.
 19 Q What?
 20 A I don't believe I did.
 21 Q I don't -- "I'm not sure how I would get through
 22 this without you," smiley face. Really? You're not
 23 entertaining his comments?
 24 A I don't believe so, no.
 25 Q Okay.

14 (Pages 53 to 56)

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1 this it would seem that way, yes.
2 Q Okay. So you were taking it upon yourself when
3 you saw stuff that might be of interest to him to send it
4 to him without even a solicitation, just send it to him.
5 A It seems that's what I did, yes.
6 Q You were a conduit for him, weren't you?
7 Whatever came in that you thought would help Aaron, you
8 would send it to him. You agree or disagree?
9 A Anything that would be about his company I would
10 send it to him.
11 Q Why? Why?
12 A I would -- if there was something specific about
13 somebody's company, I would probably -- I would think I
14 would forward on that information, if it's entering into
15 the public record. It's going into the public record.
16 Q So.
17 A So he would probably see it then so it seems --
18 I mean, it doesn't seem. I would inform people ahead of
19 time of information that came through about them.
20 Q So --
21 A If it was -- if it pertained to the ordinance at
22 hand.
23 Q So like, for example, if you got something from
24 Aaron West or had emails with him that had something to do
25 with Scenic Nevada's throwing a fit again, you would share

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1 that with Scenic Nevada, right?
2 A If it had to specifically do with the ordinance.
3 If it was slander or rude or insulting, I would not
4 forward it, no.
5 Q But you would forward stuff like that of that
6 nature to Aaron because it had to do with his company,
7 right? I mean, I'm trying to --
8 A If it was something rude about them, I don't
9 think I would. I don't -- I wouldn't imagine Lori Wray
10 would send anything rude about Clear Channel.
11 Q Most people wouldn't. That's not the point.
12 The point is whereas when you thought something would help
13 Aaron West because someone was saying something about him,
14 you would give it to him. But when Scenic Nevada was
15 being trashed by Aaron West, you didn't tell anything to
16 Scenic Nevada in emails to you --
17 A No, I wouldn't do that.
18 Q Yeah, you didn't. So I'm seeing sort of this
19 you wanted to make sure that Aaron West got any
20 information he needed but not Scenic Nevada. Am I wrong?
21 A To me they're two completely different things
22 that were forwarded.
23 Q To me there's two different completely ways you
24 handled it. One was the way you handled things with
25 Scenic Nevada and one was the way you handled with the

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1 billboard industry representative, and I'm asking you why.
2 A Because the items I forwarded to Clear Channel
3 were -- that were sent -- that we received from Scenic
4 Nevada were technical information, articles, reports
5 regarding digital billboards. The items you showed me
6 earlier -- I assume you're referring to the earlier emails
7 -- I would not send because they weren't technical. They
8 weren't -- any reports that they would send us, I would
9 forward on but I wouldn't forward on comments in emails
10 about Scenic Nevada throwing a fit or whatever it would
11 be.
12 Q Unsolicited. So Scenic Nevada would just get
13 whatever Aaron West submitted to anyone, Scenic Nevada
14 would get a copy unsolicited.
15 A Yes. If -- I instructed my secretary, if things
16 came in, whatever they brought in, we would forward them.
17 Q So Lori Wray didn't have to ask for stuff like
18 how many billboards do we have in the city of Reno
19 repeatedly. She didn't ever have to ask for that.
20 A She was on the distribution list of information.
21 Q I understand that.
22 A So we have a group list that we would send for
23 -- and I instructed my secretary if -- as things came in
24 to distribute it to the people on that list.
25 Q I was on that list. Mr. Frankovich was on that

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1 list.
2 A Yes.
3 Q Everyone was on the stakeholders list. I'm
4 asking about things -- the communications you had with
5 Clear Channel and the communications you had with Scenic
6 Nevada. It seems like with Mr. West you felt obligated to
7 this member of the industry to let him know about anything
8 that might be helpful to him.
9 A I don't think I was obligated.
10 Q It just seems that way to me.
11 A Okay.
12 Q You see that? You see why it seems that way to
13 me?
14 A I can see from this email how you would see
15 that.
16 Q So we go in the document a few pages in COR 4353
17 and it's another set of emails. This one is from Michelle
18 Fournier. Who is she?
19 A She's my secretary.
20 Q Oh. She works for you directly?
21 A No. She reports to Fred Turnier but no. At the
22 time she reported to Sharon Fallis.
23 Q But she's your secretary.
24 A She's my secretary, yes.
25 Q Was she your secretary in 2011?

16 (Pages 61 to 64)

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1 **A** Yes.

2 **Q** So the first email, November 10th, 2011, to

3 Aaron West from Michelle, "Do you still want me to forward

4 emails to you regarding opposition of digital billboards?"

5 Answer, "That would be great. Thanks. Even cookie-cutter

6 ones?" He says, "Not the form letters. Okay. The one I

7 received was a form letter." Okay.

8 So there was a setup actually in place that you

9 were to forward to him anything --

10 **A** It sounds like he requested that. It says, "Do

11 you still want me to forward emails?" So he at one point

12 requested of Michelle to forward emails that came in.

13 **Q** But he was not Mr. Turnier and he was not

14 Mr. Thomas and he was not Mr. Hester and he was not the

15 mayor. He was a billboard industry representative, right?

16 **A** That's correct.

17 **Q** He wasn't your boss, right?

18 **A** That's correct.

19 **Q** Or was he?

20 **A** He was not my boss.

21 **Q** Okay. So can he order you or your secretary or

22 anyone in the city, just send me whatever you get? Is

23 that the way it works, the city does that?

24 **A** He can't order us but he can request it.

25 **Q** So you think Scenic Nevada could just say, Well,

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1 we expect you to send us everything you get from anyone

2 that has any interest to us?

3 **A** Whoever requested that, then we would send it

4 out to -- we would treat them all the same. And it

5 appears that Aaron West requested of Michelle to send him

6 anything that came in.

7 **Q** Okay. All right. That's how Scenic Nevada was

8 treated, too, exactly the same way, right? That's your

9 testimony under oath, right?

10 **A** I don't -- I don't know if every single one went

11 through. I can't -- I wasn't the one distributing them.

12 But if there was a request, then they should have gone

13 through.

14 **Q** So we go through COR 4387. It's just another

15 example. Now we're in February of 2012 and, as you can

16 see from this example as well, it's Ms. Fournier talking

17 to Mr. West, how are you? "Hi, Aaron. How are you? I

18 need you help. John Frankovich provided a list of

19 revisions," right? And then he says in response to that

20 and he says, "Scenic has been rather quiet, or at least I

21 haven't seen any correspondence."

22 He's like, Hey, Michelle, what's up? You're

23 supposed to be sending me all this stuff, right? And then

24 she responds, "I guess Chris called Claudia and said he

25 would bring it tomorrow morning. Thanks. Scenic is

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1 actually requesting a copy as well. We didn't have one.

2 We definitely need it for the file." Who's Chris?

3 **A** I think Chris -- I know it was Chris Barrett

4 that worked on this.

5 **Q** Now, is Chris Barrett the fixer?

6 **A** I don't know what a fixer is.

7 **Q** What does Chris Barrett do?

8 **A** He works with various clients.

9 **Q** Anyone we know in this lawsuit? Does he work

10 with anyone that we know in this lawsuit?

11 **A** He -- he's hired by any number of people to help

12 projects with the -- help applicants with projects going

13 through the public hearing process.

14 **Q** And why would he be in a position to help?

15 **A** That's his -- I think that's what his job is. I

16 don't really know what his title is or what his company

17 does, but he works with -- most recently he worked with

18 Waste Management on their special use permit and he

19 attends meetings to help with design review and he works

20 with -- he kind of stays on top of projects to make sure

21 they're meeting all the deadlines and making sure we're

22 doing our job.

23 **Q** Do you report to Chris Barrett?

24 **A** No.

25 **Q** Why does Chris Barrett have any ability to help

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1 someone with their project? What is it about him that

2 makes him helpful?

3 **A** I don't know. That's his job. There's --

4 **Q** You have no clue, no understanding at all.

5 **A** That's Chris Barrett's job, is he's hired to

6 help projects go through the process.

7 **Q** I'm asking the question that's a different one.

8 Why is he in a position to help? What is it about him

9 that makes him able to help people get their projects

10 approved?

11 **A** I don't know. That's what he does.

12 **Q** Really?

13 **A** That's his job, is he's paid to come in and work

14 with staff and elected officials and neighbors and

15 discusses projects and works on design revisions.

16 **Q** Is he an acquaintance of anyone on the City

17 Council or the mayor, anyone like that?

18 **A** I have heard disclosures that he has worked on a

19 campaign of the mayor's.

20 **Q** Is that all you've heard? That's all you know?

21 **A** I know -- I think there's been other disclosures

22 about him working on campaigns.

23 **Q** Okay.

24 **A** I don't really pay attention that much.

25 **Q** You think there may be some disclosures that

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1 maybe Chris Barrett might have worked on a campaign of the
 2 mayor. Other than that, you don't know anything about
 3 Chris Barrett being, you know, close to anyone on the
 4 council or anything like that. You don't know.
 5 **A I don't know, no.**
 6 **Q Really?**
 7 **A I mean, he knows most people at the city because**
 8 **he works on projects all the time. So we know him on a**
 9 **professional basis and I know the disclosures that have**
 10 **been said in council meetings.**
 11 **Q Okay. Is he the mayor's friend?**
 12 **A I don't know.**
 13 **Q How long have you known Barrett?**
 14 **A I've been working with him maybe five or six**
 15 **years.**
 16 **Q How long have you known him?**
 17 **A Maybe 10 years.**
 18 **Q Who introduced you?**
 19 **A I think we just met working on a project at some**
 20 **point.**
 21 **Q It wasn't the mayor?**
 22 **A I don't believe so, no.**
 23 **Q Okay. I'm gonna tell you something you don't**
 24 **know. Believe it or not -- this is a whopper -- Chris**
 25 **Barrett represents Clear Channel. I didn't know if -- you**

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1 know, it's a brand-new one for you, isn't it?
 2 **A Well, no. I would assume he did from this.**
 3 **Q Oh, you knew he represented Clear Channel.**
 4 **A He -- through this, yeah. That's what I said**
 5 **earlier.**
 6 **Q Okay. So I showed you this exhibit.**
 7 **A You said it was Chris and I said the only one I**
 8 **knew working this was Chris Barrett.**
 9 **Q Oh, okay. So I thought I was -- you were**
 10 **unclear, but you already knew that he represented Clear**
 11 **Channel.**
 12 **A Yeah. He did through -- towards the end of this**
 13 **process.**
 14 **Q Because Clear Channel's not written on this**
 15 **document that you keep looking at, is it?**
 16 **A No. But Aaron West is.**
 17 **Q So?**
 18 **A Aaron West works for Clear Channel.**
 19 **Q Okay.**
 20 **A And Chris Barrett was representing Clear Channel**
 21 **towards the end of the ordinance process.**
 22 **Q Oh, okay. All right. And so did you have**
 23 **conversations and communications with Mr. Barrett about**
 24 **the work you were doing on the digital billboard**
 25 **ordinance?**

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1 **A Yes.**
 2 **Q And why would you do that?**
 3 **A He would call and ask questions and he attended**
 4 **some of the meetings and workshops.**
 5 **Q Did he ever tell you what the mayor wanted to**
 6 **see done?**
 7 **A No.**
 8 **Q Did he ever tell you what Mr. Dortch wanted to**
 9 **see done?**
 10 **A No.**
 11 **Q Does Mr. Dortch know who Mr. Barrett is?**
 12 **A Oh, I'm sure.**
 13 **Q Why are you sure of that?**
 14 **A Chris Barrett, I think he's a very involved**
 15 **citizen and works on a lot of projects.**
 16 **Q An involved citizen getting paid by the**
 17 **billboard industry. That's an involved citizen?**
 18 **A He's a citizen of the city of Reno, last I knew.**
 19 **Q Well, most of us are.**
 20 **A Yes.**
 21 **Q Okay. But most of us don't have this kind of**
 22 **access that you see here, do we? We can't just go to the**
 23 **city people, Hey, you're the planning person. Send me**
 24 **anything that I have an interest in. Just send it to me.**
 25 **And if you don't send it to me, I'm going to call you up**

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1 and say how come you're not sending it to me, right? Most
 2 people can't do that.
 3 **A I would disagree with that statement.**
 4 **Q Most people can do that?**
 5 **A Yes.**
 6 **Q So let me just say to you right now. Anything**
 7 **that comes up of anything to do with signage -- for**
 8 **example, if a building permit comes up for the Wild Orchid**
 9 **and the people in the neighborhood don't know that the**
 10 **permit's been applied for but it's gonna have naked women**
 11 **on a streaming video, please let us know, because we're in**
 12 **the neighborhood, right? You could tell us that, couldn't**
 13 **you, Ms. Hanson?**
 14 **A I'm not sure how we could notify -- I would have**
 15 **to check with the building division.**
 16 **Q Come on. You and Marilyn Craig got the Wild**
 17 **Orchid radio approved when the engineering -- when the**
 18 **application came in, it wasn't going to be approved**
 19 **because it's a non-conforming sign for a non-conforming**
 20 **business. And you and Mrs., you know, Marilyn Craig got**
 21 **that approved for your friend Kashmeri, didn't you?**
 22 **A I don't remember Marilyn Craig being involved.**
 23 **Q Oh, yeah. Oh, yeah. You and Marilyn Craig. I**
 24 **was at the hearings with Bob Bell on that.**
 25 **A That was after the construction of it.**

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<p style="text-align: right;">Page 73</p> <p>1 Q Well, sure. No one knew that they were 2 constructing it until it was six months after the permit 3 was issued, and you issued the permit, you yourself. 4 A I did, yes. 5 Q So you think you could have told those of us 6 that lived in a radius of a certain -- about what was 7 happening to let us know that the guy was going to put up 8 a streaming video sign on the corner? You could have 9 notified people. You could have done that for us. 10 A I could have. 11 Q Uh-huh. Now, Kashmeri is the mayor's friend, 12 right? 13 A I don't know that. 14 Q Weren't you at the meeting? 15 A At which meeting? 16 Q The appeal. 17 A For the Wild Orchid? 18 Q Yeah. Weren't you at the meeting? 19 A I was there. 20 Q Didn't you listen to what the mayor said -- 21 A I did. I don't remember -- 22 Q -- about the Kashmeri family and his 23 relationship? 24 A I don't remember. 25 Q Really? You don't remember?</p>	<p style="text-align: right;">Page 75</p> <p>1 gave it to her, it looks like. 2 Q Okay. She asked for 6:00, right, "the dates she 3 is considering are," and Chris Barrett on the first page 4 said February was fine. 5 Why are you consulting with Chris Barrett on 6 whether February is fine? 7 A It was probably to see if people would be in 8 town for the ordinance -- for the hearing. 9 Q What people? 10 A Anybody from Clear Channel or -- I don't know if 11 there was a consultation with any other companies. I'm 12 not sure -- but Clear Channel to see if people were in 13 town at that time. We try to coordinate multiple 14 schedules and sometimes we make it and sometimes we don't. 15 Q So you scheduled it. You told Bill Thomas when 16 you were scheduling it because Chris Barrett said -- after 17 Chris Barrett said February was fine, you told Bill Thomas 18 when it could be scheduled. That's what your email is, 19 right? And he said "That makes sense to me." 20 A Who said "That makes sense"? I'm not seeing 21 that. 22 Q The last page of the exhibit, which is the first 23 email. 24 MR. SHIPMAN: 4141, -45. 25 MR. WRAY: It is 4145. Thank you, counsel.</p>
<p style="text-align: right;">Page 74</p> <p>1 A Really, I don't remember. 2 Q Okay. Just Exhibit 19. 3 (Deposition Exhibit 19 marked for 4 identification.) 5 BY MR. WRAY: 6 Q Claudia Hanson to Bill Thomas and Marilyn 7 Craig -- Bill and Marilyn -- talking about appeal times, 8 right? 9 A It looks like it. 10 Q Okay. Now, at this point in time we had Market 11 Street and Wild Orchid, if you look at the second page, 12 right? Lori Wray appealed both on behalf of Scenic 13 Nevada, Market Street and Wild Orchid, right? She wanted 14 a six p.m. time, right? 15 A That's the -- 16 (Witness reviewing document.) 17 BY MR. WRAY: 18 Q The second page of the exhibit is you getting an 19 email from Barbara about the appeals for Wild Orchid and 20 Market Street, right? It's the middle of the second page. 21 A (Witness reading). "She wanted 6:00 so I gave 22 her 6:00 on February 22nd. Billboards should be on for 23 6:00 February 8th." Okay. 24 Q Okay. So there was this -- 25 A So Lori asked for 6:00 on those dates and we</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MR. WRAY: 2 Q Right? Bill Thomas, who is also an AICP, says 3 "That makes sense to me," right? 4 A Yes. 5 Q Okay. Was there ever a discussion about closing 6 down the banking and relocation aspect of the city 7 ordinance? In other words, why do we need a banking 8 ordinance? Was there ever any discussion about that? 9 A I believe we discussed it in a couple of the 10 workshops. 11 Q Okay. Why didn't that take place? 12 A I can't remember. 13 Q Did you ever float that one? 14 A I remember discussing it with Marilyn Craig and 15 I just don't remember the outcome. 16 Q Okay. Today there's a lawsuit by Saunders 17 Outdoor Advertising claiming that they're being treated 18 disparately from the bigger fish who have banked receipts 19 where Saunders doesn't. I don't know if you're aware of 20 that allegation, are you? 21 A I am, yes. 22 Q And it was made publicly many times in Council 23 and Planning Commission meetings. Did you know that? 24 A I did. 25 Q Okay. So here you have this situation where</p>

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<p>1 they're complaining about being treated wrongly because</p> <p>2 people with banked receipts get treated differently than</p> <p>3 people who don't have banked receipts.</p> <p>4 Do you understand that?</p> <p>5 A I do.</p> <p>6 Q And the reason why they can make that argument</p> <p>7 is because the City Council came up with a banking and</p> <p>8 relocation ordinance which says when you take down a</p> <p>9 billboard, you get to bank it and relocate it at a</p> <p>10 subsequent date sometime in the next 10 years. That's the</p> <p>11 reason they can't even make that argument that they're</p> <p>12 being treated differently, because there is a banking and</p> <p>13 relocation ordinance, right?</p> <p>14 A That seems correct.</p> <p>15 Q Yeah. But if you followed the citizens'</p> <p>16 initiative and said there is no more billboards that can</p> <p>17 be built by anyone, you wouldn't even have to deal with</p> <p>18 the Saunders Outdoor argument, would you? Wouldn't even</p> <p>19 be an argument.</p> <p>20 A I don't -- I'd have to think that through for a</p> <p>21 while. I'm not sure if that's true or not.</p> <p>22 Q The pretty simple concept is nobody gets to</p> <p>23 build any more billboards, right? There's no banking, no</p> <p>24 relocation, nobody gets to build one. The reason Saunders</p> <p>25 is suing the city is because it's not getting treated the</p>	<p>1 Did anyone ever make that obvious point?</p> <p>2 A I believe you have at a number of meetings.</p> <p>3 Q Besides -- forget about --</p> <p>4 A I have never said that to council.</p> <p>5 Q Isn't it the truth?</p> <p>6 A I don't -- I don't think I'm in a position to</p> <p>7 answer that. I don't know.</p> <p>8 Q Well, you have to. You have to answer my</p> <p>9 question, unless it's objectionable.</p> <p>10 A It would have been much simpler without banking,</p> <p>11 yes.</p> <p>12 Q I need to take five minutes and reorganize some</p> <p>13 things. And I'm sorry it's taking so long. I know it</p> <p>14 must have been an hour and a half already, right?</p> <p>15 MR. GILMORE: Exactly an hour and a half.</p> <p>16 MR. WRAY: Can you give me five minutes?</p> <p>17 THE VIDEOGRAPHER: We're going off the record at</p> <p>18 3:47 p.m.</p> <p>19 (Recess taken.)</p> <p>20 THE VIDEOGRAPHER: We are back on the record in</p> <p>21 the matter of Scenic Nevada, Inc. v. the City of Reno.</p> <p>22 The time is 3:55 p.m.</p> <p>23 (Deposition Exhibit 20 marked for</p> <p>24 identification.)</p> <p>25 BY MR. WRAY:</p>
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<p>1 same as other people in their industry who have banked</p> <p>2 receipts, right?</p> <p>3 A Uh-huh.</p> <p>4 Q Or that's one of their arguments. And the city</p> <p>5 got itself sued because the city set up the system for</p> <p>6 banking and relocation. Had you not set that up, you</p> <p>7 wouldn't get sued. You wouldn't have these people saying,</p> <p>8 you know, we're entitled, too.</p> <p>9 A It seems that that lawsuit probably would not</p> <p>10 have come forward, yes.</p> <p>11 Q Has anyone ever said to the City Council, Come</p> <p>12 on, you idiots. If you didn't have banking and</p> <p>13 relocation, we wouldn't be in this huge mess. We wouldn't</p> <p>14 be talking about all these things. We wouldn't have a</p> <p>15 digital billboard ordinance. We wouldn't have anything to</p> <p>16 worry about billboards anymore. They're done?</p> <p>17 Did anyone ever say that?</p> <p>18 MR. SHIPMAN: That's a compound question.</p> <p>19 MR. WRAY: Of course it is. It's triple</p> <p>20 compound. Want me to break it down?</p> <p>21 BY MR. WRAY:</p> <p>22 Q Did anyone ever say, Ms. Hanson, seriously, the</p> <p>23 reason we're even in this convoluted mess over billboard</p> <p>24 laws and what we can do is because we're trying to keep</p> <p>25 billboards proliferating instead of getting rid of them.</p>	<p>1 Q I have placed in front of you Exhibit 20 and</p> <p>2 you're reading it. It's a two-page document photocopy of</p> <p>3 an email on the first page and then attached to it is a</p> <p>4 non-email document. Okay? The non-email document is a</p> <p>5 part of some report. Maybe it's a staff report.</p> <p>6 Do you recognize it?</p> <p>7 A The lower half is -- looks like a section out of</p> <p>8 our code. I don't recognize the upper part.</p> <p>9 Q It says "In discussions" -- in the top part of</p> <p>10 this document, COR 703, "In discussions with the</p> <p>11 above-mentioned groups, none of them suggested any</p> <p>12 additional areas. One suggestion that was not opposed by</p> <p>13 the above groups was to no longer allow boards to be</p> <p>14 placed into the bank. This would prevent the bank from</p> <p>15 growing any larger. Staff is in support of that</p> <p>16 suggestion." What happened with that?</p> <p>17 (Witness reviewing document.)</p> <p>18 BY MR. WRAY:</p> <p>19 Q You need to have a date? Do I need to show you</p> <p>20 the report?</p> <p>21 A I'm just reading it.</p> <p>22 Q I know. Do you need to see the rest of it in</p> <p>23 order to make sense of that?</p> <p>24 A Like page 3 would probably be good.</p> <p>25 Q Okay. Let's put that on the side and I'll go to</p>

20 (Pages 77 to 80)

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1 Exhibit 21.
 2 (Deposition Exhibit 21 marked for
 3 identification.)
 4 BY MR. WRAY:
 5 Q Exhibit 21 is a one-page email from Fred Turnier
 6 to people within the city and it's dated July 2nd, 2012,
 7 regarding "Digital Billboards Item Council July 18th."
 8 (Witness reviewing document.)
 9 BY MR. WRAY:
 10 Q Now, as I recall, Scenic Nevada could not be --
 11 or Lori Wray was going to be out of state and the date
 12 that had been selected got changed with this email. "I
 13 spoke" -- this is Fred Turnier, "I spoke with Marilyn
 14 about this item. We asked for it to be on the 18th.
 15 Due to some ongoing negotiations/discussions with the
 16 industry" -- that's billboard, right, billboard industry?
 17 A I would think so, yes.
 18 Q -- "and Claudia being out till the 5th to
 19 discuss, we have requested that our staff report be final
 20 on the 5th. I spoke to Bill about this and the
 21 sensitivity of getting this on the 18th and ensuring
 22 that the industry does not get upset about changes that
 23 may occur." What's that about? What do you mean changes
 24 that may occur and being upset? What does that have to do
 25 with anything? Who cares if the industry's upset?

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1 A We were working with the billboard industry and
 2 --
 3 Q As citizens of Reno, right?
 4 A I'm sorry?
 5 Q As citizens of Reno.
 6 A As citizens of Reno?
 7 Q Yeah, the billboard industry, the citizens of
 8 Reno, the billboard industry, right? That's who you mean
 9 "working with citizens."
 10 A Well, we work with citizens and we work with
 11 industries. We work with both.
 12 Q Okay. Who cares if the billboard industry is
 13 upset? Do you think they were not upset in 2000 when the
 14 citizens passed an initiative saying no new billboards?
 15 Do you think they were upset or not? Do you remember a
 16 lawsuit called LR Media to the supreme court?
 17 MR. SHIPMAN: Compound. Can we break them down?
 18 BY MR. WRAY:
 19 Q Do you remember that?
 20 A I remember --
 21 Q The billboard industry was upset. Take my word
 22 for it. Trust me.
 23 A I'm sure they were.
 24 Q Okay. Who cares?
 25 A It is --

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1 MR. SHIPMAN: Counsel, can you just restate?
 2 What's the question?
 3 MR. WRAY: Who cares?
 4 MR. SHIPMAN: As to what?
 5 BY MR. WRAY:
 6 Q Who cares if they're upset? Why does Fred
 7 Turnier care if they're upset?
 8 A When we work on any project, be it a development
 9 project or an ordinance, whoever the involved parties are,
 10 we try to provide -- we consider them all clients.
 11 Q That's putting it mildly.
 12 A We consider them all clients and we try to --
 13 Q You're their secretary.
 14 A I'm sorry?
 15 Q You're their secretary.
 16 A I'm not their secretary.
 17 Q Well, your secretary is their secretary.
 18 A No, she's not.
 19 Q Ms. Fournier was doing your bidding when she
 20 forwarded everything to Mr. West, wasn't she?
 21 A She was following a request from a client.
 22 Q Client being the billboard industry?
 23 A It was Aaron West who works for a billboard
 24 company, yeah.
 25 Q All right. Got that clear. Go ahead. Who

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1 cares if the billboard industry is upset? I want to know.
 2 A I would say my supervisors, anybody that we're
 3 working with on any project, whether it's the opposition,
 4 the -- on a development project, if it's the person
 5 applying for the project or the neighbors in opposition or
 6 if it's an ordinance where there's different sides
 7 contributing to it, we try to -- we don't want anybody to
 8 be upset. It is -- nobody wants -- especially staff
 9 doesn't want people coming to hearings, public hearings,
 10 or coming before council being upset with the way things
 11 have been handled through the process.
 12 Q Well, that's one thing to say procedurally
 13 nobody should be upset. For example, the initiative
 14 should go through the process of petition signatures,
 15 putting it on the ballot, letting people vote, right, the
 16 pros and cons of the arguments? That's the procedure.
 17 But if the law says there shall be no new
 18 billboards, who cares if the industry is upset about that?
 19 Do you see what I'm saying? I get the procedure. You
 20 want to be accommodating, but that's not what this is
 21 about, is it? It goes beyond being accommodating. You
 22 wanted the billboard industry to know -- you wanted them
 23 to know that you were gonna get digital billboards put
 24 into law. Why? Why did you want to do that?
 25 A I don't -- that's not what this is saying to me.

21 (Pages 81 to 84)

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1 This is saying --

2 Q What did council tell you about why they wanted

3 to put billboards -- digital billboards into the law?

4 What was the reason for doing that?

5 A Why they wanted electronic billboards?

6 Q Exactly. Why? What's the objective from a

7 perspective of planning or development or the community,

8 or all the good things that are supposed to be done?

9 A There are a number of comments from City

10 Council. They felt that they were more modern and

11 up-to-date looking --

12 Q New?

13 A -- and a lot of the older boards were falling

14 apart and looked out of date.

15 Q What's wrong with that? What's wrong with

16 having the boards fall apart and fall down to the ground

17 and be gone? What's wrong with that?

18 A It -- my professional opinion is and comments

19 from council is that it makes -- it puts a bad image on

20 the city to have falling-apart structures.

21 Q It's better to have more billboards. Is that

22 your opinion?

23 A I don't know if I have an opinion on that.

24 Q Did the people of the city express their opinion

25 at any time that you know of?

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1 A There was the ballot in 2000 that you've

2 discussed earlier that they didn't want new billboards.

3 Q So, apparently, they didn't think it was a

4 problem to get rid of new billboards, let them fall down

5 to the ground and be gone. They didn't have a problem

6 with it, the people didn't, right?

7 A I don't know if it was fully explained in that

8 ballot that that would result in falling down billboards.

9 Q You don't think the people, the average person

10 knew that if you can't build anymore, that the ones that

11 are there are going to get decrepit and fall down? You

12 don't think the average person wasn't smart enough to

13 figure that out. Is that really what you think?

14 A That's really what I think, yeah.

15 Q Okay. It doesn't sound like you have a lot of

16 respect for the intelligence of the people that give you

17 your job, do you? After all, we put you in charge of

18 something, didn't we? We're not that stupid, are we? We

19 elected people who put you in a job, right?

20 A The elected officials didn't give me my job.

21 Q When do you start respecting what the people

22 think?

23 A I follow ordinance and state law.

24 Q Do you follow ordinance? Look at Exhibit 3. Do

25 you follow ordinance? It says "No new construction, no

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1 new permits." Do you follow that?

2 MR. SHIPMAN: Object that it's confusing. At

3 the time it was passed? Today?

4 MR. WRAY: At any time ever.

5 MS. LORI WRAY: This is the report it came from.

6 It was a report to the City Council at the second

7 workshop.

8 MR. WRAY: That's all right. That's enough.

9 That's enough.

10 BY MR. WRAY:

11 Q Okay. The question pending is ...

12 (Record read.)

13 BY MR. WRAY:

14 Q Go ahead.

15 MR. SHIPMAN: And then there was an objection as

16 to --

17 MR. WRAY: Yeah, what does it mean.

18 MR. SHIPMAN: Yeah, what -- are you talking

19 about it today? It's confusing. Are you talking about it

20 in 2001? Are you talking about it in 2008? What's the --

21 THE WITNESS: So Exhibit 3 is the question on

22 the ballot.

23 BY MR. WRAY:

24 Q Yeah.

25 A And I would -- once that is translated into an

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1 ordinance, I would follow the ordinance.

2 Q Yeah. You mean codified like 1816.950 A and B?

3 Is that what you mean?

4 A Yes.

5 Q Okay. What about the part of the sign code that

6 says there shall be no flashing or intermittent lighting

7 allowed? That never got changed in the new ordinance, did

8 it?

9 A Flashing light is allowed in certain areas.

10 Q Well, not on -- off premises. I'm talking about

11 off premises, not on premises. Obviously, all the casinos

12 have streaming video. Wild Orchid has streaming video.

13 We know that. We're talking about off-premises digital

14 billboard signs.

15 A I believe that section of the code's been

16 amended but there's a moratorium on the acceptance of

17 applications --

18 Q Sure there is, but doesn't the law say there

19 can't be any flashing signs, and flashing is defined as

20 intermittent?

21 A I'd have to look at the definition of changeable

22 as well. There's a number of overlapping definitions.

23 Q Changeable doesn't even have to be electronic.

24 I'm talking about electronic signs. Flashing, right?

25 You've never seen the lawsuit, actually, have you? Did

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1 you know there's actually a claim here in the lawsuit that
 2 says that the digital billboard ordinance conflicts with
 3 the part of the law that says you can't have intermittent
 4 lighting? It says that in Reno sign code. Did you know
 5 that?
 6 **A Not offhand. I don't have the section**
 7 **memorized.**
 8 **Q** I don't either. But the point is you haven't
 9 even looked at the lawsuit.
 10 **A No.**
 11 **Q** You don't know what's being challenged here.
 12 **A No.**
 13 **Q** Did anyone ever bring up that subject to you
 14 besides counsel -- actually anyone? Okay. Objection.
 15 Now, anyone besides counsel? Anyone else?
 16 **A I know lighting was discussed throughout**
 17 **discussion of the ordinance. I can't remember the**
 18 **specifics.**
 19 **Q** Okay. Did you look at the staff report
 20 Mr. Clinger dated --
 21 **MS. LORI WRAY:** That's actually through Mr.
 22 Clinger so I think it's Claudia's staff report.
 23 **BY MR. WRAY:**
 24 **Q** Okay. I think it's Ms. Hanson's staff report,
 25 but you asked to see this because you were looking at an

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1 Exhibit 20 which has on the second page, Page No. 4, of
 2 some kind of document and you asked to see page 3, or
 3 whatever else was there, so I think you have it now in
 4 front of you.
 5 **A Oh, I see. Okay.**
 6 **Q** So I was going in this question, "The suggestion
 7 that was not opposed by the above groups was to no longer
 8 allow boards to be placed into the bank. This would
 9 prevent the bank from growing any larger. Staff is in
 10 support of that suggestion."
 11 My question was, What happened to that
 12 suggestion?
 13 **A Do you have the minutes from the meeting?**
 14 **Because this would be my staff report to council so it**
 15 **would be follow-up and any direction would come out of**
 16 **that meeting. I don't remember what my direction was from**
 17 **2012.**
 18 **Q** Well, let's ask this question: Did it ever come
 19 to fruition that boards are no longer allowed to be placed
 20 into the bank?
 21 **A No.**
 22 **Q** Does the digital billboard ordinance reduce
 23 clutter? I mean, assuming it's implemented after a
 24 moratorium's over and lawsuits are lost by the plaintiffs,
 25 the billboard ordinance goes into effect. Does the

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1 billboard ordinance reduce clutter?
 2 **A That is the intent.**
 3 **Q** Okay. And is the mechanism that you think it
 4 reduces clutter based on a ratio thing?
 5 **A It was based on -- we looked at certain areas**
 6 **that had the higher density of billboards in certain**
 7 **areas.**
 8 **Q** Right. Right.
 9 **A And so we were -- I believe -- I forget how the**
 10 **ratio works but --**
 11 **Q** It doesn't matter.
 12 **A -- the intent was to reduce the number in those**
 13 **cluttered areas.**
 14 **Q** Right. The ratio is one to one except in a
 15 place where you want to reduce clutter, right?
 16 **A I believe so.**
 17 **Q** Okay. So billboards are clutter.
 18 **A No. The clutter means a higher --**
 19 **MR. GILMORE:** Objection. Misstates evidence.
 20 **MR. WRAY:** Go ahead and ask the question
 21 correctly.
 22 **MR. GILMORE:** No. I was just making an
 23 objection because I don't think what you said on the
 24 record was a true reflection of what the statute is.
 25 **BY MR. WRAY:**

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1 **Q** Four to one on clutter, two to one on the
 2 outside. Big difference. My point is that in an area
 3 where there's clutter you have a four-to-one ratio and in
 4 other areas it's only two to one. Now -- so billboards
 5 are clutter, right?
 6 **A Not in the way you were just using "clutter" in**
 7 **the previous statement. The clutter means a higher**
 8 **density of billboards in a certain area, billboards that**
 9 **don't meet existing spacing requirements.**
 10 **Q** Okay. If there's a bunch of them together, it's
 11 clutter.
 12 **A But a billboard in and of itself is not**
 13 **considered clutter.**
 14 **Q** Is it litter on a stick? That's what people
 15 say, litter on a stick.
 16 **A No.**
 17 **Q** Really? Is it a public nuisance?
 18 **A I don't believe so.**
 19 **Q** Did you know -- do you know if there's any law
 20 that defines if a billboard is a public nuisance?
 21 **A I don't know.**
 22 **Q** Have you ever looked at Nevada Revised Statutes
 23 on billboards?
 24 **A A while ago. Not recently.**
 25 **Q** Okay. Between the meetings -- the stuff we see

1 in the paperwork is emails about what's between the
2 meetings -- who did you primarily speak to about digital
3 billboards?
4 **A Between the meetings?**
5 **Q** Hm-hmmm, between workshops.
6 **A Mostly Marilyn Craig.**
7 **Q** Okay. Is she the one who came up with the
8 concept of this cap? Is she the genius behind that?
9 **A Behind what? I'm sorry.**
10 **Q** That this ordinance that was passed by the
11 voters in 2000 just means a cap. Is she the --
12 **A Again, I didn't -- I wasn't working with**
13 **billboards at that time. I didn't even know who the**
14 **attorney was working on it. I would guess it was her but**
15 **I really didn't get involved in billboards until a few**
16 **years after that.**
17 **Q** The reason you would guess it was her was there
18 were memos done at that time by the city attorney's
19 office. Do you remember that?
20 **A I don't remember the memos.**
21 **Q** The city attorney was trying to say how do you
22 argue that this is a cap? Do you remember that?
23 **A I don't.**
24 **Q** I just got a copy of it, the memo from counsel.
25 I had part of it because the billboard industry --

1 **A A recent memo or back from 2000?**
2 **Q** Oh, no. This is back in 2002 -- 2003.
3 **A I wasn't working billboards at that time.**
4 **Q** I know, but have you ever seen the memo?
5 **A If I have, I don't remember.**
6 **Q** Okay.
7 **A I really was not involved in that at all.**
8 **Q** And so Aaron West had the memo --
9 **A Okay.**
10 **Q** -- from the city attorney's office --
11 **A Okay.**
12 **Q** -- or at least part of it, and it was the memo
13 that made the argument about caps. And we got that from
14 Aaron West because Aaron West gave it to someone in the
15 county. We got it from the county. We went back to the
16 city, complete the circle, and it turns out Aaron West had
17 the Reno city attorney's office memo.
18 Did you give it to him?
19 **A I didn't even -- I don't think I knew about the**
20 **memo.**
21 **Q** Okay. Do you know who gave it to him?
22 **A I don't.**
23 **Q** It's pretty inside stuff, isn't it?
24 **A I don't know anything about the memo. I don't**
25 **know if it was -- what kind of memo it was.**

1 **Q** Huh.
2 **MR. SHIPMAN:** And just for the record, take a
3 look at that memo because I believe it was an open memo to
4 counsel.
5 **MR. WRAY:** Okay.
6 **MR. SHIPMAN:** I don't recall it being
7 confidential.
8 **MR. WRAY:** Maybe it wasn't. I'm sure he just
9 got it because he showed up at the council meeting --
10 **MS. LORI WRAY:** He wasn't there.
11 **BY MR. WRAY:**
12 **Q** -- in 2003 when he was working for NAI Alliance.
13 What are the negatives about digital billboards?
14 If you don't understand my question, I'll rephrase it.
15 **A No, I understand. To me the biggest one would**
16 **be the use of electricity.**
17 **Q** Okay. Are they more distracting than --
18 according to what materials were provided to you in
19 hundreds and hundreds of pages of them, are they more
20 distracting?
21 **A I've seen arguments on both sides.**
22 **Q** Aren't they intended to be more distracting,
23 that's why they're better?
24 **A I would say all billboards are geared at**
25 **attracting people's attention.**

1 **Q** Which means to distract them from whatever else
2 is on their mind to the board, right? That's the purpose
3 --
4 **A Yeah.**
5 **Q** -- to distract.
6 **A To attract. I would say to attract, not to**
7 **distract.**
8 **Q** Which is the -- attract is the positive way of
9 saying I'm doing something else. Now I'm attracted to
10 this and distracted from that, whatever I was doing, maybe
11 driving, for example. Isn't that the purpose?
12 **A I would say the purpose is to attract.**
13 **Q** Okay. And one of the effects is it distracts, a
14 billboard. It's designed to distract, isn't it?
15 **A It's designed to attract.**
16 **Q** Okay. Which means it's designed to keep -- to
17 put someone's attention away from what else they were
18 dealing with, right? That's the purpose.
19 **A The purpose is to attract somebody's attention.**
20 **Q** Right. In a way that the person has to pay
21 attention or they want them to pay attention. They want
22 to make it as attractive as possible, right?
23 **A I would think so, yes.**
24 **Q** Right. And you knew that?
25 **A Yes.**

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1 Q All right. And you also know that if you have a
2 digital billboard as opposed to a static one, the message
3 changes --
4 A Yes.
5 Q -- by definition?
6 A Yes.
7 Q In your case the city came up with what? Every
8 eight seconds?
9 A I believe it's eight seconds, yes.
10 Q Did that have any bearing on any analysis done
11 by the staff that maybe these digital billboards are a
12 little less safe than a static because they change,
13 there's a little safety issue there?
14 A We considered it.
15 Q Good, okay. And you must have formed your own
16 opinion as to whether they're more distracting than a
17 regular billboard.
18 A Yes.
19 Q And aren't they more distracting?
20 A I would say they -- it depends on the situation.
21 Depends where it is.
22 Q Okay. In general. They change.
23 A They do change. I think if you had two next to
24 each other, you would probably look at the one that's
25 illuminated in a different way.

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1 Q Right. Plus it changes. It goes from some kind
2 of a red ad to a green ad to a blue ad. It changes so it
3 draws your attention.
4 A It does.
5 Q Was the banking and relocation ordinance in
6 response to the big hole that everyone -- for the train
7 that you built through town? Did you have to do the
8 banking and relocation because billboard companies were
9 losing billboards along the train trench?
10 A Oh, I don't know.
11 Q Really? Never heard that before?
12 A There were some relocated. I don't know if
13 that's why it was put into place.
14 Q Didn't that happen at the same time? The
15 beginning of the train trench --
16 A I don't know.
17 Q -- was September of 2002, right?
18 A I don't remember the dates. I'm sorry.
19 Q The construction started --
20 A About that time. I don't remember the dates.
21 It was about that time, in those years.
22 Q Did Mr. Dortch ever express the opinion that he
23 disagreed with the voter initiative?
24 A He could have at a hearing. I don't remember.
25 Q I mean to you.

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1 A To me personally?
2 Q Yeah, you personally.
3 A I don't think so. I don't remember if he did.
4 MR. WRAY: Okay. I'll pass the witness. Go
5 ahead.
6 EXAMINATION
7 BY MR. GILMORE:
8 Q Ms. Hanson, we've met, right?
9 A Yes.
10 Q I'm Frank Gilmore. I represent Saunders in this
11 litigation that has been filed against the City of Reno.
12 You understand that?
13 A Yes.
14 Q Have you ever read the Saunders complaint
15 against the City of Reno?
16 A Not in detail, no. I glanced at it.
17 Q What is your understanding as to the general
18 nature of the claims Saunders asserted against the city?
19 A That there are issues regarding the exchange
20 ratio for electronic boards.
21 Q When you say "issues," do you have any more
22 specific understanding as to what issues might be arising?
23 A Regarding certain companies having different
24 numbers of banked receipts or existing boards and the
25 ability to exchange those for electronic boards.

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1 Q Did you reach that understanding by reviewing,
2 investigating on your own behalf or because that was
3 explained to you by somebody else?
4 A It was probably listening to you discuss it at a
5 council meeting and then glancing at the lawsuit.
6 Q Okay. Have you ever had a conversation with
7 anyone at the city except for somebody from the city
8 attorney's office where you discussed an issue related to
9 the constitutionality aspect of the billboard ordinance
10 and the ratio system?
11 A I don't think so. Maybe Mr. Turnier --
12 Q Okay.
13 A -- my boss.
14 Q Okay.
15 A But I don't even remember a conversation with
16 him about that.
17 Q Okay. So it's possible but sitting here today
18 you can't tell me that you have a specific recollection of
19 it?
20 A No. Most of it was with the city attorney's
21 office.
22 Q Okay. You had conversations about Saunders'
23 constitutional arguments with people from Clear Channel,
24 though, haven't you?
25 A Saunders -- repeat the question, please.

25 (Pages 97 to 100)

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1 Q You've had -- you understand, do you not, that a
2 big portion of Saunders' claims against the city is that
3 the ratio system is unconstitutional?
4 A Yes.
5 Q Meaning it violates rights that are given to all
6 people including companies under the U.S. Constitution,
7 specifically the Bill of Rights, specifically the First
8 Amendment. Do you understand that?
9 A Yes.
10 Q Okay. So have you ever had conversations with
11 anyone at Clear Channel about your understanding of
12 Saunders' allegations regarding the unconstitutionality of
13 the ordinance?
14 A I believe I talked to Aaron West and Susan --
15 starts with an H -- Holshouser, something like that, after
16 it was filed. I think they asked what it was about and I
17 explained basically what I just told you because I didn't
18 know details of it.
19 Q Okay. And in that conversation Aaron West gave
20 you his opinion of the merits of the claim, did he not?
21 A I don't remember.
22 Q As you're sitting here today, you don't -- you
23 can't tell me whether you are aware of Mr. West's personal
24 opinion as to the merits of Saunders' claims?
25 A I don't think I could. I don't think I could

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1 describe what they are. I don't think I know what they
2 are. I'm sure he disagrees with it --
3 Q Okay.
4 A -- but I couldn't tell you specifically what his
5 argument would be.
6 Q Okay. You're sure he disagrees with it because
7 you happen to know personally that Aaron West thinks that
8 the Saunders lawsuit is a joke. You do know that, right?
9 A I don't know that. He's never told me that he
10 thinks it's a joke.
11 Q Carrying off of what Mr. Wray said regarding the
12 evils of LED billboards, can you tell me based on your
13 professional experience as a planner what types of evils
14 might be associated with -- well, let me give some context
15 to evil.
16 There's a word that gets used by lawyers pulled
17 from an old supreme court case that talks about the evils
18 associated with things that harm people's health, safety
19 and welfare. You've heard the phrase "health, safety and
20 welfare" before, right?
21 A Yes.
22 Q And you understand as Mr. Dortch -- we asked him
23 the same thing -- you understand that part of your job as
24 a representative of the city and taking direction from the
25 City Council is that you are supposed to examine

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1 ordinances or proposed ordinances for the impact it might
2 have on the health, safety, welfare and aesthetics of the
3 general populous of the city of Reno.
4 Would you agree with that?
5 A Yes.
6 Q Okay. And you understand that that is sort of
7 one of your foundational job descriptions as a planner, is
8 to ensure that proposals from City Council, or whoever
9 else, meet with the city's obligations to ensure health,
10 safety, welfare and aesthetics of the citizens of Reno.
11 A An expectation. I don't think it's in the
12 definition.
13 Q No question that it's an expectation of your job
14 performance in the way that you approach your work.
15 Is that correct?
16 A That's correct.
17 Q So you certainly in the thousands of emails that
18 have passed from your office -- your computer to you, from
19 you, et cetera, you've been at least advised that there
20 are people in this planet who believe LED signs have
21 certain detrimental impacts to health, safety, welfare.
22 Would you agree with that?
23 A Yes.
24 Q You've heard that being said?
25 A Yes.

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1 Q Mr. Wray said it today. Mrs. Wray has sent you
2 several emails explaining the evils of LED billboards to
3 you, correct?
4 A Yes.
5 Q Would you say that during the course of -- I
6 don't really know what to say -- negotiating the current
7 billboard ordinance that's under attack, would you say
8 that the city was apprised of both sides of that issue?
9 A Yes.
10 Q Okay. You would agree with me that Scenic
11 Nevada did their best to ensure that the city knew what
12 Scenic believed were the evils of the LED billboard.
13 A Yes.
14 Q Okay. What were some of those evils that Scenic
15 Nevada might have explained to you in an effort to
16 dissuade the city from adopting an ordinance allowing
17 billboards?
18 A I would say the biggest one would be -- the
19 distraction of drivers would probably be the number-one
20 issue that was explained, also the effect on aesthetics in
21 the area, which are probably the two big ones.
22 Q Okay. Are those complaints something that are
23 unique only to LED boards or is that something that they
24 might also say about static boards?
25 A I think it would be static or electronic, sure.

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1 Q Was it your understanding that these complaints
2 were simply exacerbated by the fact that -- exacerbated by
3 the upgrade from static to LED?
4 Is that your understanding?
5 A Yes.
6 Q Okay. So if a normal billboard is distracting,
7 an LED billboard that swaps every eight seconds would be
8 even more distracting?
9 A Correct.
10 Q Okay. Would you agree with me that Scenic
11 Nevada considers that to be a detriment to the city's
12 health, safety and welfare?
13 A Do I believe that's what Scenic Nevada is
14 saying?
15 Q Yes.
16 A Yes.
17 Q And Scenic Nevada presented you with a number of
18 things, emails, citations from other lawsuits in other
19 jurisdictions, ways that other cities had handled it.
20 They sent you all that stuff for your consideration,
21 right?
22 A Yes.
23 Q And I would assume that you being good at your
24 job gave that due consideration, correct?
25 A Yes.

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1 Q Okay. And, in fact, it was your job not only to
2 consider it, but also to run it up the flagpole and let
3 those superiors who make those kinds of decisions have the
4 opportunity to consider that.
5 A Yes.
6 Q Okay. And would you agree with me that in the
7 process of developing what we now know is the adopted
8 ordinance for digital billboards, we now know that in the
9 process of developing that the city spent a considerable
10 amount of time in planning, in investigating, in City
11 Council, I would guess, but I don't know, in council -- in
12 city attorney' meetings, that the types of issues related
13 to health, safety and welfare were one of the primary
14 considerations of the city in determining whether or not
15 to enact this ordinance.
16 A Yes.
17 Q I could give you literally dozens of examples,
18 as you probably know.
19 A Uh-huh.
20 Q So you would agree with me that no one is ever
21 gonna come into court and say, Well, we didn't really ever
22 consider the health, safety and welfare aspects of the
23 digital billboard because it just didn't come up. No one
24 is ever going to say that in court, are they?
25 A They might say it but I don't think it's true.

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1 Q You certainly wouldn't concur with that.
2 A I wouldn't concur with that.
3 Q Okay. I want you to look at -- I am going to
4 hand you an exhibit that I'd like to have marked.
5 Madam Reporter, would you mind marking this for
6 me.
7 (Deposition Exhibit 22 marked for
8 identification.)
9 BY MR. GILMORE:
10 Q Have you ever seen this before, Claudia?
11 A I believe it's the ordinance. Let me see if
12 it's the adopted one. I don't see a signature but -- I
13 don't know if it's the adopted version or not because it's
14 not signed.
15 Q All right. This is one that I attached to a
16 filing in this case because I like the fact that it has --
17 on various pages has red lines and strikeouts and
18 everything, because that tells me that there have been
19 certain changes to previous versions, et cetera.
20 What I want to focus on now is the very first
21 page, 18.16.901, purpose and intent.
22 You've read that before, right?
23 A Yes.
24 Q This doesn't have any coded language in it which
25 leads me to believe that this 1816.901 was not amended by

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1 this version of the ordinance.
2 Does that sound right to you?
3 A Yes.
4 Q Okay. Because if it were, you would have some
5 highlighted lettering or strikeout or something.
6 A Correct.
7 Q Okay. So now I also want to have you keep that
8 one in your right hand and I'm going to give you another
9 exhibit in your left hand, and this one we'll have marked
10 as Exhibit 23.
11 (Deposition Exhibit 23 marked for
12 identification.)
13 BY MR. GILMORE:
14 Q This is -- 23 is maybe something you've never
15 seen before but let me represent what it is. In the
16 lawsuit process I get the chance to ask the city questions
17 I want the city to answer and the city has to answer them
18 under oath. Those are called requests for admissions in
19 the sense where I want the city to admit something. If I
20 want the city to give me a detailed explanation, I serve
21 what's called an interrogatory.
22 A Okay.
23 Q It may not mean anything to you.
24 A That's why I put all these through the
25 attorney's offices.

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<p style="text-align: right;">Page 109</p> <p>1 Q It may never have to. I served this directly on 2 your attorneys. 3 A Right. 4 Q No. 5 of the requests for admissions, which is 5 Exhibit 23, I ask the city to admit something for me. I 6 said, "Please admit" -- I said on behalf of my client, 7 Saunders, "Please admit that the primary purpose of the 8 amendment to the ordinance was to reduce billboard clutter 9 in the city." 10 And the city wrote back to me and said, "We 11 affirm that the city admits that a primary purpose of the 12 amendment to the ordinance was to reduce billboard clutter 13 in the city. Other primary purposes are set forth in RNC 14 1816.901-A, specifically," and then it looks to me as 15 though it was cut verbatim. And we've seen that before, 16 right, because that's the first paragraph -- 17 A It looks like it's the same thing. 18 Q -- of Exhibit 22 that I gave you, which is 19 something you've probably seen, if not read, hundreds of 20 times. Would you agree with that? 21 A Yes. 22 Q Okay. And you don't have -- you don't disagree 23 with the city's answer here, do you? 24 A No. 25 Q Okay. Just so you know, the purpose of this is</p>	<p style="text-align: right;">Page 111</p> <p>1 result in more auto collisions, that's a complaint that 2 Scenic has raised, correct -- 3 A Yes. 4 Q -- because their eyes get distracted from the 5 road reading the billboard and wham, you run into 6 somebody. That is something that the city considered in 7 the ordinance, right? 8 A Well, I think their safety is discussed in here. 9 Promote the general welfare and public safety of the 10 city's inhabitants. So it was already included in that so 11 we wouldn't look at amending it. 12 Q Right. Because all of the health, safety and 13 welfare aspects related to a digital billboard have been 14 reviewed by the city, right? 15 A Yes. 16 Q Considered, right? 17 A Yes. 18 Q Implemented into the ordinance to the extent the 19 city believed it was necessary, right? 20 A Yes. 21 Q And left out all the redundant parts that the 22 city did not believe were necessary in establishing what 23 the purpose and intent of the billboard ordinance was, 24 correct? 25 A Yes.</p>
<p style="text-align: right;">Page 110</p> <p>1 so that I don't have to further explore this question. I 2 can take this right to the bank when it comes to the trial 3 judge. You understand that? 4 A Yes. 5 Q Okay. So the city says that it's the purpose 6 and intent of this sign code, including the amendments 7 that the city is a unique place with public safety 8 maintenance, enhancements, aesthetics, visual, 9 environmental attractiveness. I mean, there's a whole 10 litany of things on here that say here as the city of Reno 11 is why we are intending to adopt an ordinance that 12 regulates the display of outdoor advertising on-premises, 13 off-premises, temporary, et cetera, right? 14 A Yes. 15 Q Okay. Was there ever any consideration by 16 Planning to amend this portion of the ordinance 1816.901-A 17 to include something that established the recognition by 18 the city of some of the complaints that Scenic Nevada had 19 about the aesthetic detriments of an LED board? 20 A No. 21 Q Okay. So let me give you an example. If Scenic 22 Nevada or any other concerned citizen were to say, You 23 know what, we don't like the fact that drivers didn't -- 24 drivers that are now distracted by billboards are going to 25 be even more distracted by LED boards and that's going to</p>	<p style="text-align: right;">Page 112</p> <p>1 Q Okay. Can you think of any other purposes that 2 the city of Reno -- let me back up. If you look at 3 Exhibit 23 again, there's another question that I asked in 4 the request for admissions, number one, first page, 5 Request No. 1. "Admit that the City Council made no 6 express findings that the use of an LED display upon a 7 billboard in the city of Reno was a detriment to the 8 city's health, safety, welfare or aesthetic goals." 9 The city responded by saying, "The city admits 10 that the council made no express findings that the use of 11 an LED display on a billboard in the city of Reno was a 12 detriment to the city's health, safety, welfare or 13 aesthetic goals." Do you see that? 14 A I'm not seeing the response. 15 Q It's at the top of page -- 16 A Oh, I'm sorry. Yes, I do. 17 Q And it's signed by the city and affirmed to be 18 an admission. And I asked Dwight Dortch the same thing. 19 Do you agree or disagree with that response? 20 A I agree with it. 21 Q Okay. The city certainly had the opportunity to 22 make a finding that an LED was detrimental to health, 23 safety and welfare, right? 24 A Yes. 25 Q And you're aware that if they had made such a</p>

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<p style="text-align: right;">Page 113</p> <p>1 finding, they certainly would have been able to legislate 2 protections into the code, right?</p> <p>3 A Yes.</p> <p>4 Q Let's talk about what those protections could 5 have been. I'll tell what you Mr. Dortch said. 6 Mr. Dortch said we have land planning, land use ordinances 7 that can implement health, safety, welfare concerns. If 8 he said that and if I was representing it to you the way 9 he said it, would you agree with that?</p> <p>10 A Yes.</p> <p>11 Q Okay. For example, if you don't like the fact 12 that billboards distract drivers, then you could legislate 13 that you can't put a billboard within X amount of feet of 14 a highway. You could, couldn't you?</p> <p>15 A Could.</p> <p>16 Q And then the city is perfectly capable to do 17 that if they wanted to, right?</p> <p>18 A Yes.</p> <p>19 Q Because the city is charged with, not only under 20 the law that interprets the constitution, but by city 21 charter and by everything else, that its job is to ensure 22 the health, safety, welfare and aesthetic value of the -- 23 of Reno for its citizens, right?</p> <p>24 A Yes.</p> <p>25 Q Okay. So had somebody made a complaint that the</p>	<p style="text-align: right;">Page 115</p> <p>1 Q Right. But the city -- you wouldn't -- nobody 2 would come out and say, Wow, City, you cannot legislate 3 signs at waterways. No. Of course they can.</p> <p>4 A Yes.</p> <p>5 Q But it wouldn't make any sense to do that, would 6 it?</p> <p>7 A Right.</p> <p>8 Q Why not?</p> <p>9 A Because there are few drivers on waterways. 10 There has to be a rational nexus between what you're 11 regulating and how you regulate it.</p> <p>12 Q Right. You understand that. That's a pretty 13 basic concept in your profession, isn't it?</p> <p>14 A Yes.</p> <p>15 Q Okay. If you see the problem, which is drivers 16 being distracted, you're going to make legislation that's 17 going to ensure that it addresses the problem of 18 distracted drivers, right?</p> <p>19 A Yes.</p> <p>20 Q That seems like a pretty basic concept in your 21 profession, right?</p> <p>22 A Yes.</p> <p>23 Q You would agree with me, would you not, that the 24 prior iterations of the city code, at least in the way in 25 which the city -- the city development planning</p>
<p style="text-align: right;">Page 114</p> <p>1 city believed was viable related to health, safety and 2 welfare, the city could have said, In addition to amending 3 the ordinance as it is now -- which I've handed you -- we 4 also want to say that we're now going to increase setback 5 from the right-of-way 200 feet instead of 100 feet.</p> <p>6 We could do that, right?</p> <p>7 A Yes.</p> <p>8 Q And do you believe as you sit here today as a 9 planner and having had extensive involvement in this 10 process that if the city believed that that were a 11 legitimate health, safety, welfare concern, that a land 12 use ordinance like that would alleviate it?</p> <p>13 A It could alleviate it.</p> <p>14 Q Okay. It would be intended to, right?</p> <p>15 A Right.</p> <p>16 Q You wouldn't, for example -- let me know if you 17 agree with me. If you had an issue where the city wanted 18 to ensure that drivers don't get distracted by flashing 19 lights on a billboard, if the city proposed a planning 20 amendment that said we don't want drivers getting 21 distracted so, therefore, we're not going to allow 22 billboards within a hundred feet of waterways, the city 23 could do that, right?</p> <p>24 A It could. It wouldn't make much sense, but it 25 could.</p>	<p style="text-align: right;">Page 116</p> <p>1 interpreted it -- prohibited somebody from coming in and 2 getting a license to -- a permit to convert a static to a 3 digital. Would you agree with me?</p> <p>4 A The -- I'm sorry. The first question portion of 5 it?</p> <p>6 Q Okay. There are prior iterations -- and I'll 7 give you an example, Exhibit 6 -- this is my copy --</p> <p>8 A Okay.</p> <p>9 Q This is an exhibit which is an iteration of an 10 ordinance from some years ago that has a provision in here 11 that says you cannot build a billboard unless all the 12 lighting shall be directed toward the off-premises 13 advertising display. Do you remember that?</p> <p>14 A Correct, yes.</p> <p>15 Q And there was a time several years ago when 16 people started thinking about upgrading to digitals and 17 the city said, You know what, the current code does not 18 allow you to do that because that would run afoul of 19 subsection K, right?</p> <p>20 A Right, yes.</p> <p>21 Q Somebody at City Council made -- council or 22 attorneys or somebody made a decision that LED displays 23 run afoul of that, correct?</p> <p>24 A Yes.</p> <p>25 Q So the official City of Reno position was as of</p>

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1 the date of this effective ordinance in Exhibit 6, you
2 could not go downtown and get a permit to display an LED
3 off-premises, right?
4 **A Correct.**
5 **Q** Okay. You would agree with me that the same
6 restrictions applied as of the date of the adoption of the
7 new ordinance, right? Somebody cannot walk downtown and
8 say, I have a billboard out here on Fourth Street. I want
9 to put a digital display up. Somebody just couldn't get a
10 permit just because they wanted one, right?
11 **A Excluding the moratorium?**
12 **Q** Yes, assuming -- well, never mind the
13 moratorium. The fact that the way the ordinance is
14 written, a billboard owner could not walk into the City
15 Council and say, Hey, I just want a permit to upgrade my
16 sign because I'm going from static to digital.
17 Couldn't do that, right?
18 **A I believe the lighting section you referred to**
19 **earlier excludes electronic boards.**
20 **Q** Okay. But there's new language in the new
21 ordinance. Let me make sure we're on the same page.
22 There's a new ordinance that Saunders is challenging.
23 You understand that?
24 **A Yes.**
25 **Q** There are portions of that ordinance that

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1 Saunders is not challenging. You understand that?
2 **A Yes.**
3 **Q** Saunders is just challenging some of the
4 amendments that relate to the digital billboard -- digital
5 billboard ratio, et cetera.
6 **A Okay.**
7 **Q** You understand that?
8 **A Yes.**
9 **Q** Okay. Under that iteration, understanding, of
10 course, that that ordinance is not yet available because
11 there's a moratorium, but it has been approved, right?
12 **A Yes.**
13 **Q** It's been adopted.
14 **A Yes.**
15 **Q** And as far as we're concerned, it's the law of
16 the land.
17 **A Yes.**
18 **Q** The law of the land as it sits today, if you
19 owned a billboard out on Fourth Street, you couldn't walk
20 downtown and get a permit to upgrade that static sign to a
21 digital, could you?
22 **A I would have to look at the specific situation,**
23 **but I think you could if you had all the necessary**
24 **information associated with it. The lighting requirement**
25 **was removed.**

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1 **Q** Well, you have to meet a whole bunch of
2 requirements. You have to have a ratio to exchange. You
3 have to show --
4 **A Right. That's all part of the permit**
5 **application.**
6 **Q** Sure.
7 **A So if you had a complete application, then you**
8 **could.**
9 **Q** Right. So the answer is sure you can, if you're
10 willing to go through and abide by all of the requirements
11 that are contained --
12 **A Right.**
13 **Q** -- in the ordinance.
14 **A That are on the application, sure.**
15 **Q** Right. That wasn't the case back when, because
16 back when the reason you couldn't get a digital billboard
17 is because a digital billboard ran afoul of the lighting
18 requirements.
19 **A Correct.**
20 **Q** In any event, you simply can't walk downtown and
21 say, I want to change my vinyl board into a digital board.
22 Please give me a sign permit for that. You couldn't do
23 that without having to jump through all of the hoops that
24 are in the new ordinance, right?
25 **A Well, that's part of the ordinance but with your**

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1 **complete application you could.**
2 **Q** Okay. If I had a billboard out on Fourth Street
3 and it was a red sign that said "Vote for Obama," and then
4 I wanted to change it from a blue sign that said "Vote for
5 Romney," I could do that without any help from anybody,
6 right?
7 **A Without a permit, correct.**
8 **Q** Because I just wanted to change the copy.
9 **A Just change the vinyl, yeah.**
10 **Q** There's no restriction on that.
11 **A Right.**
12 **Q** Let me ask you this -- and I'm going to rely on
13 your education, your experience, your intelligence as a
14 human being, all the things you read and heard and seen in
15 the billboard business.
16 What -- which of the stated purposes on Exhibit
17 22 that I gave you on the front page, which of those
18 stated purposes on Exhibit 22 are directly advanced by the
19 restriction of an upgrade from static to digital?
20 **A The restrictions of an upgrade? I don't know**
21 **what you mean.**
22 **Q** Okay. So the city right now will not allow a
23 normal sign owner, without doing a whole bunch of other
24 things, to go and change their sign face from static to
25 digital, right?

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<p>1 A Yes.</p> <p>2 Q You could from a green Obama sign to a red</p> <p>3 Romney sign, if it was vinyl to vinyl.</p> <p>4 A Right.</p> <p>5 Q But you couldn't go from vinyl to digital,</p> <p>6 right?</p> <p>7 A Correct.</p> <p>8 Q Because the city doesn't want people to just</p> <p>9 freely upgrade from vinyl to LED, right?</p> <p>10 A I don't know about freely, but they would -- you</p> <p>11 would have to follow the ordinance as adopted.</p> <p>12 Q Right. Freely. Like if I owned a sign, I could</p> <p>13 freely go and buy as many vinyls as I wanted and go from</p> <p>14 Obama to Romney and back as many times as I wanted, right?</p> <p>15 A Yes.</p> <p>16 Q I could do that freely because I own the board</p> <p>17 and I own the vinyl and the city doesn't care.</p> <p>18 A Sorry. And there's no structural changes.</p> <p>19 Q That's right. There's no restriction to my</p> <p>20 ability to change the copy on that vinyl sign no matter</p> <p>21 what the content is, right?</p> <p>22 A Correct. That would come from building code</p> <p>23 that there's no structural or electrical changes.</p> <p>24 Q Right. But the city doesn't allow people to</p> <p>25 freely upgrade from a static sign to a digital sign, do</p>	<p>1 A Yes.</p> <p>2 Q Because the city says, well, there's a whole lot</p> <p>3 of things. There's more light, there's more energy,</p> <p>4 there's gonna be a bigger pole and there's all kinds of</p> <p>5 things. There's drivers that have to read it. There's</p> <p>6 lots of things, right --</p> <p>7 A Yes.</p> <p>8 Q -- that sort of the city believes are inherent</p> <p>9 in the upgrade from static to digital --</p> <p>10 A Yes.</p> <p>11 Q -- right? Okay. Which one of those -- which of</p> <p>12 those concerns that are raised by Scenic Nevada or anybody</p> <p>13 else, the health, safety and welfare concerns, are</p> <p>14 directly addressed or alleviated by virtue of restricting</p> <p>15 a citizen's ability to freely upgrade from a static to a</p> <p>16 digital?</p> <p>17 A It could be public safety, probably not</p> <p>18 maintenance, enhancement of the city's aesthetic</p> <p>19 qualities, providing quality of life, 24-hour gaming</p> <p>20 (reading) -- sorry. It's long.</p> <p>21 Q Uh-huh. It could be a lot of them, right?</p> <p>22 A It could be a lot of them, yeah.</p> <p>23 Q It could be maybe half of them or more, right?</p> <p>24 A Yes.</p> <p>25 Q It could be. So now would you please in</p>
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<p>1 they?</p> <p>2 A If they follow the ordinance.</p> <p>3 Q Well, I'm just saying freely they don't. You</p> <p>4 have to go --</p> <p>5 A No. Without a permit? No. That's correct.</p> <p>6 Q You have to go get the city's permission in</p> <p>7 order to change from a digital -- a static face to a</p> <p>8 digital face, right?</p> <p>9 A Or any alteration to the existing -- anything</p> <p>10 structural or electrical.</p> <p>11 Q I agree. I agree 100 percent. We have, I</p> <p>12 think, established that there is a fundamental difference</p> <p>13 between somebody freely exchanging the vinyl copy on the</p> <p>14 billboard to freely exchanging from a static to a digital,</p> <p>15 right?</p> <p>16 A Right.</p> <p>17 Q You have to do what the city tells you to do in</p> <p>18 order to get a digital. But when you just want to go from</p> <p>19 vinyl to vinyl, you don't. You can do it freely as you</p> <p>20 see fit.</p> <p>21 A Or any structural change to a static, yes.</p> <p>22 Q I agree with that. So the city says -- see if</p> <p>23 you follow my logic. The city says we believe it's a</p> <p>24 different style of upgrade from static to digital than it</p> <p>25 is from green sign to blue sign. You agree with me?</p>	<p>1 everything you've seen today or heard or been involved in</p> <p>2 in the X number of years that you've been in charge of</p> <p>3 this, can you please direct my attention to something</p> <p>4 where the city says yeah, we absolutely agree that, not</p> <p>5 only could it be -- remember what you said? You said it</p> <p>6 could be safety, it could be traffic, it could be --</p> <p>7 A Uh-huh.</p> <p>8 Q Okay. Where can you find for me somewhere where</p> <p>9 the city says actually, that is the purpose we are</p> <p>10 advancing? We are advancing a driver safety issue by</p> <p>11 restricting the ability to upgrade from a static to an</p> <p>12 LED? Where can I find that on the city's official record?</p> <p>13 A Maybe in a staff report. I don't think it would</p> <p>14 be in the ordinance.</p> <p>15 Q Well, I can tell you for a fact it's not in the</p> <p>16 ordinance.</p> <p>17 A I doubt it's in the ordinance. I might be in</p> <p>18 one of the staff reports.</p> <p>19 Q I can tell you for a fact it's not in the staff</p> <p>20 reports.</p> <p>21 A I can't, because I don't memorize my staff</p> <p>22 reports.</p> <p>23 Q Do you know why that is? Because the city never</p> <p>24 once reached a conclusion that any of the health, safety,</p> <p>25 aesthetic, welfare issues addressed in the purpose and</p>

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1 intent of the statute would be directly impacted by a
2 simple, personal, private upgrade from a static to a
3 digital? Did you know that?
4 **A I wouldn't have -- I -- no.**
5 **Q Well, it doesn't surprise you because --**
6 **A I --**
7 **Q Sorry. I don't want to talk over you.**
8 **A That's all right.**
9 **Q But it doesn't surprise you because you probably**
10 **do know as you sit here today that the city heard Scenic's**
11 **objections, considered them, but ultimately overruled**
12 **them, right?**
13 **A Yes.**
14 **Q Because we have a digital ordinance that does**
15 **not talk about the kinds of things that Mrs. Wray was**
16 **harping on for years, right?**
17 **A Well, I would say we put -- we put some of them**
18 **-- we put some of the restrictions in the areas. I know**
19 **she had some concerns over certain visual corridors that**
20 **were protected through this spacing area.**
21 **Q Okay. But that is not something that's specific**
22 **and unique to digitals. That's something that's**
23 **applicable to all billboards.**
24 **A I think they're a little bit different on some**
25 **areas for electronic.**

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1 **Q What do you mean?**
2 **A I thought they were -- I thought it was -- I**
3 **thought they were further restricted in certain corridors,**
4 **I want to say North McCarran to Parr, I think they're**
5 **further restricted.**
6 **Q I think --**
7 **A -- and out on west 80 there's -- Mogul and**
8 **Boomtown areas are further restricted.**
9 **Q What I mean is when Mrs. Wray and others from**
10 **Scenic Nevada were saying, We don't want billboards on the**
11 **Mt. Rose Highway, they weren't saying, We're okay with**
12 **statics. We just don't want digitals because there's**
13 **something special about a digital on Mt. Rose Highway that**
14 **makes it worse or different than having a regular**
15 **billboard on Mt. Rose. That wasn't their position, was**
16 **it?**
17 **A It might have been. I'm not certain about that.**
18 **I know -- I remember discussing it with Mrs. Wray about**
19 **the areas that were darker in the city, numerous**
20 **conversations. I can't remember exactly when it was but**
21 **it was -- and I remember talking about 395, Highway 395**
22 **north of town, west on 80 in the southern part of town.**
23 **So I would say that those were considered and excluded**
24 **because the dark areas would have a bigger effect.**
25 **Q A bigger effect, but the same effect, not a**

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1 different effect. You see the difference?
2 **A I think -- I don't think it would have -- I**
3 **don't think -- and I'm not sure that it was my opinion of**
4 **the conversation or it was something that Ms. Wray and I**
5 **agreed on, but I think the effect of a board downtown is**
6 **going to be a different effect than a board on Mt. Rose**
7 **Highway.**
8 **Q Different or simply enhanced? You understand**
9 **the difference?**
10 **A No.**
11 **Q Okay. So you would agree with me that Scenic**
12 **has said, We don't want billboards at all on Mt. Rose**
13 **Highway, right?**
14 **A Well, they don't want billboards anywhere.**
15 **Q Well, okay.**
16 **A I would just expand on that for them.**
17 **Q Specifically -- and they don't say, We don't**
18 **want digitals because digitals are a different kind of**
19 **problem than the problem we've been harping against,**
20 **clutter, unsightly, unsafe, et cetera. It's not a**
21 **different kind. It's simply worse. Isn't that what**
22 **they're saying?**
23 **Isn't Scenic Nevada saying, We hate all**
24 **billboards and, guess what, LEDs are ten times worse.**
25 **They don't present a different kind of problem. They**

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1 simply make the old problem worse.
2 **Isn't that what they're saying?**
3 **A That is their general -- I believe that's their**
4 **general statement but I don't -- I think in -- the effect**
5 **the boards have, I think it would be different downtown**
6 **than they would on Mount Rose. I think it's a different**
7 **effect. It would change the character, where it's gonna**
8 **blend in more in a well lighted area.**
9 **Q Different in that -- different in that it's not**
10 **unsightly? Different in that it's not distracting?**
11 **Different that it's not unsafe? Different -- I mean, in**
12 **what way would a digital be different than a static?**
13 **A On Mt. Rose Highway I would see it being**
14 **different because it is gonna be -- in their argument it**
15 **would be distracting. I don't know if the argument for**
16 **distraction is there for right downtown where traffic is**
17 **moving at 10 miles an hour, so I don't know if**
18 **distraction -- and not to mention in downtown there's a**
19 **lot of other distractions.**
20 **So I don't know if it's gonna be distraction in**
21 **downtown. It may be aesthetics downtown. So I can't say**
22 **specifically if it's going to be different in different**
23 **parts of town -- or it would be the same in different**
24 **parts of town. Sorry.**
25 **Q The city told me in their answers we just looked**

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<p style="text-align: right;">Page 129</p> <p>1 at that a prime -- a primary purpose in enacting the</p> <p>2 ordinance was to reduce clutter.</p> <p>3 A Yes.</p> <p>4 Q Would you agree with that?</p> <p>5 A Yes.</p> <p>6 Q At least you agree that was the city's position?</p> <p>7 A Yes.</p> <p>8 Q Okay. The same question I kinda asked you</p> <p>9 before: What is it inherent about somebody upgrading from</p> <p>10 a static vinyl to a digital LED in and of itself, just</p> <p>11 that upgrade, that reduces clutter? Can you think of any</p> <p>12 connection there?</p> <p>13 A Removing that from the contents of the</p> <p>14 ordinance, no.</p> <p>15 Q Yeah, outside the contents of the ordinance.</p> <p>16 Just a simple question. The city says to you, I don't</p> <p>17 want you to put up digital billboards, which is what the</p> <p>18 city has said, unless you want to do a whole bunch of</p> <p>19 things we've demanded of you to do. The city has told all</p> <p>20 billboard owners they can't freely upgrade from static to</p> <p>21 digital. We've established that.</p> <p>22 And now the city says, We don't want you to</p> <p>23 upgrade from static to visual because we want to reduce</p> <p>24 clutter. So in that context -- in that context alone what</p> <p>25 is it about the upgrade from a static to a digital that</p>	<p style="text-align: right;">Page 131</p> <p>1 Q You used to have stakeholder conferences over</p> <p>2 there. Do you remember that?</p> <p>3 A Yes.</p> <p>4 Q "Ms. Hanson" -- meaning you probably, right --</p> <p>5 A Yes.</p> <p>6 Q -- "stated that this process since 2007. This</p> <p>7 item has been to Planning, City Council and then back to</p> <p>8 Planning." So by May 2011 this process, meaning the</p> <p>9 billboard digital ordinance, has been back and forth,</p> <p>10 right?</p> <p>11 A Yes.</p> <p>12 Q Is that your recollection?</p> <p>13 A Yes.</p> <p>14 Q And by now we already have a draft ordinance,</p> <p>15 right?</p> <p>16 A Yes.</p> <p>17 Q Okay. Even now it appears that you were</p> <p>18 indicating to the stakeholders that there was a question</p> <p>19 as to whether or not electronic billboards would be</p> <p>20 allowed in the city of Reno. Do you see that about four</p> <p>21 lines, five lines down?</p> <p>22 A Yes.</p> <p>23 Q Okay. Is that your recollection of it? Is it</p> <p>24 even by now, after having been from Planning to City</p> <p>25 Council and back to Planning, there still was a question</p>
<p style="text-align: right;">Page 130</p> <p>1 will inherently reduce clutter?</p> <p>2 A Just one board to another, just looking at that</p> <p>3 --</p> <p>4 Q Yep. In isolation and a vacuum.</p> <p>5 A -- in isolation, thank you. I don't think it</p> <p>6 would. I think you would have to look at the ordinance on</p> <p>7 a whole.</p> <p>8 Q Okay. I seem to agree with you.</p> <p>9 MR. WRAY: Okay. I guess that's it, then.</p> <p>10 MR. GILMORE: You had your time, sir.</p> <p>11 BY MR. GILMORE:</p> <p>12 Q Just following up on some of the things Mr. Wray</p> <p>13 talked about -- and I am going to be quick because I think</p> <p>14 you and I agree on a lot of this stuff already. Can I get</p> <p>15 a new one here? What is this, 24?</p> <p>16 (Deposition Exhibit 24 marked for</p> <p>17 identification.)</p> <p>18 BY MR. WRAY:</p> <p>19 Q I've handed you what is Exhibit 24. And I</p> <p>20 apologize. I couldn't find the Bates-stamped version but</p> <p>21 I know it's in there. And I'm gonna ask you to look this</p> <p>22 over and let me know if this is something you recognize.</p> <p>23 It says it's a Billboards Workshop, Draft Minutes, over on</p> <p>24 Sinclair street. You remember there?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 as to whether or not they would even be allowed?</p> <p>2 A Yes.</p> <p>3 Q Okay. And then two lines from the bottom of the</p> <p>4 first paragraph it says, "Located at the back of the draft</p> <p>5 ordinance, Ms. Hanson listed questions from Planning</p> <p>6 Commission. She also stated that the issue concerning</p> <p>7 banked receipts, etc., right?</p> <p>8 A Yes.</p> <p>9 Q There were questions -- Q and As back and forth</p> <p>10 between City Council, Planning, et cetera, right, at this</p> <p>11 time?</p> <p>12 A Yes.</p> <p>13 Q That's pretty typical, isn't it?</p> <p>14 A Yes.</p> <p>15 Q By this time had Planning Commission already</p> <p>16 initiated -- or had already provided its findings that,</p> <p>17 according to the Planning Commission's role and</p> <p>18 responsibility, that this ordinance should be a one-to-one</p> <p>19 upgrade ratio?</p> <p>20 A I'm sorry. I don't remember what the Planning</p> <p>21 Commission's recommendation was at that time.</p> <p>22 Q Okay.</p> <p>23 A I would have to go back and pull ordinances and</p> <p>24 minutes. I don't know offhand.</p> <p>25 Q As you sit here today, you are aware that</p>

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<p>1 throughout different iterations back and forth there were</p> <p>2 some interested parties, not only from the city but also</p> <p>3 from the billboard industry, that were favoring a ratio</p> <p>4 and there were some that were not, right?</p> <p>5 A Yes.</p> <p>6 Q Okay. And you're aware that -- and we saw an</p> <p>7 email -- I'm not gonna pull it out. But we saw an email</p> <p>8 earlier from Dwight Dortch that said there was one of</p> <p>9 these back-and-forth sessions. He said no, this should be</p> <p>10 a one-to-one ratio. Are you aware of that?</p> <p>11 A It sounds familiar. I wouldn't argue that.</p> <p>12 Q Okay. But you're aware that there were some</p> <p>13 proponents of the one to one?</p> <p>14 A Of one to one, yes. I think almost every</p> <p>15 councilperson had a ratio.</p> <p>16 Q Are you aware of anything that Planning did or</p> <p>17 investigated that suggested that the health, safety,</p> <p>18 welfare of the city of Reno would be impacted if we</p> <p>19 permitted LED billboards into the city? Ever make that</p> <p>20 finding?</p> <p>21 A I think just carte blanche, no. I mean, yes, it</p> <p>22 would be but with certain restrictions and we would meet</p> <p>23 on purpose and intent and safety -- but not just changing</p> <p>24 that one lighting requirement, as was suggested, I</p> <p>25 remember, at one of the workshops, to just change the</p>	<p>1 know -- the fourth paragraph from the bottom and it talks</p> <p>2 about "Ms. Hanson" -- meaning you -- "wanted clarification</p> <p>3 from Mr. West" -- meaning Clear Channel -- "regarding the</p> <p>4 exchange rate. Mr. West stated that, according to this</p> <p>5 version where it proposes a flat square footage for the</p> <p>6 exchange, he thinks it should be based on a multiplier."</p> <p>7 Do you remember that?</p> <p>8 A Yes.</p> <p>9 Q There was a conversation between staff and the</p> <p>10 guy from Clear Channel talking about the ratio that was</p> <p>11 related to square footage, not necessarily face to face,</p> <p>12 right, not necessarily billboard face exchanged for</p> <p>13 billboard face?</p> <p>14 A Correct.</p> <p>15 Q And that was something that was being driven by</p> <p>16 Clear Channel, right?</p> <p>17 A They brought that forward to the workshop, yes.</p> <p>18 Q Okay. And then if I ask you -- I'd ask you to</p> <p>19 turn the page and the third paragraph from the top -- I'm</p> <p>20 trying to move quick because I want to get you out of here</p> <p>21 but I also need to do my job -- "Mr. West asked for</p> <p>22 clarification in the code regarding space. He suggested</p> <p>23 that 750 feet between static and 1,000 between changeable</p> <p>24 signs or tri-visions." Do you remember that?</p> <p>25 A Not specifically, but I'm reading that in the</p>
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<p>1 lighting requirement and leave it alone. I believe that</p> <p>2 would have had -- would have had some negative effect.</p> <p>3 Q There was certainly a lot of talk, right?</p> <p>4 A Yes.</p> <p>5 Q For example, on page 2, second paragraph, there</p> <p>6 was discussion about Planning Commission asks for a</p> <p>7 technical workshop to discuss measurement of NITS.</p> <p>8 A Yes.</p> <p>9 Q And you and I both know -- but maybe the rest of</p> <p>10 the world doesn't know -- that NITS is a thing that they</p> <p>11 use to measure the luminosity of a bulb.</p> <p>12 A Yes.</p> <p>13 Q An explanation of what these terms mean, also an</p> <p>14 explanation of the safety regs that are coming from the</p> <p>15 feds and any other issues that come up during their</p> <p>16 meetings, right?</p> <p>17 A Yes.</p> <p>18 Q Would you agree with me that issues related to</p> <p>19 NITS, safety regulations, feds, other things, those are</p> <p>20 all questions related to health, safety and welfare,</p> <p>21 right?</p> <p>22 A Yes.</p> <p>23 Q Okay. And/or aesthetics, right?</p> <p>24 A Yes.</p> <p>25 Q Okay. And then you go down to -- I don't</p>	<p>1 minutes.</p> <p>2 Q Do you remember a City Council meeting last</p> <p>3 summer, summer of 2012, where spacing became an issue</p> <p>4 related to Saunders because Saunders owns a tri-vision on</p> <p>5 395?</p> <p>6 A I remember the discussion.</p> <p>7 Q And do you remember Saunders making a proposal</p> <p>8 to City Council that they consider making an alteration of</p> <p>9 the language of 750 feet between statics and tri-visions</p> <p>10 and then 1,000 feet between only digitals?</p> <p>11 A I remember that discussion happening, yes.</p> <p>12 Q Okay. Do you know how many other people that</p> <p>13 spacing alteration would have affected?</p> <p>14 A No.</p> <p>15 Q Okay. Do you have a recollection of City</p> <p>16 Council actually saying yeah, that's something we think we</p> <p>17 can live with because it makes more sense to lump a</p> <p>18 tri-vision with a static than it does a tri-vision with a</p> <p>19 digital? Do you remember that, Mr. Hascheff talking about</p> <p>20 that?</p> <p>21 A I actually don't remember that statement.</p> <p>22 Q Okay. The record is what it is. I was just</p> <p>23 asking you if you recall that.</p> <p>24 A Yeah. I don't remember.</p> <p>25 Q Next page, please. The first complete</p>

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<p style="text-align: right;">Page 137</p> <p>1 paragraph, which is two sentences from the top, 2 "Ms. Brekhus has observed that it seems like the city has 3 a difficult time administering the existing code and 4 keeping an accurate inventory of billboards." 5 Mr. Wray talked to you about that already, 6 didn't he? 7 A Yes. 8 Q Okay. Would you say that's a true statement? 9 A At that time it was cumbersome to look up the 10 inventory, yes. 11 Q Do you remember there were hearings in front of 12 the City Council where even when the City Council asked 13 direct questions as to who had inventory and who didn't, 14 it wasn't really -- the staff or Planning or whoever 15 really wasn't even sure? Do you remember that? 16 A Yes, I do remember that. 17 Q Do you remember there was some confusion in one 18 of the hearings about whether or not Saunders had five 19 banks or two banks or seven banks? Do you remember that? 20 A Yes, in the follow-up meetings with you and me 21 going over the inventory. 22 Q Do you remember -- you're correct. You're 23 right. I do recall that as well. 24 Do you remember making a representation to City 25 Council that Saunders had five banks?</p>	<p style="text-align: right;">Page 139</p> <p>1 indicates that digital billboards are in compliance with 2 the FHBA," right? 3 A Yes. 4 Q The Lady Bird Johnson Act, right? 5 A Yes. 6 Q Okay. And that's something that Planning and 7 City Council saw and knew at the time, right? 8 A Yes. 9 Q And they gave that a significant amount of 10 weight, right? 11 A Yes. 12 Q I'm sure you reviewed it and considered it. 13 A Yes. 14 Q Both the pros and the cons, right? 15 A Yes. 16 Q Okay. And ultimately there was a determination 17 made -- at least I can't find something to the contrary -- 18 that suggests that the city believed that upgrading from a 19 static to a digital was an intolerable impact to the 20 citizens of Reno as it regarded the Lady Bird Johnson Act, 21 right? 22 A Right. 23 Q Considered it but ultimately overruled it, 24 right? 25 A Yes.</p>
<p style="text-align: right;">Page 138</p> <p>1 A I don't remember that. 2 Q The record will sort of -- 3 A I wouldn't -- familiar. 4 Q -- speak for itself, but I just wondered if you 5 had a recollection of that. 6 A I don't remember that, no. 7 Q If you turn the page again, the first complete 8 paragraph starts with "Mr. West stated there are other 9 ways to look at light intrusion side of it. He believes 10 that NITS is an antiquated system of measuring." 11 Do you see all that? 12 A Yes. 13 Q This was a conversation, would you agree with 14 me, that had to do with health, safety and welfare related 15 to the upgraded digitals? Do you agree with that? 16 A Yes. 17 Q Because it's talking about light output -- 18 A Correct. 19 Q -- which could be safety -- 20 A Right. 21 Q -- health, aesthetics or all the above, right? 22 Go down to the second to the last paragraph. 23 "Mr. West" -- meaning Clear Channel's representative -- 24 "stated there was actually a memo from the Federal Highway 25 Administration dated September 25, 2007, actually</p>	<p style="text-align: right;">Page 140</p> <p>1 Q Okay. And then next page at the top paragraph, 2 here's more health, safety, welfare. "Mr. West. We can 3 argue that fact also. There's lots of data that support 4 the fact that they are not unsafe." 5 That was his position, right? 6 A Yes. 7 Q And it appears that he was having an argument 8 with Ms. -- with -- I don't remember who it was. This 9 Scenic representative at this meeting. "Mr. Schulte then 10 stated we have had tri-visions in existing ordinances 11 since inception and allowed successful changes." They're 12 talking about health, safety, welfare stuff, right? 13 A Yes. I believe Jenny Brekhus was the 14 representative at that time. 15 Q I would like you to turn the page 2 times -- 16 actually, the third page. The top of the page it says 17 "Relative to the ambient light." 18 A Yes. 19 Q The second the -- the first complete paragraph, 20 "Ms. Hanson asked if there was anything else on four. 21 Lore, question mark, Jenny, question mark. Let's move 22 onto five. At Council discussion on the replacement or 23 removal ratio was all over the place. Ms. Hanson had wide 24 direction from council." Is that your recollection? 25 A Yes.</p>

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1 Q Some counselors wanted zero, one to one ratio
2 and some counselors wanted -- who knows -- four to one,
3 right?
4 A Yes.
5 Q "The mayor wanted to look at the ratio of
6 regular compared to digital." Do you see that?
7 A Yes.
8 Q Go down two paragraphs. Middle of that
9 paragraph that starts "Mr. West stated," do you see that?
10 A Uh-huh.
11 Q "CCO" -- you understand that to be Clear Channel
12 Outdoor?
13 A Oh, yes. I didn't until you said that, but yes.
14 Q "Clear Channel Outdoor has been very
15 aggressively taking down structures where they need to be
16 taken down in trying to do our part" -- meaning Clear
17 Channel's, right? -- "to clean up the areas. At the end
18 of the day if we" -- meaning who knows -- "have some kind
19 of ratio for bank credits for digital installation, that
20 is the best assurance we" -- I don't know who he's
21 referring to -- "can provide at the end of the day, we are
22 going to reduce the overall number of boards. I would say
23 with the digital" -- again there's that word "we" -- "can
24 be very effective in reducing the overall number of boards
25 in the community and the impact that you guys" -- whoever

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1 the "you guys" are -- "are worried about. I think six to
2 one is a little excessive."
3 So this is Mr. West making a pitch at a
4 workshop, right?
5 A Yes.
6 Q That's what it looks like to me.
7 A Yes.
8 Q And he's saying -- correct me if you disagree
9 with this. I'm paraphrasing. "At the end of the day if
10 you give us" -- meaning Clear Channel and Clear Channel's
11 cronies -- "a ratio for bank credits, that's the best
12 assurance we can give you that we're gonna reduce the
13 overall number of boards," right?
14 A Yes.
15 Q He says, you know what, if you give us, the
16 billboard industry, a ratio, then that's your best bet for
17 getting a reduction. Do you agree with that? That's the
18 best way to assure reduction in overall number of boards
19 is to tell people that they can't freely upgrade?
20 A I don't know if it's the best way. It's a way.
21 Q It certainly is a way, right?
22 A Yeah.
23 Q I'll tell you what Mr. Dortch already said. He
24 said you use land planning to assure health, safety,
25 welfare, height, size, location, spacing, setback. You

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1 use land planning ordinances to accomplish that.
2 Would you concur with that?
3 A Yes.
4 Q Okay. Certainly it is a way to reduce the
5 number of billboards, is to give the industry an incentive
6 by quid pro quo. Would you agree with that?
7 A Yes.
8 Q And you understand what that means, by quid pro
9 quo?
10 A Yes.
11 Q You give something, you get something.
12 A Yes.
13 Q Okay. So what Mr. West from Clear Channel is
14 saying, Hey, if you give us billboards you can attach to
15 that a ratio and we will give you the best assurance we
16 can give you that the numbers will go down, right?
17 A Yes.
18 Q And that is a pitch that was made ad nauseam to
19 the city. Would you agree?
20 A It was a pitch that was made to the city, yes.
21 Q Ad nauseam. In fact, would you agree with me
22 that that was the pitch that ultimately sold this
23 ordinance?
24 A I believe the -- in connection with that to
25 reducing the cluttered areas, yes.

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1 Q Correct. Because you were there and I was there
2 and Ms. Wray was there and maybe Mr. Wray was there and
3 other people were there where they heard people like Dave
4 Aiazzi -- Councilman Aiazzi and Sierraza say, We only care
5 about reducing cluttered billboards because we hate
6 billboards, so get us anything that you can get us in
7 order to reduce billboard clutter. I have quotes that are
8 nearly verbatim to that. Does that surprise you?
9 A Pretty close.
10 Q And then I have things on Facebook that say if
11 you're a billboard person, we despise you because we hate
12 billboards. Have you ever seen something like that on
13 Facebook?
14 A No.
15 Q I can assure you they exist. There were people
16 from Clear Channel telling the City councilors, telling
17 the city staff, telling everybody else that the best way
18 to assure a reduction of clutter was to give a ratio
19 system to the industry, right?
20 A Yes.
21 Q Because that's what the certain members of the
22 billboard industry wanted the city to believe and they
23 were very persuasive in making the city believe that.
24 Would you agree with me?
25 A Yes.

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1 Q But you as a planner don't believe that, do you,
2 that the most effective way to assure reduction in clutter
3 of billboards is to put a ratio system? That's not the
4 most effective way, is it?

5 A I would say it is. Like I said before, it's an
6 effective way.

7 Q It's on the list but -- right?

8 A It is an effective way, I would say, yes.

9 Q All right. But it's not the most direct way, is
10 it? The most direct way would be to do what Mr. Dortch
11 said and what you've already said, which is to litigate
12 land -- or legislate land planning things, like
13 restricting numbers, restricting height, restricting size.

14 Is there anything today that you're aware of
15 that would prevent the city from entering -- from
16 legislating those kinds of zoning and planning
17 restrictions on billboards?

18 A No.

19 Q They can, right?

20 A Yes.

21 Q Because the city has, basically, some kind of a
22 police power to ensure that as long as it follows the
23 basic tenants of rights guaranteed all citizens, they can
24 assure that their safety, health and welfare are cared
25 for, right?

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1 A Yes.

2 Q Okay. Next paragraph Ms. Wray chimes in. She
3 talks about the features and characteristics being
4 different between digitals and statics. At the very end
5 Mr. West chimes in. He says, "You know what, as long as
6 the bank's sitting there and has potential to become a
7 sign in the community, then you're somehow -- magic --
8 going to reduce the overall number of signs. And if
9 through this mechanism, if we" -- meaning probably Clear
10 Channel but maybe speaking on behalf of everybody -- "can
11 provide a more efficient, more modern product and reduce
12 the overall liability, it seems like it would be a win for
13 both sides."

14 Do you know what "both sides" she's talking
15 about there?

16 (Witness reviewing document.)

17 THE WITNESS: I don't know if he means the
18 industry and the city or the industry and Scenic Nevada.
19 I don't really know what he's referring to.

20 BY MR. GILMORE:

21 Q Okay. You haven't known Mr. West to be
22 sympathetic to the needs, wishes and desires of Scenic
23 Nevada, have you?

24 A No.

25 Q That wouldn't be my experience either. So I

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1 would -- would you think it's more likely a win on both
2 sides, meaning the city and what the city wanted to
3 accomplish --

4 A I really don't know.

5 Q -- and the industry stakeholders and what they
6 wanted to accomplish?

7 A I don't know.

8 Q Okay. I bet you we can shed some light on that
9 because there's some exhibits in here that give us a hint
10 as to Mr. West's state of mind about that time.

11 Exhibit 5, can you pull it real quick. Maybe
12 I've got 10 more minutes. Everybody okay? It's better
13 than coming back, right?

14 The second page of Exhibit 5 is meeting minutes
15 from an October 5, 2011, Planning Commission meeting and
16 here's Mr. West again. Third paragraph down, "Mr. West
17 stated that originally three billboards were proposed for
18 one digital billboard." He's talking about an upgrade
19 ratio, right?

20 A Yes.

21 Q -- "given opportunities and flexibility and in
22 the right circumstances and in consideration in other
23 areas, the number could possibly go to five billboards."
24 This sounds to me like a quid pro quo negotiation.
25 Does that sound like that to you?

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1 A Yes.

2 Q "If the city's willing to give us and we're
3 willing to give some, then we might all be able to be
4 happy with this scenario."

5 A Yes.

6 Q "Commissioner Romeo wanted to know if there were
7 300 billboards in the inventory were converted to digital,
8 the industry would be happy with 60 digital billboards
9 with the same square footage," right? So Commissioner
10 Romeo and Mr. West are having a bilateral conversation in
11 which Mr. West is talking about quid pro quo negotiation
12 and Commissioner Romeo is entertaining it.

13 Would you agree with that?

14 A Yes.

15 Q "Mr. West stated that the numbers for the
16 billboard inventory doesn't include square footage. He
17 states they have 208 folding faces, 259 poster faces. By
18 using LED they can pull down 10 poster faces."

19 So he's using fancy math to try to convince
20 Commissioner Romeo that if this digital conversion ratio
21 were to be implemented, somebody would get their wish and
22 they would have a reduction in the number of boards,
23 right?

24 A Yes.

25 Q Because what Mr. West appears to be concerned

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<p style="text-align: right;">Page 149</p> <p>1 about is addressing Commissioner Romeo's concern that the</p> <p>2 industry be happy. Would you agree with that?</p> <p>3 A It says, "The industry would be happy with the</p> <p>4 60 digital billboards of the same square footage.</p> <p>5 Q Okay. You know that that's not the industry's</p> <p>6 position. That's Clear Channel's position, right?</p> <p>7 A It's at least Clear Channel's.</p> <p>8 Q Uh-huh. Well, as you sit here today, do you</p> <p>9 happen to know that at least some of the other minority</p> <p>10 stakeholders, that's not their position, right?</p> <p>11 A Yes.</p> <p>12 Q Okay. Next page, please, 762, here's a</p> <p>13 conversation from -- here's some notes from a council</p> <p>14 meeting on July 18th, 2012.</p> <p>15 You remember that, don't you?</p> <p>16 A As I'm reading it, yes.</p> <p>17 Q Yeah. I remember it because I was there, as was</p> <p>18 Mrs. Wray. She was sitting right next to me. Down in the</p> <p>19 middle of the page it talks about Councilman Aiazzi made</p> <p>20 it clear that he did not want a one-to-one ratio and then</p> <p>21 he suggested three-to-one ratio. And then Hascheff said</p> <p>22 that if the direction was to realize a meaningful</p> <p>23 reduction in billboards, then those in restricted areas</p> <p>24 would have to give up more and those in restricted areas</p> <p>25 would have to give up less.</p>	<p style="text-align: right;">Page 151</p> <p>1 said that, did they? Do you have a memory of saying that?</p> <p>2 A I wouldn't rule it out that Mrs. Wray didn't</p> <p>3 bring up it.</p> <p>4 Q I will guarantee you that Mrs. Wray said it and</p> <p>5 I will guarantee you that nobody on the council paid it</p> <p>6 any mind. At least that's the way it appeared to me and</p> <p>7 that's the way the transcript reads.</p> <p>8 MR. WRAY: So stipulated.</p> <p>9 BY MR. GILMORE:</p> <p>10 Q So -- and I'm not on -- I don't want there to be</p> <p>11 any mistaken identities here. Saunders and Scenic Nevada</p> <p>12 are not on the same page with this, and so --</p> <p>13 MR. WRAY: So stipulated.</p> <p>14 BY MR. GILMORE:</p> <p>15 Q -- I'm not suggesting that we are in cahoots</p> <p>16 here. But I think it's important to note for purposes of</p> <p>17 Saunders that, while we're sitting here talking about</p> <p>18 ratios and giving up and quid pro quo is nobody ever says,</p> <p>19 Hey, We forgot to keep our eye on the ball. And that is</p> <p>20 that the reason you don't let people upgrade from statics</p> <p>21 to digital is because it's unsafe, it distracts drivers,</p> <p>22 et cetera, et cetera. Nobody in the city appears to pay</p> <p>23 that any serious mind. Would you agree with that?</p> <p>24 A I think it was considered. I'm sure it was</p> <p>25 considered by council --</p>
<p style="text-align: right;">Page 150</p> <p>1 There's that quid pro quo idea again, right? If</p> <p>2 you're in the restricted areas, you have to give up more</p> <p>3 to get something from the city. Whereas, if you're</p> <p>4 outside of the restricted areas, you have to give but you</p> <p>5 just have to give a little less, right?</p> <p>6 A Yes.</p> <p>7 Q That's what Councilman Hascheff thought. And so</p> <p>8 Hascheff says "He discussed the possibility of a</p> <p>9 two-to-one ratio noting his sensitivity to Saunders who</p> <p>10 has less signs than other companies."</p> <p>11 Do you remember that conversation?</p> <p>12 A Yes.</p> <p>13 Q Because Hascheff was concerned that the quid pro</p> <p>14 quo might disparately impact Saunders who would have to</p> <p>15 give up proportionately more than other companies like</p> <p>16 Clear Channel who would have to give up proportionally</p> <p>17 less, right?</p> <p>18 A Yes.</p> <p>19 Q In this conversation -- and you were there and I</p> <p>20 was there and I might have a more specific memory of it</p> <p>21 than you do -- do you recall in this meeting anybody</p> <p>22 chiming up and saying, Whoa, whoa, whoa, people. The</p> <p>23 reason why we are not allowing digital -- free digital</p> <p>24 upgrades from static to digital is because there's a whole</p> <p>25 host of health, safety and welfare concerns? Nobody ever</p>	<p style="text-align: right;">Page 152</p> <p>1 Q Okay.</p> <p>2 A -- but I don't -- without reading through it, I</p> <p>3 don't know if it was discussed. I can't remember a</p> <p>4 discussion.</p> <p>5 Q Considered and then ignored, perhaps. Because</p> <p>6 the only thing you see in these meeting minutes is talking</p> <p>7 about quid pro quo, sensitivity to Saunders because they</p> <p>8 have less signs. There's no conversations in here, as I</p> <p>9 see it, that say one of the reasons we're reducing the --</p> <p>10 one of the reasons we're implementing the ratio system is</p> <p>11 because we have a real health, safety and welfare problem</p> <p>12 that's inherent from a digital -- from a static to a</p> <p>13 digital, right?</p> <p>14 Two more. Please go to Exhibit 13 -- actually,</p> <p>15 I lied. Three more. I do that a lot. You can't believe</p> <p>16 anything a lawyer says.</p> <p>17 THE VIDEOGRAPHER: Counsel, can I take a</p> <p>18 30-second break to change the media on this real quick?</p> <p>19 MR. GILMORE: Sure.</p> <p>20 THE VIDEOGRAPHER: We're going off the record at</p> <p>21 5:20 p.m.</p> <p>22 (Recess taken.)</p> <p>23 THE VIDEOGRAPHER: We are back on the record in</p> <p>24 the matter of Scenic Nevada, Inc. v. the City of Reno.</p> <p>25 The time is 5:21 p.m.</p>

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1 BY MR. GILMORE:
2 Q This is from October 2012, so just a little bit
3 after the July 1 one we just looked at and now here's this
4 discussion between Councilman Hascheff, Councilman Aiazzi
5 and Councilman Sferenza. "Hascheff says that the simple
6 solution would be to prohibit digitals at all to avoid
7 complaints about ratios and while it's not a perfect
8 solution, it's better than what the Planning Commission
9 recommended, which it was the ratio system with restricted
10 areas." Do you see that?
11 A Yes.
12 Q "But on balance he says the council solution was
13 equitable and when you balance the competing interests of
14 the industry and other people, the quid pro quo was
15 acceptable." That's what Councilman Hascheff says, right?
16 A Yes.
17 Q And then "Dave Aiazzi says that council didn't
18 pass this ordinance to benefit the industry but acted in
19 response to the citizens' vote to reduce billboard
20 clutter. He said that even though Scenic Nevada disagreed
21 with the way in which it was done, the purpose of the
22 ratio was to reduce the number of billboards," right?
23 A Yes.
24 Q That's consistent with the position the city's
25 taking that the reason they implemented the ratios was

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1 because they wanted to reduce billboards, right?
2 A Yes.
3 Q They didn't implement the ratios because they
4 were concerned with driver safety. They didn't implement
5 the ratios because they were afraid that digital
6 billboards were gonna emit radiation and burn people's
7 eyes, right? None of those things are the reason why
8 Aiazzi, Hascheff, Sferenza, Dortch, mayor, anyone who is
9 voting --
10 MR. SHIPMAN: I'm just going to object on
11 speculation.
12 BY MR. GILMORE:
13 Q Okay. If I ask you to speculate because you
14 aren't aware of that, then you can say that. But I think
15 you are aware of that because you were there more than
16 anybody. That's what these people were talking about in
17 2012, was trying to strike a balance between what Scenic
18 Nevada wanted, what the industry stakeholders said they
19 wanted, or at least what Clear Channel said they wanted,
20 and a way to reduce clutter, right?
21 A Yes.
22 Q Okay. Please turn to Exhibit 18. On about
23 two-thirds the way through this there's an email on 2971
24 and this is an email -- you see at the bottom 2971?
25 MR. SHIPMAN: It's not necessarily

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1 chronological.
2 BY MR. GILMORE:
3 Q It might not be on chron. You may have to cycle
4 through it. It's still on 18.
5 A Sorry.
6 Q Let me know when you're there.
7 A I got it.
8 Q This starts out with an email in August where he
9 says to somebody -- probably you -- "Can I get dates for a
10 first and second reading?" He's talking about the
11 proposed digital ordinance, right?
12 A Yes.
13 Q Okay. And then there's an email from Aaron to
14 you says "Thanks. Any word from our friends at Scenic or
15 Saunders?" Do you see that?
16 A Yes.
17 Q And that's -- he doesn't use that word
18 genuinely. He uses that word colloquial, right, that --
19 he doesn't -- Saunders and Scenic and Saunders and Clear
20 Channel are not friends, are they?
21 A I don't know what he meant by his email.
22 Q He's being sarcastic, isn't he?
23 A Maybe.
24 Q Yeah. Because he doesn't say, Any word from our
25 enemies, because that wouldn't be comedic, would it? And

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1 the other thing is it's -- you know, don't you, that
2 Scenic and Saunders are lumped together here because they
3 are now enemies, for lack of a better word, of Clear
4 Channel, right?
5 A Well, I believe Scenic and Saunders, neither of
6 them were in agreement with the proposed ordinance.
7 Q Okay. That's a different way of saying enemies,
8 but I'm okay with that.
9 So then Aaron West responds because you said you
10 were going to meet with Saunders, which he did. Aaron
11 West responds and says on August 28th at 2:16, which was
12 after a City Council meeting in which I appeared, "I'm
13 curious why Frank" -- you think he's talking about me
14 there?
15 A I would imagine so.
16 Q "I'm curious why Frank thought it appropriate to
17 call out that Clear Channel was willing go give up 54
18 signs for a digital, paren, understanding but he was
19 completely wrong again, paren, in Tacoma when he is
20 bitching about a two to one. Wouldn't you call out
21 situations where there was no exchange ratio? If the
22 council's getting tired of catering to the little guy, I
23 can provide plenty of fodder for increasing the exchange
24 ratio." Do you know what he's talking about, the Tacoma
25 thing?

39 (Pages 153 to 156)

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1 **A** I don't.

2 **Q** Have you ever heard any accusations that Clear

3 Channel struck a sweetheart deal with the City of Tacoma

4 in order to get rid of a bunch of garbage signs in order

5 to get a really, really beautiful dual-faced LED on the

6 I-5 in Tacoma?

7 **A** By this email I'm guessing I heard you talk

8 about it at a hearing, but I don't remember it.

9 **Q** Right as you make a bend on the I-5 it's just

10 sitting there staring you. And in the middle of traffic

11 when you're sitting there trying to drive to Seattle for

12 45 minutes you stare at that sign.

13 And what does he mean here when he says "If

14 council is getting tired of catering to the little guy"?

15 What do you think he means by that?

16 MR. SHIPMAN: Objection. Speculation.

17 BY MR. GILMORE:

18 **Q** Based on your exposure, your experience, what

19 you know of Mr. West, his attitudes generally.

20 **A** I would imagine, since he refers to you earlier

21 in the email, that he would be referring to Saunders.

22 **Q** What he's talking about -- wouldn't you agree

23 that what he's talking about is that exhibit we looked at

24 where Dwight -- where Pierre Hascheff said, Hey, I'm

25 sympathetic to the Saunders guys on the ratio issue.

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1 That's part of it, isn't it?

2 **A** I don't remember.

3 **Q** And "the little guy" he means Saunders, doesn't

4 he?

5 **A** I would imagine since he was discussing you in

6 the same email.

7 **Q** I would agree with that. He says, "If Council

8 gets tired of catering to the little guy, I can provide

9 plenty of fodder for increasing the exchange ratio."

10 That's sounds like a threat, doesn't it?

11 **A** I guess it could be looked at that way.

12 **Q** Meaning, you know, if Saunders, the little guy,

13 isn't happy with the deal we're striking with the city, I

14 could tell the city to increase the exchange ratio, which

15 would put Saunders at even a bigger disadvantage in the

16 quid pro quo, right?

17 **A** It seems like that's what he's saying.

18 **Q** That's exactly what he's saying because you knew

19 that was the position he was taking, right?

20 **A** Yeah.

21 **Q** You knew that the position Clear Channel was

22 taking was that if they could get the city to agree to

23 increase the exchange ratio, it would hurt the little guys

24 and benefit Clear Channel. You knew that, right?

25 **A** Oh, I don't --

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1 **Q** At least you knew that was Aaron's position.

2 **A** No.

3 **Q** You did not?

4 **A** No, I did not know their intent was to hurt the

5 little guy. I think their intent was to get as many signs

6 as possible.

7 **Q** Okay.

8 **A** I don't know if that -- their intent was to

9 hurt, quote, the little guys.

10 **Q** Sure. But you would agree with me that when he

11 says "plenty of fodder for increasing the exchange ratio,"

12 that's a threat that if Saunders stays on its course of

13 challenging mighty Clear Channel, then he's going to try

14 to talk to the city about making it worse for Saunders and

15 not better, right?

16 **A** It does look like he could -- he could be

17 providing information to increase the ratio, yes.

18 **Q** Okay. One last exhibit, No. 20. This is your

19 email to Bill Thomas, second paragraph that says, "We

20 could also look at expanding the four-to-one ratios to

21 other areas where they want to remove clutter. The two

22 sign companies agreed to an adopted ratio to use

23 throughout the city or in the cluttered areas." Keep

24 that -- hold that thought and then I'm gonna read

25 something for you in the city's requests for admissions.

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1 I asked the city -- or Saunders -- to admit that

2 more than 75 percent of the banked receipts currently held

3 by the city are owned by the industry's two largest

4 stakeholders. The city said, "The city admits that as of

5 the date here more than 75 percent of the banked receipts

6 currently held by the city are owned by the industry's two

7 largest stakeholders."

8 Are the two largest stakeholders that the city

9 admits hold all -- more than 75 percent of the banked

10 receipts the two sign companies that agreed to the adopted

11 ratio in the cluttered areas?

12 **A** Let me read the other paragraph.

13 (Witness reviewing document.)

14 THE WITNESS: I would imagine it's CBS and Clear

15 Channel just by the paragraph above that.

16 BY MR. GILMORE:

17 **Q** Okay.

18 **A** The two -- I discussed two sign companies in the

19 previous paragraph, so I would say it would be those two.

20 **Q** Okay. I would say that's probably a reasonable

21 conclusion.

22 MR. GILMORE: Okay. That's all I have. Thank

23 you.

24 FURTHER EXAMINATION

25 BY MR. WRAY:

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<p>1 Q I have a follow-up question on Mr. West.</p> <p>2 When his Exhibit 16 building permit for the</p> <p>3 double-sided sign on Moana came in to you -- this is</p> <p>4 Exhibit 16, Ms. Hanson -- came into you September -- to</p> <p>5 the city, did you take it over in some way, Mr. West's</p> <p>6 permit application, which is SN 1175?</p> <p>7 A What do you mean by did I take it over?</p> <p>8 Q I mean, someone took in this application. Did</p> <p>9 you personally handle the approval of this permit?</p> <p>10 A No. In all billboard permits Daniela Montiero</p> <p>11 is the primary staff person and if she has questions or</p> <p>12 concerns or needs confirmation on something, she'll come</p> <p>13 to me.</p> <p>14 Q Isn't it true that everything on this particular</p> <p>15 application SN 1175 by Aaron West did get handled by you,</p> <p>16 not by Ms. Montiero?</p> <p>17 A I don't remember. Usually Daniela and I do</p> <p>18 these together. She's the primary person and then she'll</p> <p>19 confirm with me but I don't remember specifically.</p> <p>20 Q Didn't she turn this over to you to handle?</p> <p>21 A Didn't I -- I'm sorry. I think I answered that.</p> <p>22 Q Didn't she turn it over to you -- different</p> <p>23 question. Didn't she turn it over to you?</p> <p>24 A I don't think so. I don't remember. I think we</p> <p>25 both -- I think we worked on it together as we usually do.</p>	<p>1 (Whereupon, deposition was concluded at 5:34</p> <p>2 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 162	Page 164
<p>1 Q Let's see. What's the next page, 3959? Oh,</p> <p>2 that's from Aaron, okay. Well, it's my understanding,</p> <p>3 counsel, that we're gonna get some documents that were</p> <p>4 requested by us from the city -- there's a public record,</p> <p>5 not as a discovery matter -- regarding this particular</p> <p>6 permit. Did you hear about that?</p> <p>7 MR. SHIPMAN: I didn't hear about it. It's not</p> <p>8 ringing a bell.</p> <p>9 MR. WRAY: Okay. Well, we're supposed to get it</p> <p>10 and we'll see what happens with that.</p> <p>11 Thank you very much. I don't have any other</p> <p>12 questions. I pass the witness. Counsel? Counsel? You?</p> <p>13 You?</p> <p>14 MR. GILMORE: No thank you.</p> <p>15 MR. SHIPMAN: No thank you.</p> <p>16 MR. GILMORE: I appreciate you staying late.</p> <p>17 THE VIDEOGRAPHER: This concludes the recorded</p> <p>18 deposition of Claudia Hanson. The time is 5:34 p.m. and</p> <p>19 we're going off the record in the matter of Scenic Nevada,</p> <p>20 Incorporated v. the City of Reno at 5:35 p.m.</p> <p>21 THE REPORTER: Do you want a copy of this,</p> <p>22 counsel?</p> <p>23 MR. GILMORE: Just E-Tran, please.</p> <p>24 THE REPORTER: Do you want the exhibits scanned?</p> <p>25 MR. GILMORE: Yes, I guess so.</p>	<p>1 CERTIFICATE OF WITNESS</p> <p>2</p> <p>3 I hereby certify under penalty of perjury that I</p> <p>4 have read the foregoing deposition, made the changes and</p> <p>5 corrections that I deem necessary, and approve the same as</p> <p>6 now true and correct.</p> <p>7</p> <p>8 Dated this _____ day of _____, 2014.</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 CLAUDIA HANSON</p> <p>13 -o0o-</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)
4
5 I, CHRISTINA MARIE AMUNDSON, a Certified Court
6 Reporter in and for the States of Nevada and California do
7 hereby certify:
8 That I was personally present for the purpose of
9 acting as Certified Court Reporter in the matter entitled
10 herein; that the witness was by me duly sworn;
11 That said transcript which appears hereinbefore was
12 taken in verbatim stenotype notes by me and thereafter
13 transcribed into typewriting as herein appears to the best
14 of my knowledge, skill, and ability and is a true record
15 thereof.
16
17
18 Christina Marie Amundson, CCR #641 (NV), CSR #11883, (CA)
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R E T R A C

A train whistle is an inviting sound for some people, but in downtown Reno, the sound once meant traffic congestion and noise pollution. That all changed, however, when ReTRAC moved the trains below street level in the city's center.

Steve Varela, Reno's former public works director, said the project also has led to less visual and auditory pollution.

"It got rid of a strip of property through downtown that was an eyesore," Varela said. "And the noise has decreased because the trains no longer have to blow their whistles at the crossings. There were 10 crossings — the whistles were blowing constantly."

Public safety has been enhanced, too, since access for emergency vehicles is not encumbered by train crossings.

Developers credit ReTRAC as a major reason downtown Reno has become a profitable place to build a business.

"Fernando Leal, the developer of the Montage property, stated in public that if it wasn't for ReTRAC, he wouldn't be investing in redeveloping that piece of property," Varela said. "The total cost is upwards of \$200 million on his side."

Leal's project, previously the Flamingo Hilton and then the Golden Phoenix, is expected to re-open next year as condominiums and retail space.

Another positive result of ReTRAC is a proposed public plaza, which would be used for special events and as a public gathering place.

Preliminary designs show a covered area built on top of the train trench from Virginia Street to West Street.

The plaza will be built with money from a federal grant and funding from the City of Reno.

Building of the plaza should begin in a few months, and it could be completed as early as next fall, Varela said.

"As it stands now, it's easier to get into downtown from the north and south," he said. "When this plaza is finished, it will be even more inviting for residents."



FACTS

Project start date:
Sept. 13, 2002

Project completion date:
November 2005

Total project cost:
\$265 million (Approximately
\$175 million went to
construction.)

Number of employees:
At times, more than 300 people
were working on the trench.

Size of the trench:
The trench is 2.25-miles
long and, including walls
and construction area, is
65-feet wide.

For more information, contact Neil Mann
at (775) 334-2215. ReTRAC is located
in downtown Reno, or on the Web at
www.cityofreno.com/gov/retrac/main.



SN 1187

Reno City Planning Commission Meeting— Minutes

October 5, 2011

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Mr. West stated there isn't a study available that dictates the flip times. A memo was issued by the Federal Highway Administration through the U.S. Department of Transportation on September 25, 2007, that clarified to local and state governments that the implementation of LEDs did not violate Ladybird Johnson Act and were allowed. In that memo they provided recommendation for duration of message generally between 4-10 seconds, 8 seconds is recommended. For transition time 1-2 seconds is recommended.

Commissioner Romeo wanted to know what the exchange rate would be, including banked boards, for a digital message center.

Mr. West stated that originally 3 billboards were proposed for 1 digital billboard. Given opportunities and flexibility within the code, and the right circumstances and consideration in other areas, the number could possibly go up to 5 billboards.

Commissioner Romeo wanted to know if there were 300 billboards in the inventory were converted to digital, the industry would be happy with 60 digital billboards with the same square footage.

Mr. West stated that the numbers for the billboard inventory doesn't include the square footage. He stated they have 207 bulletin faces and 259 poster faces. By using LED, they can pull down 10 poster faces.

In response to Commissioner Romeo's question regarding flip time and transition time, Mr. West stated it's instantaneous (less than 1 second). From Clear Channels perspective, the billboards that were banked from the train trench project were not compensated for and there was a settlement agreement that was entered into that actually provided those banked receipts. The financial liability to the City of Reno was transferred into the banked receipts.

Chair Weiske asked legal if financial liability would be considered when making the findings for a text amendment.

In response to Chair Weiske's questions, Marilyn Craig – Deputy City Attorney, stated that they only need to make the findings for a text amendment and that financial would not be considered.

Commissioner Romeo wanted to know if 100,000 hours is the lifespan for a digital billboard.

Mr. West stated he hasn't seen it related to hours. When installing a digital billboard they anticipate it lasting at least 15 years.

Commissioner Woosley had a question regarding banked billboards, location and spacing requirements. He also wanted to know if there was a competition between companies as to where to aggressively place billboards, whether it replaces an existing billboard with digital or a new billboard at a new location.

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.

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement ("Agreement") is entered into this ____ day of December, 2000, by and between OUTDOOR MEDIA DIMENSIONS, a Nevada corporation ("OMD") and THE CITY OF RENO, a municipal corporation (the "City"). OMD and the City shall collectively be referred to herein as the "Settling Parties" or the "Parties".

RECITALS

A. OMD filed a complaint captioned *Outdoor Media Dimensions, a Nevada corporation v. The City of Reno, a municipal corporation*, Case Number CV-N-99-0668 ECR-RAM, in United States District Court, District of Nevada (the "Federal Action") on December 21, 1999, alleging various counts against the City.

B. The Settling Parties now seek to fully and finally compromise, settle, and resolve any and all claims and disputes relating to the allegations, claims and cause of actions filed in the Federal Action by and between the parties hereto on the terms and conditions contained in this Agreement.

NOW, THEREFORE, all parties to this Settlement Agreement and Mutual Release agree as follows:

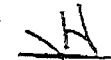
SECTION I

Payment

1.1 The City shall pay OMD a total sum of Fifty Thousand and No/100 U.S. Dollars (\$50,000.00) (the "Settlement Amount") for OMD's attorneys' fees and costs.

1.2 All payments due and owing under this Agreement shall be paid by a check made

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OMD


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payable to OMD and Michael Stein & Associates, Ltd. and delivered to 1771 E. Flamingo Road, Suite 211B, Las Vegas, Nevada 89119 on or before December 20, 2000.

SECTION 2

Construction, Erection and Maintenance of Off-Premises Advertising Displays

2.1 Pursuant to the terms, covenants, conditions and restrictions set forth below, OMD shall be entitled to construct, erect and maintain off-premises advertising displays at the following locations:

CASE NUMBER	DESCRIPTION	LOCATION
✓ 21-00	Union Pacific Railroad (0021)	This site is located on railroad right-of-way, on the west side of U.S. 395.
22-00	500 Stoker Avenue	This site is located at the southeast corner of I-80 and Stoker Avenue.
✓ 30-00	2790 East Fifth Street	This site is located on the East Fifth Street Mobile Home Park, located on the southwest corner of I-80 and East Fifth Street.
31-00	2061 East Fourth Street	This site is located at the Tap n' Tavern, located on the northwest corner of I-80 and East Fourth Street.
✓ LDC 01-00141 (consisting of two (2) off-premises advertising displays)	9190 South Virginia Street	This site is located between South Virginia Street and U.S. 395, on the south side of the southbound on-ramp.
LDC01-00142	255 Crummer Lane	This site is located on the northeast corner of U.S. 395 and Crummer Lane.
LDC01-00143	7800 North Virginia Street	This site is located between N. Virginia Street and U.S. 395.
LDC01-00145	2900 Clearacre Lane	This site is located at the southeast corner of Clearacre Lane and U.S. 395.

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✓ Permits that have not been issued

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LDC01-00146	U.S. 395	This site is located on the northeast side of U.S. 395, at the point where Offenhauser Drive becomes Gateway Drive.
LDC01-00150	1201 Stardust Street	This site is located at the northwest corner of Stardust Street and Keystone Avenue.
LDC01-00161	U-Haul - 10405 Old Virginia Road	This site is located on the east side of South Virginia Street south of its intersection of South Meadows Parkway.

2.2 The issuance of the off-premises advertising display special use permits and sign/building permits for said off-premises advertising display permits by the City is conditioned upon the following:

2.2.1 The project shall comply with all applicable City codes, and plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports and materials and City codes, City codes in effect at the time the building permit is applied for, shall prevail;

2.2.2 The applicant shall apply for a sign permit for the project within eighteen (18) months of the date of City Council approval, and continuously maintain the validity of that permit, or this approval shall be null and void;

2.2.3 The off-premises advertising displays shall be a monopole structure. Illumination shall shine upward and directed at the sign face only, and if legible from residentially used properties, the lights shall be turned off by 11:00 p.m.;

2.2.4 Prior to the issuance of a building permit, the applicant shall submit a notarized statement from the property owner authorizing the installation of an off-premises

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advertising display(s). Attached to the statement shall be a map, also signed by the property owner, detailing the exact location of the proposed off-premises advertising display(s);

2.2.5 Prior to the issuance of a sign permit, the applicant shall submit the special use permit application ~~15~~ after receiving credit for the six (6) applications previously denied;

2.2.6 In order to minimize visual clutter, each off-premises advertising display must maintain 500 feet spacing from any proposed or existing board on the same side of the street;

2.2.7 On developed parcels, an off-premises advertising display may not occupy required parking or landscaping. If the off-premises advertising display is located in existing landscaping, the landscaping must be relocated elsewhere on site. No tree may be removed for the installation of an off-premises advertising display;

2.2.8 On any developed site, the location of an off-premises advertising display shall not interfere with existing driveways;

2.2.9 Prior to the issuance of a sign permit, the applicant shall demonstrate that any off-premises advertising display will have a ten (10) foot setback from a sidewalk or bus stop. Notwithstanding the foregoing, case number 150-00 shall only require a five (5) foot setback from a sidewalk or bus stop;

2.2.10 All billboards, which require electrical service, shall provide underground service to the pole, with all wiring located inside the pole. There shall be no overhead power, or exterior wiring;

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(initials only)

2.2.11 All sign structures shall be painted pale blue;

2.2.12 Prior to the issuance of a sign permit, the applicant shall demonstrate that legal access can be provided to the site;

2.2.13 The bottom of a sign face shall not exceed fifteen (15) feet above said rail or sound wall;

2.2.14 The bottom of the off-premises advertising display for Case number LDC01-00142 shall be no more than 10 feet taller than the roofline of the J.C. Penney Furniture Store. The sign face shall not exceed fourteen (14) feet in height by forty-eight (48) feet in width; and

2.2.15 The off-premises advertising display displays in case numbers 21-00, 22-00 and LDC01-00150 shall not exceed twelve (12) feet in height by thirty-six (36) feet in width;

2.2.16 The off premises advertising display in case number 31-00 shall be located to the far north end of the parcel;

2.2.17 The sign face of the off-premises advertising display in case number LDC01-00145 shall be oriented to minimize the impact on nearby residences;

2.2.18 Maintenance of the sign shall occur only during daylight hours;

2.2.19 The off-premises advertising display shall be maintained or repaired within 56 hours of the sign company being notified;

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(Initials only)

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2.2.20 The structures shall be galvanized;

2.3 OMD shall withdraw the requests for special use permits for case numbers 19-00, 20-00, 26-00, LDC01-00144; LDC01-00152, LDC01-00153, LDC01-00154, LDC01-00155, LDC01-00156, LDC01-00160 and LDC01-00162.


SECTION 3

Mutual Releases and Dismissal

3.1 The Settling Parties, and each of them, do hereby, for themselves, and for their current and/or former partners, members, officers, directors, shareholders, and, if any, affiliated corporations, employees, agents, spouses, representatives, attorneys, legal successors and assigns, and each of them, expressly release and absolutely and forever discharge each other and their current and/or former members, officers, directors, shareholders, partners, and, if any, employees, agents, spouses, representatives, attorneys, legal successors and assigns, and each of them, of and from any and all claims, demands, damages, debts, liabilities, obligations, costs, expenses, liens, actions and causes of action of every kind and nature whatsoever, whether known or unknown, suspected or unsuspected, that each Party now has, owns or holds, or at any time heretofore ever had, owned or held, or could, shall or may hereafter have, own or hold against each other, based upon or related to the Federal Action.

3.5 Upon execution of this Agreement, payment of the FIFTY THOUSAND and NO/100 DOLLARS and issuance of the special use permits, sign permits and building permits, OMD shall prepare and file a stipulation for dismissal, with prejudice, for the Federal Action. The parties hereby stipulate to the retention of jurisdiction by the United States District Court for

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(initials only)

enforcement of the terms of this Agreement by any available remedy, including injunctive relief, fines or contempt proceedings.

SECTION 4

No Third-Party Beneficiaries

4.1 Except as otherwise provided in this Agreement, nothing expressed or implied herein is intended, or shall be construed, to confer upon or give any person or entity not a party to this Agreement any rights or remedies under, or by reason of, any term, provision, condition, undertaking, warranty, representation or agreement contained herein.

SECTION 5

Time of the Essence

5.1 Time is of the essence for this Agreement and all of its terms, provisions, conditions, and covenants.

SECTION 6

Successors and Assigns

6.1 This Agreement shall be binding upon and inure to the benefit of the Settling Parties hereto, and each of them, and each and all of their respective representatives, successors, assigns, employees and agents.

SECTION 7

Contract Execution

7.1 This Agreement may be executed in any number of counterparts with the same force and effect as if all signatures were set forth in a single instrument. Each counterpart when

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(Initials only)


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duly executed and delivered shall be an original, but all such counterparts shall constitute one and the same agreement. Any signature page of this Agreement may be detached from any counterpart without impairing the legal effect of any signatures, and may be attached to another counterpart, identical in form, but having attached to it one or more additional signature pages. This Agreement and any counterpart may be executed by signatures provided by electronic facsimile transmission (also known as "fax" copies), which facsimile signatures shall be as binding and effective as original signatures. Any Party providing a signature by fax copy shall promptly thereafter deliver to the attorney for the other side a counterpart of this Agreement bearing the original signature of that Party.

SECTION 8

Integration Clause

8.1 This written Agreement represents and contains the entire understanding between the Parties in connection with the subject matter of this Agreement. This Agreement shall not be altered or varied except by a writing duly signed by all of the Parties, and the Parties acknowledge and agree that, in the absence of such a writing signed by the Parties, they will make no claim that this Agreement has been orally altered or modified in any respect whatsoever. The Parties each acknowledge that no Party, nor any agent or attorney of any Party or any other individual, has made any promise, representation or warranty whatsoever, express or implied, which is not contained herein concerning the subject matter hereof to induce any Party to execute this Agreement. Except for the foregoing, the Parties further acknowledge that they have not executed this Agreement or any other such document in reliance on any promise,

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representation or warranty not contained herein. The waiver of any breach of this Agreement by any Party shall not be a waiver of any subsequent or prior breach. All amendments, modifications and waivers of this Agreement must be in writing and signed by all Parties.

SECTION 9

Governing Law and Exclusive Choice of Forum

9.1 The laws of the State of Nevada applicable to contracts made or to be wholly performed there (without giving effect to the choice of law or conflict of law principles) shall govern the validity, construction, performance, effect and enforcement of this Agreement. The United States District Court, District of Nevada, shall maintain jurisdiction of Case No. CV-N-99-0668 ECR for the purpose of enforcing this Agreement. To the extent the Court refuses to exercise jurisdiction to enforce this Agreement, any lawsuit to interpret or enforce this Agreement may be brought only in a court of competent jurisdiction in the State of Nevada.

SECTION 10

Attorneys' Fees

10.1 If there is any legal action or proceeding, including any mediation or arbitration proceeding, to enforce or interpret any provision of this Agreement or to protect or establish any right or remedy of any Party, the unsuccessful Party to such action or proceeding, whether such action or proceeding is settled or prosecuted to final judgment, shall pay to the prevailing Party as finally determined, all costs and expenses, including reasonable attorneys' fees and costs, incurred by such prevailing Party in such action or proceeding, in enforcing such judgment, and in connection with any appeal from such judgment. Reasonable attorneys' fees and costs

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(initials only)

incurred in enforcing any judgment or in connection with any appeal shall be recoverable separately from and in addition to any other amount included in such judgment. The prevailing Party's rights under this Section 9 shall not merge into any judgment and shall survive until all such fees and costs have been paid.

SECTION 11

Construction; Joint Drafting

11.1 The terms and conditions of this Agreement shall be construed as a whole, according to its fair meaning, and not strictly for or against any Party. The Signing Parties acknowledge that each of them has reviewed this Agreement and has had the opportunity to have it reviewed by their attorneys, and that any rules or construction to the effect that ambiguities are to be resolved against the drafting Party shall not apply in the interpretation of this Agreement.

SECTION 12

Authority to Execute Agreement

12.1 The persons signing this Agreement each warrant that they have the authority to sign this Agreement individually, or on behalf of the entity for which they are signing, as the case may be.

SECTION 13

Necessary Action

13.1 Each of the Parties shall do any act or thing and execute any or all documents or instruments necessary or proper to effectuate the provisions and intent of this Agreement.

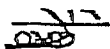
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SECTION 14

Miscellaneous

14.1 The captions appearing at the commencement of the sections of this Agreement are descriptive only and for convenience in reference to this Agreement and shall not define, limit or describe the scope or intent of this Agreement, nor in any way effect this Agreement.

14.2 Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places in this Agreement in which the context requires such substitution or substitutions.

14.3 If any one or more of the provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions of this Agreement shall not be affected thereby, and the Parties will use all reasonable efforts to substitute for such invalid, illegal or unenforceable provisions one or more valid, legal and enforceable provisions which, insofar as practicable, implement the purposes and intents hereof. To the extent permitted by applicable law, each Party waives any provision of law, which renders any provision of this Agreement invalid, illegal or unenforceable in any respect.

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14.4 Notices. Any and all notices and demands required or desired to be given pursuant to this Section shall be in writing and shall be validly given or made if served either personally or deposited with the United States Postal Service, in certified or registered mail, postage prepaid, return receipt requested and addressed as hereinafter provided. If such notice or demand be served by registered or certified mail in the manner provided above, service shall be conclusively deemed given one (1) business day after mailing or upon receipt, whichever is sooner.

(a) To OMD:

C/O Michael Stein, Esq.
1771 E. Flamingo Rd., Suite 211B
Las Vegas, Nevada 89119

(b) To City of Reno:

Reno City Attorneys Office
490 South Center Street, Room 204
Reno, Nevada 89505-1900

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the date first written above.

OUTDOOR MEDIA DIMENSIONS

By: Jeffrey Carlson
Jeffrey Carlson, authorized officer

THE CITY OF RENO

By: Shirley K. Dyle
Vice-Mayor

APPROVED AS TO FORM AND CONTENT:

MICHAEL STEIN & ASSOCIATES, LTD.

By: Michael Stein
Michael Stein, Esq., counsel for
Outdoor Media Dimensions

RENO CITY ATTORNEYS OFFICE

By: Patricia Lynch
Patricia Lynch, Esq., Reno City
Attorney

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**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 Sferrazza 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.

BILL NO. 5996ORDINANCE NO. 5461

AN ORDINANCE AMENDING SECTION 18.06.950 CHAPTER 18.06 OF TITLE OF THE MUNICIPAL CODE ENTITLED "PLANNING AND ZONING" BY ADOPTING A MORATORIUM ON THE FILING AND ACCEPTANCE OF THE APPLICATIONS OR ISSUANCE OF PERMITS TO RELOCATE OFF-PREMISES ADVERTISING DISPLAYS ONTO OR OFF OF PROPERTY SUBJECT TO ANY INTERIM STIPULATIONS IN COUNTY OF WASHOE V. WASHOE COUNTY REGIONAL PLANNING GOVERNING BOARD, CASE NUMBER CV01-00211, THE STIPULATION OR SETTLEMENT AGREEMENT IN COUNTY OF WASHOE V. CITY OF RENO, ET AL, CASE CV01-03867, OR THE SETTLEMENT AGREEMENT IN COUNTY OF WASHOE V. WASHOE COUNTY REGIONAL GOVERNING BOARD, CASE CV 02-03469 AND CLARIFICATION OF SECTION 18.06.950 RELATING ELIGIBILITY FOR RELOCATION AND WHEN LETTERS OF CREDIT WILL BE REQUIRED AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, RMC Section 18.06.925 sets forth that off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business), IC (Industrial Commercial), AC (Arterial Commercial), CC (Community Commercial) and HDC (Hotel/Casino Downtown) district when within 100 feet of a major or minor arterial road or freeway unless otherwise prohibited;

WHEREAS, RMC Section 18.06.950 sets forth that existing, legally established, permanent, off-premises advertising displays "may be relocated to a permitted location as described in section 18.06.925 ...;"

WHEREAS, RMC Section 18.06.950 provides that existing, permanent, legally established off-premises advertising displays may be relocated to a bank of previously existing, legally established, permanent off-premises advertising displays which are currently not erected but eligible for erection in accordance with RMC Section 18.06.925 upon application by its owner;

WHEREAS, the Washoe County master plan land use provides that no new off-premises advertising displays be allowed until all non-conforming billboards are removed;

WHEREAS, on June 12, 2001, Washoe County commenced litigation against the Truckee Meadows Regional Planning Governing Board in the Second Judicial District Court of the State of Nevada in the case identified as County of Washoe v. Washoe County Regional Planning Governing Board, case number CV01-00211, later to become Supreme Court case number 37947 ("the Reno-Stead Corridor Plan litigation");

EX-7

WHEREAS, interim stipulations in the Reno-Stead Corridor Plan litigation may result in unincorporated property being eligible to be annexed to the City outside of the Reno-Stead Corridor plan within the immediate future;

WHEREAS, interim stipulations in the Reno-Stead Corridor Plan litigation may result in unincorporated property being eligible to be annexed to the City inside the Reno-Stead Corridor in which the Reno-Stead Corridor Plan discourages but does not prohibit off-premises advertising displays;

WHEREAS, on July 25, 2001, Washoe County commenced litigation against the Truckee Meadows Regional Planning Governing Board in the Second Judicial District Court of the State of Nevada in the case identified as County of Washoe v. City of Reno, et al., case CV01-03867, later to become Supreme Court case number 38749, ("the so-called 'Verdi' property litigation");

WHEREAS, on or about October 15, 2002, the parties stipulated in the "Verdi" property litigation that certain parcels in that litigation identified as the Somerset Parcels would be annexed and developed (including applications to rezone the parcels) in the City of Reno in accordance with the Somerset Planned Unit Development Handbook ("Somerset Handbook");

WHEREAS, the unincorporated Somerset Parcels currently designated Low Density Suburban and General Rural and upon annexation will become Large Lot Residential – 1 acre ("LLR-1") and Unincorporated Transition – 40 acres ("UT-40") until such time as the parcels are included in the Somerset Planned Unit Development;

WHEREAS, the purpose of UT-40 is to convert properties that Washoe County has planned for large lot residential development to a City zoning district without modifying the planned density and although uses may include agriculture, energy production and outdoor recreation, off-premises advertising displays are not addressed;

WHEREAS, the Low Density Suburban and General Rural designations under the Washoe County Code does not address off-premises advertising displays;

WHEREAS, after annexation the property owners of the Somerset Parcels may seek amendments to the zoning classification on their property through the Somerset Handbook;

WHEREAS, on or about October 30, 2002, the parties agreed the remaining parcels in the Verdi litigation would be annexed and processed in accordance with a Settlement Agreement in the "Verdi" litigation;

WHEREAS, the remaining parcels subject to the Settlement Agreement the "Verdi property litigation" are currently unincorporated and designated as Low Density Suburban, Low Density Urban, Tourist Commercial, and General Rural and upon annexation will become Hotel/Casino ("HC"), Specific Plan District ("SPD"), and Multi-family – 14 ("MF-14") under the RMC;

WHEREAS, off-premises advertising displays are not permitted under the RMC's zoning districts of HC, SPD, and MF-14;

WHEREAS, the property owners of the remaining parcels may seek to amend their property's zoning districts in accordance with a yet to be developed Development Standards Handbook;

WHEREAS, if all or part of the remaining parcels are removed from the Settlement Agreement, the properties will be subject to the cooperative planning as set forth in Settlement Agreement in the regional planning litigation as set forth below:

WHEREAS, on June 20, 2002, Washoe County commenced litigation against the Truckee Meadows Regional Planning Governing Board in the Second Judicial District Court of the State of Nevada in the case identified as County of Washoe v. Washoe County Regional Governing Board, case number CV02-03469 ("the regional planning litigation");

WHEREAS, on or about October 15, 2002, the parties approved a Settlement Agreement in the regional planning litigation;

WHEREAS, properties annexed after approval of the Settlement Agreement in the regional planning litigation ("the newly annexed properties") are subject to cooperative planning;

WHEREAS, additional applications to annex properties, upon which off-premises advertising displays may be relocated, may be submitted to the City;

WHEREAS, the Settlement Agreement in the regional planning litigation provides that additional criteria may be developed with respect to the cooperative planning areas;

WHEREAS, properties subject to cooperative planning will be assigned the RMC's zoning districts as translated from the previously existing Washoe County master plan land use;

WHEREAS, the resulting zoning districts may permit off-premises advertising displays;

WHEREAS, the City Council is concerned that it will receive requests to replace or relocate off-premises advertising displays to or within the newly annexed properties;

WHEREAS, the City Council needs opportunity to more thoroughly consider all aspects regarding the relocation of off-premises advertising displays to or on properties subject to the Stipulation in the Verdi property litigation, the Settlement Agreement in the Verdi litigation, any interim stipulations in the Reno-Stead Corridor Plan, or the newly annexed properties subject to the Settlement Agreement in the regional planning litigation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENO DOES
ORDAIN:

Section 1: Title 18 of the Reno Municipal Code be amended by adding and deleting
certain wording to Section 18.06.950, the same to read as follows:

Sec. 18.06.950 **Relocation of existing, legally established, permanent off-
premises advertising displays.**

- [A](a) Except as otherwise provided in this chapter, an existing, legally established as of November, 2000, permanent, off-premises advertising display may be relocated to a permitted location as described in [s]Section 18.06.925 provided that such existing, legally established, permanent off-premises advertising display complies with all requirements of Chapter 18.06, as amended.
- [B](b) Two permits shall be required prior to relocation or banking of an existing, legally established, permanent off-premises advertising display, one [for removal of] to remove [an] the existing [sign] off-premises advertising display from its current physical location and one [for relocation of] 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 Chapter 18.06, as amended.
- [C](c) A person who is granted a permit [for the removal] 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 [installation of a relocated off-premises advertising display] 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](d) Existing, legally established, permanent o[O]ff-premises advertising displays which have a display area less than the maximum allowed under [s]Section 18.06.930 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 [s]Section 18.06.920(b) will be reduced accordingly.

[E.](e) A person who requests a permit [for the relocation] to relocate [of] an existing, legally established, permanent off-premises advertising display shall:

[1.](1) Identify the existing, legally established, permanent advertising display [that has been removed] to be relocated, by [address and building permit] number assigned by the City of Reno [that the relocated permanent off-premises advertising display will replace].

[2.](2) Present to the community development department a notarized statement from the owner(s) of the existing, legally established, permanent advertising display [owner] to be relocated that he/she has/have removed, or caused to be removed, the existing, legally established, permanent off-premises advertising display [under] in accordance with subsection [(B)3.3.](c)[of this section, authorizing the relocation of the off-premises display].

[3.](3) The owner[(s)] of an existing, legally established, permanent advertising display that has been removed and banked pursuant to subsection (b) has ten years in which to apply for and [secure] obtain a permit to relocate the existing, legally established, permanent advertising display. The ten years shall run from the date the city approves all work performed under subsection [(b)] (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(s).

[4.](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.

Section 2: If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect any remaining provisions of this Ordinance.

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 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 11th day of June, 2003, by the following vote of the City Council:

AYES: Dortch, Hascheff, Harsh, Zadra, Sferrazza, Aiazzi, Cashell


NAYS: None

ABSTAIN: None ABSENT: None

APPROVED this 11th day of June, 2003.


ROBERT A. CASHELL, SR.
MAYOR OF THE CITY OF RENO

ATTEST:


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



EFFECTIVE DATE: June 13, 2003

RENO NEWSPAPERS INC

Publishers of

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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper 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: 06/13/03 - 06/13/03, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

JUN 17 2003



TANA CICOOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-76253-2 - Expires May 18, 2006

Tana Cicotti

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, were prepared on May 28, 2003, and final action and adoption of such ordinances took place on June 11, 2003. BILL NO. 5995, ORDINANCE NO. 5460: AN ORDINANCE AMENDING ORDINANCE NO. 5372 CONCERNING THE CITY OF RENO, NEVADA 2002 SPECIAL ASSESSMENT DISTRICT NO. 5 (DOWNTOWN EVENTS CENTER) CONCERNING THE ANNUAL HEARING DATE. AYES: Dortch, Sferrazza, Hascheff, Harsh, Zadra, Aiazzi, Cashell NAYS: None ABSTAIN: None ABSENT: None ORDINANCE NO. 5996, ORDINANCE NO. 5461: AN ORDINANCE AMENDING SECTION 18.06.950 CHAPTER 18.06 OF TITLE 18 OF THE MUNICIPAL CODE ENTITLED "PLANNING AND ZONING" BY ADOPTING A MORATORIUM ON THE FILING AND ACCEPTANCE OF THE APPLICATIONS OR ISSUANCE OF PERMITS TO RELOCATE OFF-PREMISES ADVERTISING DISPLAYS ONTO OR OFF OF PROPERTY SUBJECT TO ANY INTERIM STIPULATIONS IN COUNTY OF WASHOE V. WASHOE COUNTY REGIONAL PLANNING GOVERNING BOARD, CASE NUMBER CV01-00211, THE STIPULATION OR SETTLEMENT AGREEMENT IN COUNTY OF WASHOE V. CITY OF RENO, ET AL, CASE CV01-03867,

Ad Number: 774954

Page 1 of 2

JA 1575

SN 1059

OR THE SETTLEMENT AGREEMENT IN COUNTY OF WASHOE V. WASHOE COUNTY
REGIONAL GOVERNING BOARD, CASE CV 02-03469 AND CLARIFICATION OF
SECTION 18.06.950 RELATING ELIGIBILITY FOR RELOCATION AND WHEN LETTERS
OF CREDIT WILL BE REQUIRED AND OTHER MATTERS PROPERLY RELATING
THERETO. AYES: Dortch, Hascheff, Harsh, Zadra, Sferrazza, Aiazzi, Cashell NAYS: None
ABSTAIN: None ABSENT: None ORDINANCE NO. 5997, ORDINANCE NO. 5462 : AN
ORDINANCE TO AMEND TITLE 18, CHAPTER 18.06 OF THE RENO MUNICIPAL CODE,
ENTITLED "ZONING", REZONING A .98 acre site located on the southwest corner of Ninth
Street and Field Circle from MF-21 (Multi-Family 21 units/ acre) to PF (Public Facility);
TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO. AYES:
Sferrazza, Zadra, Hascheff, Harsh, Dortch, Aiazzi, Cashell NAYS: None ABSTAIN: None
ABSENT: None These ordinances shall be in full force and effect from and after June 13, 2003.
Notice is further given that copies of the above ordinances are available for inspection by all
interested parties at the office of the City Clerk, City Hall, 490 South Center Street, Room 209,
Reno, Nevada. LYNNETTE R. JONES, CITY CLERK
AND CLERK OF THE CITY COUNCIL No.774954 June 13, 2003

**OUTFALL
REGULAR MEETING
RENO CITY COUNCIL
January 30, 2008**

A.3 APPROVAL OF THE AGENDA – January 30, 2008.

THE AGENDA WAS APPROVED WITH ITEMS C.3 AND C.13 WITHDRAWN.

A.4 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

B.0 CASH DISBURSEMENTS – January 6, 2008 through January 19, 2008.

THE CASH DISBURSEMENTS WERE APPROVED AS SUBMITTED.

C.1 Approval of Privileged Business Licenses

New License – Liquor

- a. Lavish, Jordan Slotnick, 134 West Second Street.
- b. Spice Rack Market, Kamwal S. Khera, 1535 Vassar Street.

New License – Gaming

- c. Pine Food & Spirits, Puneet Kalia, 190 South Center Street.

Change of Ownership – Liquor

- d. Foxy Olive, Jordan Slotnick, 220 Mill Street.
- e. Go Mart, Ziaur MD Rahman, 1755 Sutro Street.
- f. Johnny B's Sports Bar & Grill, Kelly Anne Dreeke, 4840 Mill Street, Suite 8.
- g. Claim Jumper Restaurants, LLC, Robert Ott, 4905 South Virginia Street.

Supplemental Application – Gaming

- h. Holder Group Dbat Valley Market & Liquor, Harold Douglas Holder, Sr., 505 Denslowe Drive.

Recommendation: Staff recommends that the Council approve the Privileged License applications subject to Police Department approval.

COUNCIL APPROVED THE RECOMMENDATION.

- C.2 Staff Report:** Approval to purchase an additional vehicle for Park Maintenance in an amount not to exceed \$26,000 in accordance with NRS (Nevada Revised Statutes) 332.

Recommendation: Staff recommends that the Council approve the purchase along with the make-ready equipment for a total amount not to exceed \$26,000.

COUNCIL APPROVED THE RECOMMENDATION.

- C.3 Staff Report:** Approval of Bid Award #1414 for Portable Restroom Services to United Site Services for use by Parks, Recreation and Community Services and other City departments in an amount not to exceed \$60,000.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

- C.4 Staff Report: Approval of a purchase to replace a Reno Police Department Patrol Motorcycle damaged in an accident in an amount not to exceed \$25,000 in accordance with NRS 332.

Recommendation: Staff recommends that the Council approve the purchase along with the make-ready equipment for a total amount not to exceed \$25,000.

COUNCIL APPROVED THE RECOMMENDATION.

- C.5 Staff Report: Acceptance of a \$10,000 donation to the Reno Police Department from the E.L. Cord Foundation.

Recommendation: Staff recommends that the Council accept the \$10,000 donation from the E.L. Cord Foundation.

COUNCIL APPROVED THE RECOMMENDATION.

- C.6 Staff Report: Acceptance of the 2007 Violence Against Women Grant awarded to the Police Department from the Office of the Attorney General in the amount of \$66,665.

Recommendation: Staff recommends that the Council accept the 2007 Violence Against Women grant in the amount of \$66,665.

COUNCIL APPROVED THE RECOMMENDATION.

- C.7 Staff Report: Acceptance of Assignment of a Pipeline Crossing Agreement with Union Pacific Railroad from Reno Quality Homes.

Recommendation: Staff recommends that the Council accept the assignment and authorize the Mayor to sign.

THIS ITEM WAS CONTINUED TO THE FEBRUARY 13, 2008 MEETING.

- C.8 Staff Report: Approval of an Indemnification Agreement with Reno Quality Homes with regard to the Pipeline Crossing Agreement with Union Pacific Railroad.

Recommendation: Staff recommends that the council approve the agreement and authorize the Mayor to sign.

THIS ITEM WAS CONTINUED TO THE FEBRUARY 13, 2008 MEETING.

- C.9 Staff Report: Approval of a Bid Award to Granite Construction Company for the 2008 Neighborhood Street Rehabilitation Program - Unit 1 in an amount not to exceed \$3,474,474.

Recommendation: Staff recommends that the Council approve the bid award to Granite Construction in an amount not to exceed \$3,474,474.

COUNCIL APPROVED THE RECOMMENDATION.

- C.10 Staff Report: Approval of Change Order No. 1 to the Contract with TW Construction revising the construction cost for the 2006-2007 Permanent Patch Program project in the amount of \$28,067.86.

Recommendation: Staff recommends that the Council approve Change Order No. 1 to the contract with TW Construction in the amount of \$28,067.86 and authorize the Mayor to sign.

COUNCIL APPROVED THE RECOMMENDATION.

- C.11 Staff Report: Approval of funding for the City of Reno's Portion of a Joint Entity Aerial Mapping Update with Washoe County and the City of Sparks in the amount of \$129,701.

Recommendation: Staff recommends that the Council approve the City's portion of the aerial mapping update.

COUNCIL APPROVED THE RECOMMENDATION.

- C.12 Staff Report: Approval of an Amendment to the Agreement for Professional Services with Jacobs Engineering, Inc. to continue to provide Project Management Consulting Services for the ReTRAC (Reno Transportation Rail Access Corridor) Reno Center Plaza Project in the amount of \$631,177 through January 31, 2009, and approval of the addition of \$140,183 to the ReTRAC Enhancements Budget.

Recommendation: Staff recommends that the council approve the amendment for an additional amount not to exceed \$631,177, extension of the contract time to January 31, 2009, and approval of an additional \$140,183 to the ReTRAC (Reno Transportation Rail Access Corridor) Enhancements budget to fund the remainder of the existing Jacobs Engineering authorization.

COUNCIL APPROVED THE RECOMMENDATION.

- C.13 Staff Report: Approval of a Temporary License Agreement for installing a Monitoring Well upon City-owned property located at 333 Galletti Way, Reno, Nevada.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

- E.1 Presentation of the International Municipal Lawyers Association's Local Government Fellows Award by John Kadlic, Reno City Attorney, to Marilyn Craig, Deputy City Attorney.

THE AWARD WAS PRESENTED.

- F.1 Staff Report: Request for: (1) an amendment to Chapter 18.08 of the Reno Municipal Code to amend Sections 18.08.101 General Overlay Districts to amend text and add the maps depicting the Reno-Tahoe International Airport Regional Center Planning Area Overlay District and the Reno-Stead Airport Regional Center Planning Area Overlay District; and to amend Section 18.08.405(f) Reno-Tahoe International Airport Regional Center Planning Area Overlay District to amend the boundary of the Plan and certain text in the Overlay District to bring it into conformance with the Master Plan, and other matters properly related thereto; and (2) a zoning map amendment from AC (Arterial

Commercial) on ±11.8 acres; CC (Community Commercial) on ±5.1 acres; I (Industrial) on ±1.8 acres; IC (Industrial Commercial) on ±6.9 acres; MF14 (Multifamily – 14 units per acre) on ±0.8 acres; MF30 (Multifamily – 30 units per acre) on ±19.6 acres; NC (Neighborhood Commercial) on ±0.7 acres; SF15/MH (Single Family – 15,000 Square Foot Minimum/Mobile Home Overlay) on ±0.6 acres; PO (Professional Office) on ±0.1 acres; and HC (Hotel Casino) on ±7.5 acres to MU/RTIARC (Mixed Use/Reno-Tahoe International Airport Regional Center Planning Area Overlay District) on ±54.9 acres. The ±1582.0 acre proposed plan area is generally located east of Moana Lane, east of Highway 395, east of Terminal Way, south of the Truckee River, west and south of Rock Boulevard, west of McCarran Boulevard, west of Longley Lane. Case No. LDC06-00554 and AT-05-07 (Reno-Tahoe International Airport Regional Center Update). [Ward 3]

Recommendation: The Planning Commission recommends approval of the requested zoning map amendment by ordinance and text amendment by ordinance. In addition, staff recommends that the Council approve the requested clarification.

COUNCIL UPHELD THE RECOMMENDATION WITH THE MODIFICATIONS TO SECTION 18.08.405(f)(2)(b) PROVIDED IN THE STAFF REPORT.

F.1.1 **ORDINANCE, INTRODUCTION** Bill No. Ordinance amending the Reno Municipal Code Title 18, Section 18.08.101 entitled "Establishment and Purpose of Base and Overlay Zoning Districts" to amend text and add the maps depicting the Reno-Tahoe International Airport Regional Center Planning Area Overlay District and the Reno-Stead Airport Regional Center Planning Area Overlay District and Section 18.08.405(f) entitled "Reno-Tahoe International Airport Regional Center Planning Area Overlay District", to amend the boundary of the Plan and certain text in the Overlay District to bring it into conformance with the Master Plan; together with other matters properly relating thereto. Case No. AT-05-07 (Reno-Tahoe International Airport Regional Center Update). [Ward 3]

COUNCIL REFERRED BILL NO. 6557 TO THE COMMITTEE OF THE WHOLE AS AMENDED.

F.1.2 **ORDINANCE, INTRODUCTION** Bill No. Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", rezoning a ±1582.0 acre proposed plan area generally located east of Moana Lane, east of Highway 395, east of Terminal Way, south of the Truckee River, west and south of Rock Boulevard, west of McCarran Boulevard, west of Longley Lane from AC (Arterial Commercial) on ±11.8 acres, CC (Community Commercial) on ±5.1 acres, I (Industrial) on ±1.8 acres, IC (Industrial Commercial) on ±6.9 acres, MF14 (Multifamily – 14 units per acre) on ±0.8 acres, MF30 (Multifamily – 30 units per acre) on ±19.6 acres, NC (Neighborhood Commercial) on ±0.7 acres, SF15/MH (Single Family – 15,000 square foot minimum/Mobile Home Overlay) on ±0.6 acres, PO (Professional Office) on ±0.1 acres, and HC (Hotel Casino) on ±7.5 acres to MU/RTIARC (Mixed Use/Reno-Tahoe International Airport Regional Center Planning Area Overlay District) on ±54.9 acres; together with other matters properly relating thereto. Case No. LDC06-00554 (Reno-Tahoe International Airport Regional Center Update). [Ward 3]

COUNCIL REFERRED BILL NO. 6558 TO THE COMMITTEE OF THE WHOLE.

- F.2 Staff Report: Request for a zoning map amendment from IC (Industrial Commercial) to GO (General Office). The ±3.5 acre site is located on the south side of Maestro Drive, ±350 feet west of the intersection with Longley Lane. Case No. LDC08-00129 (Reno Elks Lodge). [Ward 2]

Recommendation: The Planning Commission recommends approval of the requested zoning map amendment by ordinance.

COUNCIL UPHELD THE RECOMMENDATION.

- F.2.1 **ORDINANCE, INTRODUCTION** Bill No. Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning," rezoning a ±3.5 acre site located on the south side of Maestro Drive, ±350 feet west of the intersection with Longley Lane from IC (Industrial Commercial) to GO (General Office); together with other matters properly relating thereto. Case No. LDC08-00129 (Reno Elks Lodge). [Ward 2]

COUNCIL REFERRED BILL NO. 6559 TO THE COMMITTEE OF THE WHOLE.

- F.3 Staff Report: Request for: (1) an amendment to the City of Reno Master Plan to adopt the Wells Avenue Neighborhood Plan as a portion of the Master Plan; and (2) an amendment to the City of Reno Master Plan Land Use Map from Mixed Residential on ±303.08 acres, Parks/Recreation/Open Space on ±7.64 acres, Public Facility on ±49.76 acres, and Urban Residential/Commercial on ±107.38 acres to Special Planning Area (Wells Avenue Neighborhood Plan) on ±467.87 acres generally located west of Kietzke Lane, east of Holcomb Avenue, north of Plumb Lane, and south of Mill Street and Ryland Street. Case No. LDC07-00008 (Wells Avenue Neighborhood Plan). [Ward 3]

Recommendation: The Planning Commission recommends adoption and approval of the requested Master Plan amendment by resolution with the changes proposed by staff, effective upon finding of conformance with the Regional Plan by the Regional Planning Agency and to direct staff to continue to work with the property owners of the area located immediately north of the Wells Avenue Neighborhood Plan area.

COUNCIL UPHELD THE RECOMMENDATION AND DIRECTED STAFF TO EXPLORE EXTENDING THE BOUNDARY NORTH TO RYLAND STREET.

- F.3.1 **RESOLUTION** No. Resolution to amend Resolution No. 5673 by adopting a change to the Land Use Plan of the Reno Master Plan as approved in Case No. LDC07-00008. Case No. LDC07-00008 (Wells Avenue Neighborhood Plan). [Ward 3]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7092.

- F.4 Staff Report: Request for the abandonment of a 46 foot wide by +/-2,953 foot long access easement on a portion of parcel numbers 082-631-16, 082-631-18, 082-631-19, 082-631-20 & 082-631-24 located on the north side of North McCarran Boulevard beginning at the intersection of Victory Lane. Case No. LDC08-00157 (Keystone Community Corporation Abandonment). [Ward 5]

Recommendation: Staff recommends that the Council make the determination that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the Staff Report.

COUNCIL UPHELD THE RECOMMENDATION.

- F.5 Staff Report: Request for a zoning map amendment from SF4 (Single Family – 4,000 square feet) to IC (Industrial Commercial) on ±48.9 acres located ±1,200 feet to the northeast of the intersection of Sage Pointe Court and Lear Boulevard, and more specifically at the eastern terminus of Lear Boulevard. **Case No. LDC07-00335 (Stonefield Industrial). [Ward 4]**

Recommendation: The Planning Commission recommends approval of the requested zoning map amendment by ordinance.

COUNCIL UPHELD THE RECOMMENDATION.

- F.5.1 **ORDINANCE, INTRODUCTION** Bill No. Ordinance to amend Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", rezoning ±48.9 acres located ±1,200 feet to the northeast of the intersection of Sage Pointe Court and Lear Boulevard, and more specifically at the eastern terminus of Lear Boulevard, from SF4 (Single Family – 4,000 square feet) to IC (Industrial Commercial); together with other matters properly relating thereto. **Case No. LDC07-00335 (Stonefield Industrial). [Ward 4]**

COUNCIL REFERRED BILL NO. 6560 TO THE COMMITTEE OF THE WHOLE.

- G.1 Staff Report: Bill No. Ordinance to amend the Reno Municipal Code Title 18, "Annexation and Land Development," Section 18.06.108 "Summary of Title 18 Administrative Review Roles," Section 18.06.203 "Public Notice," Section 18.06.405 "Special Use Permit," Section 18.06.407 "Site Plan Review," Section 18.08.201 "Permitted Uses by Base Zone District," Section 18.08.202 "Additional Regulations for Principal Zones," Section 18.08.301 "Nonresidential and Mixed Use Base Zoning Districts," Section 18.08.404 "CPA Cooperative Planning Area Overlay District," Section 18.08.405 "Regional Center and Corridor Planning Area Overlay Districts," Section 18.08.502 "Nonconforming Uses," Section 18.10.403 "Conversions From Other Forms of Housing," Section 18.10.404 "Amenities," Section 18.12.104 "Standards for Nonresidential and Mixed Use Base Zoning Districts," Section 18.12.105 "Setbacks From Truckee River," Section 18.12.306 "Design Standards for Large Retail Establishments," Section 18.12.402 "Limits on Grading (Cut and Fill)," Section 18.12.705 "Private Streets," Section 18.12.1602 "Hillside Development Applicability and Exemptions," Section 18.12.1904 "General Applicable Protection Standards," Section 18.12.2002 "Skyways and Skyways Design Guidelines Applicability," Section 18.12.2004 "Special Use Permit Required," Section 18.16.401 "On-Premise Signs Allowed Only by SUP," Section 18.16.701 "Sign Regulations by Zoning District," Section 18.16.801 "Nonconforming On-Premise Signs," Section 18.24.203 "Definitions of Words, Terms and Phrases," and Appendix B 18 "Design Review Committee" regarding special use permits; together with other matters properly relating thereto (**Special Use Permit Requirements**).

COUNCIL PASSED AND ADOPTED BILL NO. 6555, ORDINANCE NO. 6000.

- G.2 Staff Report: Bill No. Ordinance amending Title 18, Chapter 18.08 of the Reno Municipal Code, entitled "Zoning", rezoning ±1000 acres generally located south of Moana Lane, west of the Reno-Tahoe International Airport Regional Center, north of Neil Road and Delucchi Lane, and east of Keitzke Lane, Talbot Lane, Redfield Parkway, and Baker Lane, from AC (Arterial Commercial) on ±346.0 acres; CC (Community Commercial) on ±60.8 acres; HC (Hotel Casino) on ±59.4 acres; IB (Industrial Business) on ±27.7 acres; IC (Industrial Commercial) on ±11.6 acres; LLR1 (Large Lot Residential – 1 acre minimum) on ±0.4 acres; MF14 (Multifamily – 14 units per acre) on ±53.8 acres; MF21 (Multifamily – 21 units per acre) on ±9.7 acres; MF30 (Multifamily – 30 units per acre) on ±160.1 acres; MU/RTIARC (Mixed Use/ Reno-Tahoe International Airport Regional Center Planning Area Overlay District) on ±6.1 acres; NC (Neighborhood Commercial) on ±11.0 acres; PF (Public Facility) on ±22.1 acres; PO (Professional Office) on ±24.1 acres; SF15 (Single Family – 15,000 minimum lot size) on ±12.2 acres; SF15/MH (Single Family – 15,000 minimum lot size/Mobile Home Overlay) on ±16.7 acres; SF6 (Single Family – 6,000 minimum lot size) on ±60.7 acres; SF9 (Single Family – 9,000 minimum lot size) on ±5.9 acres; PUD (Hilton Properties) on ±7.7 acres; PUD (Sierra Executive Center) on ±7.8 acres; SPD (First Community Center) on ±3.7 acres; SPD (Machabee Office Environment) on ±2.6 acres; SPD (Meadowood Mall) on ±73.4 acres; SPD (Nevdex Office Park) on ±13.9 acres; and SPD (Redfield Suites) on ±2.5 acres to MU/CRC (Mixed Use/Convention Regional Center Planning Overlay District) on ±1000 acres; together with other matters properly relating thereto. **Case No. LDC07-00287 (Convention Regional Center Plan).** [Wards 2 & 3]

COUNCIL PASSED AND ADOPTED BILL NO. 6556, ORDINANCE NO. 6001.

- H.1 Staff Report: Resolution No. Resolution fixing the time when objections to the Assessment Roll for the City of Reno, Nevada 2007, Special Assessment District No. 1 (Southeast Reno) will be heard, and causing such roll to be filed in the office of the City Clerk.

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7093.

- H.2 Staff Report: Resolution No. Resolution to reapportion the Assessments for the City of Reno, Nevada 1999, Assessment District No. 3/Reapportionment No. 2 (**Dry Creek**).

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7094.

- H.3 Staff Report: Resolution No. Resolution donating a Community Pride Grant (CPG) in the amount of \$2,520 to VSA Arts of Nevada at the Lake Mansion to assist with the purchase of tables and chairs for the new Garden Pavilion.
[Ward 1]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7095.

- H.4 Staff Report: Resolution No. Resolution donating a Community Pride Grant in the amount of \$2,500 to High Sierra Diamonds Softball Club to assist with improvement expenses at the indoor training facility. [Ward 4 Northeast]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7096.

H.5 Staff Report: Resolution No. Resolution donating a Community Pride Grant in the amount of \$18,500 to the YMCA of the Sierra to assist with expenses to produce the April 12, 2008, Tune In To Kids Fair. [Wards 1, 2 Central, 2 South & 4 Northeast]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7097.

H.6 Staff Report: Resolution No. Resolution donating a Community Pride Grant in the amount of \$4,500 to Nevada EcoNet to assist with expenses associated with their environmental awareness programs. [Wards 2 Central & 2 South]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7098.

H.7 Staff Report: Resolution No. Resolution establishing and approving a list of nonprofit entities to receive surplus miscellaneous equipment in accordance with NRS 268.028.

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7099.

J.2 Staff Report: Discussion and potential direction to staff concerning the proposed Interlocal Cooperative Agreement between Washoe County Regional Transportation Commission (RTC), Washoe County, the City of Reno, and the City of Sparks for the transfer of each entity's share of the Indexed Fuel Tax Revenues to the RTC to fund preventive maintenance on regional and local roads through the RTC's Preventive Maintenance Program.

Recommendation: Staff recommends that the Council review the proposed options and indicate a preference prior to the February 2008 joint meeting.

***COUNCIL REFERRED THIS ITEM TO THE NEXT AVAILABLE
RENO/SPARKS/WASHOE COUNTY JOINT MEETING FOR DISCUSSION AND
POTENTIAL DIRECTION.***

J.4 Update on the 2007-08 City Council Priorities.
Communications
Planning
Redevelopment
Public Safety
Green

THE UPDATES WERE PROVIDED AND NO ACTION WAS TAKEN.

J.5 Staff Report: Discussion and possible direction to staff regarding Request for Proposal (RFP) on 1270 and 1300 Foster Drive Facilities.

Recommendation: Staff recommends that the Council extend the YMCA's holdover tenant status through May 31, 2008, direct staff to continue to seek solutions for infant care, and return with the RFP (Request for Proposals) prior to that date.

COUNCIL UPHELD THE RECOMMENDATION.

- J.6 Staff Report: Update and presentation regarding off-road motorized vehicles on undeveloped land which abuts residences and community action plan to address neighborhood issues.

Recommendation: 1) Staff recommends that the Council direct the City Attorney's Office to draft a misdemeanor ordinance prohibiting the use of motorized vehicles on City-owned open space and present the ordinance to the Council for consideration. 2) Staff recommends that the Council direct staff of the Reno Police Department (RPD) to conduct a survey of residents in the River Park Subdivision and return with a proposed Community Action Plan designed to address the neighborhood issues.

COUNCIL ACCEPTED THE REPORT AND DIRECTED LEGAL STAFF TO RETURN WITH AN ORDINANCE THAT WOULD PROHIBIT THE USE OF MOTORIZED VEHICLES ON CITY-OWED OPEN SPACE THROUGHOUT THE ENTIRE CITY OF RENO.

- J.7 Presentation on Crime Free Multi-Housing – Sergeant Joe Burfield, Officer Kellie Fox Reno Police Department, Community Affairs Division.

THE PRESENTATION WAS GIVEN.

- J.9 Approval of Settlement Agreement of PNK (Reno), LLC v. City of Reno Case No. CV08-00021 regarding truck stop ordinance and development of a truck stop on Boomtown property.

Recommendation: Legal counsel recommends that the Council approve the settlement agreement.

COUNCIL UPHELD THE RECOMMENDATION.

- K.1.a. Ward Two Central Neighborhood Advisory Board

THIS ITEM WAS CONTINUED TO THE FEBRUARY 13, 2008 MEETING.

- K.1.b. Financial Advisory Board

THIS ITEM WAS CONTINUED TO THE FEBRUARY 13, 2008 MEETING.

- L.1 Identification of Mayor and Council Items for Future Agendas of the Reno City Council.

COUNCIL ADDED:

- ***DISCUSSION AND POSSIBLE DIRECTION WITH RESPECT TO ALLOWING THE USE OF LED IN OFF-PREMISE SIGNAGE – DORTCH.***
- ***FURTHER DISCUSSION AND POSSIBLE DIRECTION REGARDING THE CRIME FREE MULTI HOUSING PRESENTATION THAT WAS PROVIDED EARLIER – ZADRA.***
- ***DISCUSSION AND POSSIBLE DIRECTION WITH RESPECT TO THE USE ADDITIONAL STAFF TIME TO EXPLORE AND ANALYZE ANY OPTIONS AVAILABLE TO SUSTAIN THE PLANNING AND BUILDING ENTERPRISE FUND. – SFERRAZZA.***

- *DISCUSSION AND POSSIBLE DIRECTION RELATING TO THE ENFORCEMENT OF DOUBLE TRAFFIC FINES IN WORK ZONES – ALAZZI.*
- *DISCUSSION REGARDING THE CITY'S NOTICING REQUIREMENTS – ALAZZI.*
- *DISCUSSION REGARDING THE CITY'S APPEAL PROCESS. – ALAZZI*
- *UPDATE AND DISCUSSION ON THE HOLLAND PROJECT – ALAZZI.*
- *DISCUSSION REGARDING SOLAR PROJECTS – ALAZZI.*
- *NUISANCE ABATEMENT ORDINANCE – HASCHEFF.*

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** Approval of the re-allocation of Donation Funds in the amount of \$2,500 from the Council Donation Funds to the City Manager's Office Budget to be used for expenses associated with the Oliver/Montello cleanup efforts. J. Sferrazza

COUNCIL APPROVED THE REALLOCATION OF FUNDS.

- L.5 RESOLUTION No.** Resolution donating \$1,000 to the Wells Avenue Merchants and Property Owners Association to implement positive changes along the Wells Avenue Corridor. J. Sferrazza

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7100.

- L.6 RESOLUTION No.** Resolution donating \$500 to the Wooster High School Booster Club to be allocated to the Reserve Officers' Training Corps (ROTC) program. J. Sferrazza

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7101.

L.7 Update on Kings Inn. R. Cashell

Recommendation: Staff recommends that the City continue to monitor the properties and to take legal action when appropriate.

COUNCIL APPROVED THE RECOMMENDATION.

L.8 Update on Zanzibar. R. Cashell

Recommendation: Staff recommends that the City continue to monitor the properties and to take legal action when appropriate.

COUNCIL APPROVED THE RECOMMENDATION.

- L.9 Discussion and potential direction to staff regarding an amendment allowing mini-warehouses in neighborhood/commercial zones. D. Dortch

COUNCIL DIRECTED STAFF TO EXAMINE THIS AMENDMENT AND RETURN TO COUNCIL.

- L.10 Discussion and potential direction to staff regarding an amendment to the northern portion of the South Virginia TOD regarding parking requirements.
D. Gustin

COUNCIL DIRECTED STAFF TO EXAMINE THIS AMENDMENT AND RETURN TO COUNCIL.

- L.11 Discussion and potential direction to staff regarding initiating the creation of the Powning District and possible inclusion of building height limitations. D. Gustin

COUNCIL DIRECTED STAFF TO EXPLORE THE FEASIBILITY AND RETURN TO COUNCIL.

- L.12 Update and discussion regarding prevailing wages on the Cabela's project.
S. Zadra

STAFF PROVIDED AN UPDATE.

- M.1 Staff Report: Request for: (1) an amendment to the City of Reno Master Plan to add the Country Club Acres Neighborhood Plan; and (2) a Master Plan amendment from Mixed-Residential on ±82.0 acres to Special Planning Area (Country Club Acres Neighborhood Plan) generally located south of West Plumb Lane, north of Mountain View Drive, west of Lakeside Drive, and east of Plumas Street. **Case No. LDC06-00559 (Country Club Acres Neighborhood Plan).**
[Ward 2]

Recommendation: The Planning Commission recommends denial of the requested Master Plan amendment by resolution.

COUNCIL OVERRULED THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVED CASE NO. LDC06-00559 AS AMENDED BY STAFF.

- M.1.1 **RESOLUTION No.** Resolution to amend Resolution No. 5673 by adopting a change to the Land Use Plan of the Reno Master Plan as approved in Case No. LDC06-00559. **Case No. LDC06-00559 (Country Club Acres Neighborhood Plan).** [Ward 2]

COUNCIL PASSED AND ADOPTED RESOLUTION NO. 7102.

- M.2 Staff Report: Request for a tentative map to create 20 condominium units and one common area parcel (21 total parcels). The ±0.69 acre site is located on the southwest corner of the Mt. Rose Street and Watt Street intersection in the MU/SVTC (Mixed Use/South Virginia Transit Corridor) zone. **Case No. LDC08-00070 (Redfield Row).**
[Ward 1]

Recommendation: The Planning Commission recommends approval of the requested tentative map, subject to the conditions in the Staff Report.

This project was appealed by John Griffin, Kummer Kaempfer Law Firm, on behalf of Deana Lazovich and Mary Schuster.

THIS ITEM WAS CONTINUED TO THE FEBRUARY 27, 2008 CITY COUNCIL MEETING TO ALLOW THE APPLICANT AND APPEALLANT THE OPPORTUNITY TO ATTEMPT TO REACH AN AGREEMENT.

- M3 Staff Report: Request for a Special Use Permit (SUP) to allow: (1) a ±12,470 square foot retail building adjacent to residentially zoned property; (2) nonresidential development adjacent to a major arterial (Golden Valley Road); (3) a restaurant with alcohol service in the NC (Neighborhood Commercial) zone; and (4) the businesses to operate between the hours of 11:00 p.m. and 6:00 a.m. (24 hours) on a ±1.66 acre site located on the northeast corner of the North Hills Boulevard and East Golden Valley Road intersection in the NC zone. Case No. LDC08-00095 (Golden Valley Retail). [Ward 4]

THIS ITEM WAS CONTINUED INDEFINITELY.

From: "Mack, Pete" <PeteMack@clearchannel.com>
To: "Tara Moran" <morant@ci.reno.nv.us>
Date: 2/1/2008 3:45 PM
Subject: RE: LED Ordinance

CC: "Daniela Monteiro" <MonteiroD@ci.reno.nv.us>, "Kelly Sleep" <SleepK@ci.r...

Tara - it was good meeting you yesterday; thank you, Kelly, Vern, and Daniela for taking time to view and discuss the Clear Channel LED display with us.

We will provide the readout data and corroborative support material that you've requested on Monday, and are in the process of compiling study documentation and analyses related to illumination/brightness properties and attendant mitigation of the direct/indirect lighting issue.

Thanks again for meeting with us; we too look forward to productive interaction, alleviating staff concerns, and the adoption of a constructive City ordinance that favors allowance of this innovative medium.

Best Regards,

Pete

Pete Mack
Operations Manager
petemack@clearchannel.com
www.clearchanneloutdoor.com
Clear Channel Outdoor-Reno
4945 Joule St.
Reno, Nv 89502

(775) 856-0220 CELL: (407) 509-6587 FAX: (775) 856-7595

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-----Original Message-----

From: Tara Moran [mailto:morant@ci.reno.nv.us]
Sent: Friday, February 01, 2008 12:17 PM
To: Mack, Pete; Holshouser, Susan; Collins, Todd; Susan Schulte; Daniel Schulte
Cc: Daniela Monteiro; Kelly Sleep
Subject: LED Ordinance

Want to take this time to thank you for meeting with City staff yesterday to view the digital billboard in Sparks, and discuss regulations to be proposed in the new ordinance.

As a follow-up:

1) I believe a Clearchannel representative stated he will get to us a

readout of the NITS on that billboard at 3PM yesterday. In addition can you please let me know how long it typically takes a provider to get those statistics to you.

2) Susan, please let us know when the NIT meter will be available so we can meet again at that site after sundown.

In addition, I believe it was a consensus of your group that City Staff was going to be provided with Pictures of signs taken at various NITS. Someone mention a company 'Adaptec' may be able to assist with this. I know that Planning Commission and City Council will appreciate a 'visual' when it comes to the brightness issues.

Please send us any material you may have for us which may be beneficial in the writing of this ordinance.

I look forward to working with you, and in coordination with the sign industry, getting this processed in a timely manner.

Thank you.

Tara Moran
Assistant Planner
City of Reno - Community Development
P- (775) 333-7798
F- (775) 334-2343

AGENDA
ITEM
NO.

- 15H Discussion ... to permit the lease and subsequent sale of property ... to Catholic Community Services – continued

Councilperson Hascheff said that staff should explore other, perhaps more beneficial uses of the property.

Mr. Ford said that CCS will, if the Council wishes, finance the cost of an appraisal of the property.

It was moved by Councilperson Aiazzi, seconded by Councilperson Gustin to uphold the staff recommendation.

Motion carried.

A RECESS WAS CALLED AT 3:55 P.M. AND UPON RECONVENING AT 6:10 P.M. COUNCILPERSON ZADRA WAS ABSENT.

- 16 PUBLIC HEARING – 6:00 P.M.

- 16A Staff Report: Proposed amendment to Chapter 18.16 of the Reno Municipal Code: (1) to amend Section 18.16.701 Table 18.16-1 "Sign Regulations by Zoning District" for MU; and (2) to amend Section 18.16.904 "Permanent Off-Premise Advertising Display – Permitted and Prohibited Locations" for Regional Centers and Transit Oriented Development Overlay Zoning Districts. Case No. AT-19-05 (MU – Mixed Use – Sign Ordinance).

Recommendation: the Planning Commission recommends approval of the requested text amendment by ordinance.

THIS CASE HAS BEEN APPEALED BY SCENIC NEVADA.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given, and this proposed amendment was appealed by Scenic Nevada.

Julee Olander, Community Development Assistant Planner, presented an overview of the proposed text amendment.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Lori Wray, President of Scenic Nevada, asked if Councilperson Dortch will abstain from voting because he has a billboard in the South Virginia Street TOD (Transit Oriented Development).

AGENDA
ITEM
NO.

16A Case No. AT-19-05 (MU – Mixed Use – Sign Ordinance) – continued

Marilyn Craig, Deputy City Attorney, stated that Councilperson Dortch has the use of a billboard within the City of Reno to support his candidacy for re-election, and has been advised by legal counsel to disclose whether the use of the billboard was provided as a gift or through a contract. She said that Councilperson Dortch should also disclose any circumstances that would preclude him from making a fair and impartial decision regarding the billboard issue before the Council.

Councilperson Dortch stated that he pays fair market value for use of the billboard supporting his candidacy for re-election, and this ordinance will not impact billboards such as the one he is using. He also stated that he has nothing to gain or lose with the outcome of this decision, and can render a fair and impartial judgment.

Ms. Wray said that Scenic Nevada strongly objects to the proposed change to allow billboards in the transit districts and regional centers, and discussed the points outlined in her letters dated June 15, 2006 and June 28, 2006.

Aline Barber, 2665 Outlook Drive, presented a Public Comment Form in opposition to the amendment, but did not wish to speak.

Doug Smith, 2845 Idlewild Drive #111, stated that Scenic Nevada is a non-profit organization that does not support political candidates. He also expressed his opposition to the amendment.

John Frankovich, representing Clear Channel Outdoor, discussed the history of local billboard regulations, and said that the current billboard ordinance is one of the most restrictive in the United States. He provided details of the restrictions related to billboards, and stated that this ordinance only allows billboards to remain in the same locations where they are currently located.

Cathy Brandhorst, Reno resident, discussed several issues.

Joe Lawrence, representing Sign A Rama, said that the 8 foot height limitation for billboards under the MU zoning designation is inadequate, and discussed the need for a 12 foot high monument sign at his business location.

The Mayor closed the public hearing.

Councilperson Aiazzi asked if billboards are required to be 35 feet in height.

Ms. Olander said that the height is based on a formula of the dimensions of the sign, and signs may not exceed 35 feet in height.

**AGENDA
ITEM
NO.**

16A Case No. AT-19-05 (MU – Mixed Use – Sign Ordinance) – continued

Councilperson Aiazzi said that the proposed amendment does not prohibit pedestrian-level billboards, and asked Ms. Wray if she is assuming that the billboards will all be 35 feet tall.

Ms. Wray said that she was assuming that all billboard signs will be 35 feet in height.

Councilperson Aiazzi and Ms. Wray discussed the use of shorter, off-premise billboard displays, and the views from the windows of high-density high-rise buildings that might be blocked by 35 foot tall billboards.

Ms. Wray stated that Scenic Nevada embraces the TODs because they reflect the effort being made to preserve open spaces on the fringes of the city by increasing densities in areas where the services are already located. She stated that billboards do not make areas more attractive to prospective residents, and asked the Council to postpone making any decision on this amendment until the Planning Commission makes their review of the proposal.

Councilperson Aiazzi and Ms. Wray agreed that the proposed ordinance does not expand the existing allowable areas, nor increase the number of allowable signs. They also agreed that the businesses that recently located to the area must not believe that billboards will be detrimental to business.

Councilperson Aiazzi and Ms. Olander discussed off-premise advertising limitations.

Councilperson Hascheff and Ms. Olander agreed that the ordinance only maintains the status quo regarding the number and placement of billboards.

Councilperson Hascheff and Ms. Olander discussed the overlay being prepared by staff to map billboard locations, and details of other zoning changes regarding billboards.

Discussion ensued regarding the status of the Planning Commission's review of the proposed ordinance; the height limitations affecting Mr. Lawrence's Sign A Rama business; and Scenic Nevada's prior opposition to the billboard ordinance.

Councilperson Sferrazza and Ms. Olander discussed the zoning overlay being prepared to map the location of billboards, and restrictions regarding the distance between billboards.

<http://news.rgj.com/apps/pbcs.dll/artikkel?Dato=20080310&Kategori=NEWS18&Lopenr=80310022&Ref=AR>

Activists target LED-lighted billboards

Susan Voyles (SVOYLES@RGJ.COM)
RENO GAZETTE-JOURNAL
March 10, 2008

Billboard company executives say LED-lighted billboards are the wave of the future.
But several community activists are fighting a proposed change in City of Reno rules that would allow the billboard industry to put up the digital electronic signs.

The activists fear electronic billboards would turn the city into a jumble of bright lights, stealing the character of the town and present a danger to motorists.

"They are brighter than the sun," said Peter Chase Neumann, Scenic Nevada board chairman and a long-time Reno lawyer. "It's almost like someone put a strobe light in your eye."

If they're not stopped now, John Hara, a Scenic Nevada board member, said he fears flashing electronic signs someday could overrun the town, similar to the post-apocalyptic street scenes from the 1982 cult film, "Blade Runner."

"There is no escaping it," he said.

At Councilman Dwight Dortch's urging, the Reno City Council recently turned the issue over to its planning commission to debate. Digital billboard signs are currently illegal under the city's zoning code while digital signs that promote a businesses on the same property are allowed in some instances.

Kelly Sleep, a Reno city planner, said a report to the planning commission will be coming in a few months after a thorough study of how other cities regulate signs using the light-emitting diode (LED) technology. Today, the Reno code allows lights only to shine on billboards and forbids the signs from producing light.

Rules for on-premise signs also will be studied, she said. Digital on-premise signs range from the Grand Sierra Resort's large sign along U.S. 395, big display signs for the Peppermill and Atlantis on Virginia Street, and signs for Boomtown and Cabela's along I-80 at Verdi.

In contrast to the "sensational" arguments of opponents, the billboard industry has adopted responsible standards for using the new technology, said Susan Holshouser, Clear Channel Outdoor manager in Reno.

The region's first LED billboard was installed by Clear Channel at the southeast corner of McCarran Boulevard and Greg Street in Sparks.

Holshouser said it has no streaming video and self-adjusting lights dim at sunset. "There's no animation. No flashing. No scrolling."

The sign changes images every eight seconds

Karen Todd, Sparks community development director, said her department has received no complaints since the sign was put up last year.

Holshouser said the signs are the new wave of technology and are going up across the country. She said several traffic safety studies have been done without finding any hazards with the billboards and its standards. She said law enforcement also approves of the signs because they can be quickly reprogrammed for public service messages.

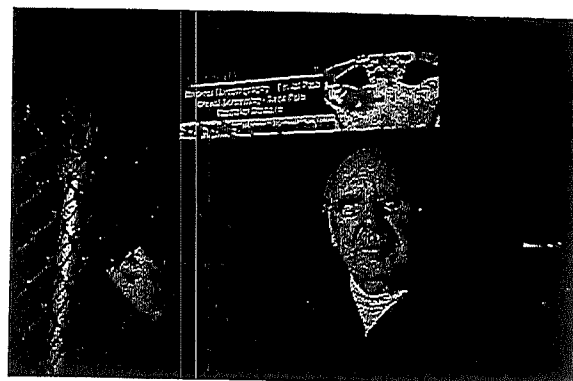
The Sparks sign, for instance, now displays a message not to forget murder victim Brianna Denison and another announcing a \$30,000 reward to identify the suspect involved the March 2006 slaying of a south Reno couple.

Washoe County Sheriff Mike Haley wrote a letter to the Reno council in support of the electronic signs, saying the billboards prompted a copper thief to come forward and helped in the arrest of another felon — both within 24 hours after the notices were posted.

With a \$500,000 cost per sign, Clear Channel doesn't intend to replace all of its billboards with digital versions. "It's not economical," Holshouser said.
She said the company is waiting for a change in the Reno zoning code before it puts up its next one.

About 100 LED billboards have gone up across the country and the Outdoor Advertising Association of America expects that to double this year.

If Reno officials were prudent, Smith said, they would hold off on a decision after the U.S. Federal Highway Administration completes a



Doug Smith, the president of Scenic Nevada, poses under the only LED billboard in the Truckee Meadows — located on McCarran Blvd. in Sparks — on Tuesday, March 4, 2008. Smith is leading the fight against the new technology. (DAVID B. PARKER)

JA 1594

EX 9

SN 87

<http://news.rgj.com/apps/pbcs.dll/artikkel?Dato=20080310&Kategori=NEWS18&Lopenr=...> 3/10/2008

definitive study next year on whether digital signs are a traffic hazard.

Nevada Highway Patrol spokesman Chuck Allen and other local police, state transportation, and public safety officials said they were not aware of any local traffic studies on the digital signs.

Allen said there are many factors for traffic accidents. And motorists are not likely to admit driver inattention, which could result in a citation for not taking "due care."

For the average motorist, Allen said he believes the signs are not hazard as long as they are not lined up in a close row. He said the animated sign at the Nugget along Interstate 80 in Sparks actually provides a jolt to sleepy or tired drivers.

Councilwoman Jessica Sferrazza said she has received a number of complaints about an Internet Auto Sales sign on Kietzke Avenue. "It's so bright. There has to be some regulations on this. I want to see what the safety issues are. They do capture people's attention more," she said.

Sferrazza was the only one on the council who opposed studying the billboard issue. "I have concerns with opening the Pandora's box," she said.

But now that it's going to be discussed, she said she might favor allowing some digital billboard signs if others were taken down. "I would love to get rid of the Virginia Street clutter," she said.

Dortch said the issue is worth debating. He said he raised the issue after getting the letter from the sheriff.

Clear Channel and Young Electric Sign Company, another billboard company, provided \$12,764 in free billboard space to Dortch's first campaign for council in 2002, according to his campaign expense records. Clear Channel gave him \$5,000 for his 2006 campaign.



Community Development Department

MEMORANDUM

Date: March 12, 2009

To: Digital Off-Premises Advertising Display
Stakeholders Workshop Participants

From: Claudia C. Hanson, Deputy Director - Planning

Subject: Digital Off-Premises Advertising Display Ordinance

Please find attached a draft ordinance for Digital Off-Premises Advertising Displays. This ordinance was produced by staff based on ideas, suggestions and recommendations made during the Workshop held by the City of Reno on April 25, 2008.

Staff will present the draft ordinance to the Planning Commission at the April 1, 2009 meeting.

Thank you for your interest and please contact Daniela Monteiro via email at MonteiroD@ci.reno.nv.us or by phone at 775-334-2225 with any comments or questions you may have.

JA 1596

EX 10

SN 302

From: John Hester
To: Daniela Monteiro; Donald Naquin
Date: 3/16/2009 5:36 PM
Subject: Fwd: Clarification of LED Billboard Code Amendment Scope

CC: Claudia Hanson; Marilyn Craig
Daniela & Donald:

I received an inquiry as to how the proposed billboard ordinance you sent out on March 12, 2009 complies with the City Council direction I articulated in my 3.28.2008 email below. After reviewing the 3.12.2009 version it appears that what is proposed has varied significantly from what I articulated. For example I clearly stated that the removal requirement should be 1:1 not 4:1 or 2:1 with solar. I understand that some of the stakeholders requested alternatives to what the Council initiated and I certainly have no problem if you report those alternative views. However, I expect the direction I issued through my 3.28.09 email to be followed.

I am assuming the variance between my direction and what has been distributed is due to something like changes in personnel over the course of the project (i.e., Tara leaving) and not due to staff knowingly proposing an amendment beyond the scope of the Council's direction. If that is not the case, please let me know.

Please inform the stakeholders that we are delaying this for one month and that a new revised draft code amendment that reflects the limited scope of the amendment as directed by City Council and stated in my email will be issued. Please also let all stakeholders know that they are welcome to propose alternatives, but that at my direction we are limiting the scope of what staff proposes. They are free to contact me should they wish to discuss this with me.

I also want to receive and approve the next draft before it is distributed. Thank you.

John

John B. Hester, AICP
Community Development Director
City of Reno
PO Box 1900
Reno, NV 89505
Phone 775.334.2435
FAX 775.334.2343
hesterj@cityofreno.com

>>> John Hester 3/28/2008 4:58 PM >>>
Marilyn and Tara:

This is to clarify the scope of the Code amendment on billboards initiated by Council at request of Dwight Dortch:

1. Major Arterial and Freeway Location - The code amendment should only create a new limit like this if there is a rationale for it, otherwise the LED billboards should go where ever other billboards can go.
2. Minimum Image Time (e.g., 8 seconds) - The Code amendment should address this.
3. Percentage of PSA Time on LED Billboards - There should be a rationale for whatever percentage is in Code and there should be evidence we have enough PSAs for that amount of time.
4. Brightness - This should be addressed and should include the rationale for the levels.
5. Space Between LED Billboards - Same as conventional billboards unless there is a health or safety rationale for a different spacing.
6. Space from Tri-Vision Billboards - Same as conventional billboards unless there is a health or safety rationale for a different spacing.
7. Space from Residential Uses - Same as conventional billboards unless there is a health or safety rationale for a different spacing.
8. Replacement Ratio LED to Conventional Billboards - One for one.
9. On Premises Sign Brightness - Not part of this Code amendment.

Let me know if you need any more information, have questions, etc. Otherwise this is the scope of the amendment that I and

Councilman Dortch are expecting. Thanks.

John

John B. Hester, AICP
Community Development Director
City of Reno
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Phone 775.334.2435
FAX 775.334.2343
hesterj@cityofreno.com

Lori Wray

From: Daniela Monteiro [monteirod@ci.reno.nv.us]
Sent: Tuesday, March 17, 2009 1:28 PM
To: agsmith@bigsky.net; dgsmith@bigsky.net; chowdezz@charter.net; petemack@clearchannel.com; susanholshouser@clearchannel.com; toddcollins@clearchannel.com; day@com; Lori Wray; Mark Wray; jfrankovich@mcdonaldcarano.com; schultesusanc6@msn.com; kruben@roanderson.com; jlparker@sbcglobal.net; petercneumann@sbcglobal.net; wardi@sbcglobal.net; dschulte@yesco.com
Cc: Marilyn Craig; Claudia Hanson; John Hester; Vern Kloos
Subject: Digital Off-Premise Advertising Displays

Digital Off-Premises Advertising Display Stakeholders Workshop Participants:

This is to inform you that we are delaying this Ordinance for one month and a new revised draft code amendment will be created, which will reflect the limited scope of the amendment as directed by City Council. Once the changes to the draft have been made, staff will resend the draft ordinance to Stakeholders. Per the direction of John Hester, Community Development Director, Stakeholders are welcome to propose alternatives, but staff will be limited on the scope of the proposed changes.

Thank you,

Daniela Monteiro
Planning Technician
City of Reno
775-334-2225

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document 1 of 1

Revision of digital-signs law draws criticism

Voyles, Susan. **Reno Gazette - Journal** [Reno, Nev] 27 Apr 2009: A.2.

Abstract (summary)

svoyles@rgj.com In a city where citizens voted to limit the number of billboards, Reno officials are recommending zoning changes to legalize digital billboards and mostly treat them as standard billboards. Councilman Dwight Dortch in February 2008 asked the council to devote planning staff time to update the billboard zoning code to allow for the digital boards.

Full Text

svoyles@rgj.com

In a city where citizens voted to limit the number of billboards, Reno officials are recommending zoning changes to legalize digital billboards and mostly treat them as standard billboards.

"It could not be designed better if the billboard industry had designed it themselves," said Doug Smith, chairman emeritus of Scenic Nevada, which led the successful citizens initiative to limit billboards. "It could be the most billboard-friendly ordinance in the country."

Scenic America President Kevin Fry is urging a moratorium until two major traffic safety studies are finished so officials know what they're dealing with. A full-sized billboard contains up to a half million light-emitting diodes, or LEDs.

A report by the Association of State Highway and Transportation Officials is one of those two studies. Released last week, it concludes that the signs present a road hazard. Its recommendations go far beyond the zoning changes proposed by city planners to be considered May 6 by the Reno Planning Commission.

Councilman Dwight Dortch in February 2008 asked the council to devote planning staff time to update the billboard zoning code to allow for the digital boards.

With input from stakeholders including Scenic Nevada, the draft contained language to limit locations to all but the busiest streets in Reno and prohibited them on parts of 14 major streets. Other requirements set brightness levels, provide for a 2,000-foot separation between billboards, prohibit them within 1,500 feet of homes and required companies to take down four billboards for every new digital billboard.

John Hester, Reno community development director, killed that draft in March and postponed a scheduled planning commission hearing.

In an e-mail to his staff, Hester said that effort went beyond the scope of what Dortch requested. Hester's memo listed nine specific code changes expected by Dortch and himself.

The revised language allows electronic billboards to be on streets with existing billboards, be 750 feet apart

and 300 feet from homes -- the same as for standard billboards.

The latest revision also removes the provision to reduce the total number of billboards. And the language sets a minimum of eight seconds for messages to remain on the screen so a changing message doesn't distract motorists.

Hester said the changes were not made to appease the billboard industry. He said the new language addresses fewer issues because the size of his planning staff has shrunk.

"If we limit the scope of this, we can get it done," he said. "When we got into the stakeholder group, we got into all of these issues."

Scenic Nevada contends the giant self-illuminated signs are so big and bright they should be considered as new billboards and banned outright.

Without limits, Smith fears all of the billboards in the city -- frozen at 278 in 2000 -- could eventually be converted to the "big-screen, TV digital boards."

When a second study by the Federal Highway Administration is issued this fall, Hester said the zoning code would be looked at again and adjusted if needed, based on scientific data. That study will outfit cars with cameras to observe how humans react to the brightly lit boards.

Dortch said he asked for the revised ordinance to legalize the boards and not get into side issues such as the four-to-one reductions.

"If there's a simple way to allow for new technology, that's great," he said. "If there's a lot of issues out there, I don't believe we have staff time to do it."

If staff doesn't have time to address public safety concerns, he said he'd prefer holding off on legalizing the boards, saying they aren't a big council priority. Current zoning bans self-illuminating signs. The electronic sign at the Grand Sierra Resort is an on-premise sign and not a billboard.

Pete Mack, Clear Channel operator manager in Reno, said the billboards are safe. A study for the industry in Rochester, Minn., released in April found no relationship between vehicle accidents and electronic billboards. That was the same as in a 2007 study in Cleveland.

Clear Channel has one sign in Sparks, one near the Spaghetti Bowl (Interstate 80 and U.S. 395) and one on South Virginia Street. The latter two are on land owned by the Reno-Sparks Indian Colony.

In cooperation with the FBI and sheriff's office, Amber alerts and other important public safety messages are put up on the signs, as well as ads.

Fry said the highway study "should serve as a guide to state and local officials contemplating digital signage. If we are going to have them, where and how they behave should be based exclusively on public interests."

Des Moines, Iowa, Pittsburgh and St. Paul, Minn. are among major cities that have imposed a moratorium on electronic billboards until further study. The San Antonio City Council is conducting a project to allow the conversion of 15 billboards but otherwise banned them.

STUDY RESULTS

A long-awaited study by the Association of State Highway and Transportation Officials makes several

recommendations:

- * No signs be put up where drivers have to think fast, such as at freeway interchanges or merging lanes. Drivers should never see more than one electronic billboard at a time to avoid a cloud of glare.
- * To keep driver attention on the road, the study said signs should have limited messages, should not be sequenced like "Burma Shave" signs and messages should change instantly. Limits are also set on brightness.
- * Approaching drivers should see no more than one message at a time. The study provides a formula to determine that. If a sign can be seen from a mile away, it should remain up for 60 seconds. That's far more time than Reno's proposed eight seconds, similar to limits set by other cities.
- * The ordinance calls for an annual operating license for billboards so local and state officials can adjust as technology changes.

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Indexing (details)

Subject	Billboards; Zoning ordinances; Technological change; Signs
Title	Revision of digital-signs law draws criticism
Author	Voyles, Susan
Publication title	Reno Gazette - Journal
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From: John Hester
To: petemack@clearchannel.com; susanholshouser@clearchannel.com
Date: 3/27/2009 3:46 PM
Subject: Picking NITS

CC: Claudia Hanson; Daniela Monteiro; Donald Naquin
Susan and Pete:

We have info from 10 cities showing daytime NITS ranging from 400 to 7500, averaging 5090. The 400 figure seems to be an anomaly as all the others are 5000 or over. If the 400 figure is removed the average is 5600. If the highest figure, 7500, is removed all others are in the 5000-7000 range. Hence, we are comfortable rounding the 5600 figure up to 6000 vs. down to 5000. The 6000 figure also falls in the middle of the remaining eight cities, and we can easily explain our rationale for that recommendation to our Planning Commission and City Council.

Let me know ASAP if you have any comments, etc. Thanks.

John

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Friday, October 14, 2011 3:21 PM
To: Claudia Hanson
Subject: (Archive Copy) Re: Disc

I can't copy a part of the meeting, but I can do the whole thing. It will be ready in about 5-10 min.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: "Claudia Hanson" <hansonc@reno.gov>
To: "Michelle Fournier" <fournierm@reno.gov>
Date: Fri, 14 Oct 2011 15:19:20 -0700
Subject: Disc

Hi.

Will you please get me a copy of the DVD of the last PC meeting. Preferably if you could just get the end portion regarding billboard and alternative energy cases, that would be great. Dwight wants to see just that part. Thanks.



SCENIC NEVADA

Reno City Planning Commission
c/o Claudia Hanson
Assistant Director, Community Development
450 Sinclair Street
Reno, NV 89505

VIA EMAIL: hansonc@ci.reno.nv.us

April 20, 2009

RE: Drafts of Digital Billboard Amendments

Dear Commissioners,

Scenic Nevada is concerned about the public process amending the city's sign ordinance to allow digital billboards. This letter is to make the commission aware of draft text circulated by city staff, withdrawn without benefit of public review and then replaced with another draft more favorable to the billboard industry. At stake is the level of transparency in conducting public business by local government officials.

The city council voted to consider an amendment to the sign law in February 2008. According to the meeting minutes attached, "It was moved by Councilperson Dortch, seconded by Councilperson Hascheff to direct staff to initiate a text amendment to allow off-premise LED signs."

Scenic Nevada asked staff for a meeting to discuss the proposed text once it was developed by staff. Staff contacted stakeholders including members of the billboard industry and Scenic Nevada to attend a workshop two months later. The workshop was held on April 25, 2008.

Staff drafted an agenda and "discussion items" with proposed text, apparently for discussion by the workshop participants. See the attached email, agenda and discussion items. Following that session, Scenic Nevada submitted comments in writing. Almost one year later, on March 12, 2009, staff circulated a draft amendment, that was to be submitted to this commission, "based on ideas, suggestions and recommendations made during the Workshop held by the City of Reno on April 25, 2008."

This draft (attached) was withdrawn after it was circulated to stakeholders and then replaced with another version. The only explanation was that staff had gone beyond the scope of city council direction. See the attached email from John Hester to staff. Mr. Hester states:

"Please inform the stakeholders that we are delaying this for one month and that a new revised draft code amendment that reflects the limited scope of the amendment as directed by City Council and stated in my email will be issued. Please also let all stakeholders know that they are welcome to propose alternatives, but at my direction we are limiting the scope of what staff proposes..."

P.O. BOX 32 / Reno, NV 89504
Phone/Fax: (775) 329-3117
www.scenicnevada.org

JA 1605

SN 294



SCENIC NEVADA

Was the "limited scope" directed by the city council? Not according to the city council minutes. Staff was directed simply to "initiate a text amendment." It's also our opinion that for the sake of public safety and community pride, a limited draft is out of the question. Comparing the two drafts, commissioners will find that digital billboard location criteria, display criteria, removal requirements and maintenance requirements have been removed or severely clipped from the "limited scope" draft. The only nod to public safety is contained in the luminance requirements of the draft now under review. Said another way there are 35 regulations governing digital billboards in the first draft and a mere 12 regulations in the "limited scope" draft.

Critics would say that if the billboard industry isn't happy with staff's result then it must be rewritten to please billboard company interests. It begs the question, why allow any public dialogue?

This episode is damaging to us all; the commission, the city council, city staff and the community at large. What would it have hurt to let the original draft, based on public input and staff expertise, come forward for public scrutiny? On the contrary, it would have gone a long way in demonstrating that Reno has an open and public process where all ideas are welcome at the table, debated publicly and approved in the best interests of the entire community, not just billboard company concerns.

Sincerely,

Scenic Nevada Committee
Opposed to Digital Billboards

James Barnes
John Hara
Peter Chase Neumann
Warren Ronsheimer
Douglas G. Smith
Susan Smith
Lori Wray

P.O. BOX 32 / Reno, NV 89504
Phone/Fax: (775) 329-3117
www.scenicnevada.org

JA 1606

SN 295

Reno City Planning Commission Workshop — Minutes

September 20, 2011

Page 14 of 18

the intent of the people who voted for it, but I think you can ask the question of Scenic Nevada. Commissioner Woosley will hold that question.

Commissioner Woosley asked Mr. West if he agreed with Scenic Nevada that you would have to completely redo the structure to put up a digital billboard going back to exchange or construction or repurpose of existing billboard at an existing location. Mr. West replied that there are several situations where structures are suitable for installation for an LED face. To clarify, the industry perspective is this. Once you have a structure, whether it is a bulletin face or two poster faces or an LED face, those are the personal property side of it. I can appreciate where the City wants to get the revenue from building permits from installing that LED. There can be some minor modifications, but three months later, if we decide that business model is not working and we pull off faces and go back to bulletin faces, we are not going to get a refund.

As far as our opponents take on it, for 10 years Clear Channel Outdoor has been working under the current criteria. Within that 10 years, we have actually removed and relocated 36 structures, with new permits, new sites, new structures, under the current system. Where have they been over the past 10 years fighting these new structures and just now coming up as it relates to digital? The benefit of the system as it exists is you were comprehensive to say where you are willing to accept billboards. We know we don't want them in certain areas, such as at McCarran and Caughlin Ranch. We don't want them in certain sections of town. The code is very clear where they are allowed and what circumstances such as zoning and spacing requirements. The benefit to the community is that by allowing for relocation, we have a structure that doesn't currently comply with the code as it is written, but we can take that one down and go to another location where it does comply and relocate it there.

Commissioner Stapleton asked in terms of the current language in the ordinance, it says that lights should only shine onto the face, and this prohibits digital billboards because they are lit from behind? Ms. Hanson replied yes, that is correct.

Commissioner Egan asked Mr. West how many of the 284 billboards Clear Channel has control over and Mr. West replied that they have control over all of them. Typically billboard companies have a land lease in place for the site and then the structure is built and fully owned by the billboard company.

Commissioner Egan asked Mr. West if you were able to take 3 or 5 banked billboards and put up a dig billboard, would that require the consent of the land owner of that property? Mr. West's responded that our lease language is vague enough to allow for it, however, we prefer to have an ounce of caution and rewrite those leases and specifically include the language to allow for digital.

Commissioner Egan – you are familiar with Sparks city code and language. The lights facing the image, wasn't that the one discrepancy? Is there anything in the ordinances that discusses the issuance of permits? Mr. West is not aware of any in Sparks. He hasn't run into a situation in Sparks where we have just swapped out a face. There are times when a

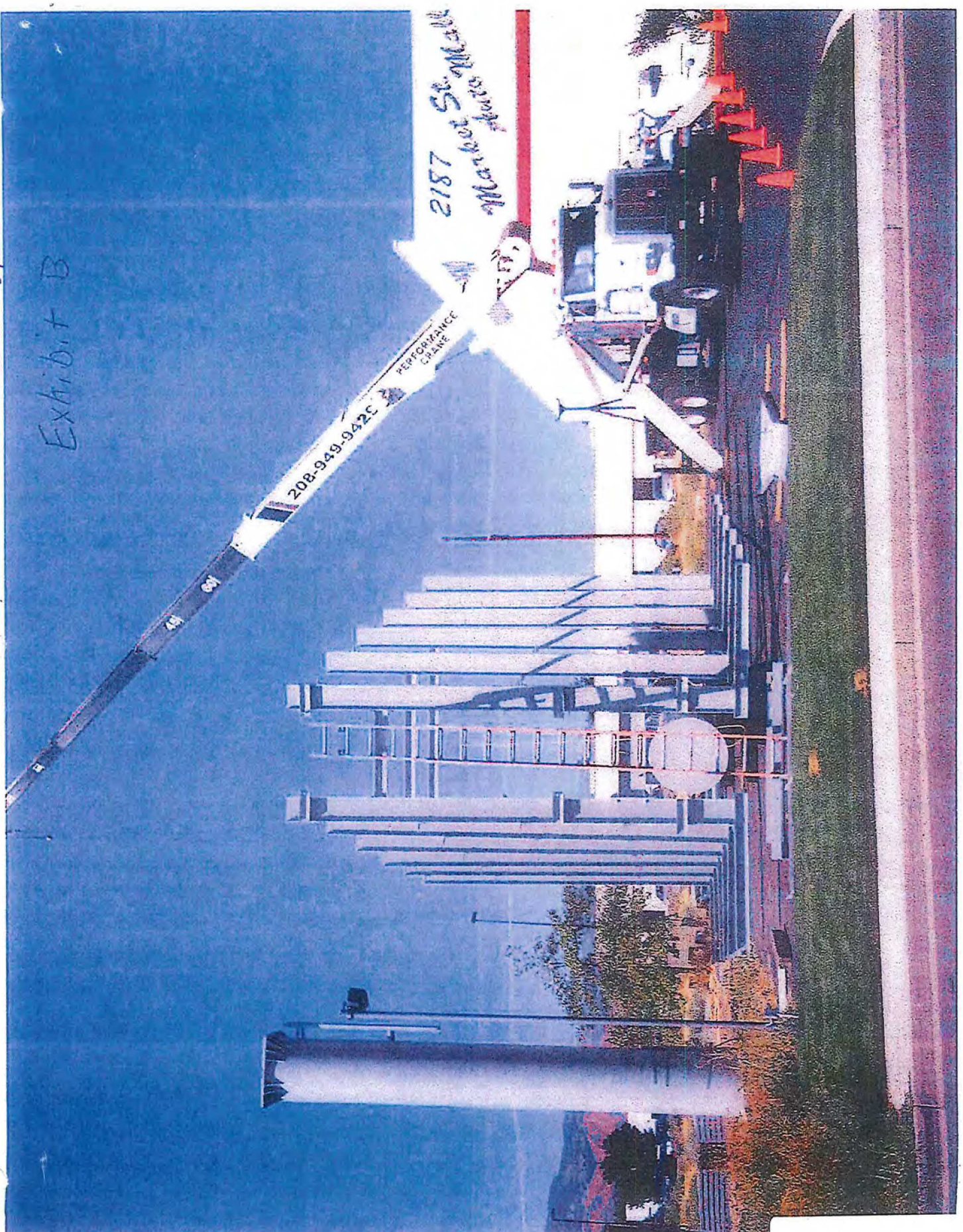
EX-17

SN 501

JA 1607

"B.C."

Exhibit B



JA 1608

SN 485

Subject: (Archive Copy) Fwd: No digital billboards in Reno
From: "Dwight Dortch" <dortchd@reno.gov>
Date: 1/31/2012 1:25 PM
To: "chris@barrettresources.biz" <chris@barrettresources.biz>

FYI. Do you want the rest?

-----Original Message-----

From: Thelma Matlin <tmalin@nvbell.net>
To: dortchd@reno.gov
Date: Tue, 31 Jan 2012 14:19:25 -0500 (EST)
Subject: No digital billboards in Reno

Dear Councilmember Dortch,

I am writing to express my opposition to allowing digital billboards in Reno.

I believe that billboards are a blight on our community, and digital billboards would only intensify that blight. Preserving scenic beauty and our tourist economy is important.

Digital billboards will tarnish our unique landscapes, diminish our property values, distract drivers, flood our night skies with ambient light and consume massive amounts of energy.

Most importantly, any new billboard constructed in Reno is a violation of the law. We voted 11 years ago to prohibit construction of new billboards, and digital billboards are new billboards.

Please do not allow any ordinance to be passed that would further degrade the natural beauty of the Truckee Meadows. Vote NO on the proposed ordinance allowing digital billboards within the city of Reno.

I look forward to hearing how you will act on this matter.

Sincerely,

Thelma Matlin
4755 Bradford Lane
Reno, NV 89519

Electronic billboards OK'd after 4-year debate

By Brian Duggan
bduggan@rgj.com

After more than two hours of discussion on Wednesday and capping four years of meetings, Reno City Council unanimously agreed Wednesday night to allow digital billboards within city limits.

Council members said the ordinance would allow outdoor advertising companies to construct the digital billboards, though they would be required to either give up existing or potential billboards in exchange for digital signs.

"The people in this area would like to reduce the number of billboards, and

See **BILLBOARDS**, Page 8A

ON RGJ.COM

Read city of Reno reporter Brian Duggan's blog, "Reno Memo," on RGJ.com/renomemo. Also, follow him on Twitter with @brianduggan.

INSIDE

CITY COUNCIL DIGEST: Read about other Reno City Council actions Wednesday. **3A**

Washoe County home sales post increase

Staff report

Existing homes sales and their median sales prices saw a boost in the second quarter, according to a monthly report from the Reno/Sparks Association of Realtors.

During the second quarter, Washoe County recorded 1,560 sales of existing single-family homes, a rise of 6 percent from 2011 and 8 percent from the first quarter of 2012. The median sales price also saw an increase of 6 percent from last year to \$163,500.

Enacted in October 2011, Assembly Bill 284 requires stricter documentation during the foreclosure process and has slowed the number of distressed homes released onto the housing market.

See full story on page 5A.

Autograph



Former professional hockey player Dan Fritsch signs a fan's autograph during a practice round of the American Century Championship.

Your last, best chance to bag ACC keeps

Staff report

Fans hoping to get an autograph or a glimpse of an athlete, coach or actor will have one last chance to do so at Edgewood Tahoe Golf Course in Stateline.

The American Century Championship golf tournament officially begins Friday, and the final celeb-am tournament day is the final day the celebrities will mingle with fans in the action. Tickets for today's event begin at 7 a.m., are \$15. Tickets for the tournament days are \$25 each day.

Once the tournament starts on Friday, fans cannot sign autographs during the event. Memorabilia, professional cameras and cameras are not permitted on the course, but hand-shot cameras are allowed.

JA 1610

SN 765

TODAY'S

**DATA CENTER BRINGING
HIGH-PAYING JOBS**

TODAY IN AR

EX-14

beginning a planned crackdown Jesse Ferguson said Wednesday the committee received and hearings Aug. 30 and 31 on possible sanctions against Sands.

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But he said he believed that type of information should at least be disclosed when a lobbyist registers. He said he plans to bring the issue up at his committee's next meeting.

Rick Combs, director of the Legislative Counsel Bureau, said his agency has no authority under Nevada law to require a background check or disclosure of a lobbyist's criminal history.

Cracchiolo was the chief financial officer and chief operating officer for Endocare and his partner, Mikus the chief executive officer when they inflated revenues "through a series of sham transactions," that bilked investors out of millions, prosecutors said. The device they were selling, called a Cryocare Box, or Cryo-Box, was used to freeze cancerous tissue, prosecutors said.

Cunningham said Cracchiolo first applied for the position as a paid lobbyist for the Nevada Catholic Conference in the fall of 2007 and was hired immediately. In that position, Cracchiolo served as the spokesman for the state's two bishops, Most Reverend Randolph Calvo, bishop of the Diocese of Reno and Most Reverend Joseph Pepe, bishop of the Diocese of Las Vegas.

He also was the liaison between the bishops and the Legislature.

In 2011, Cracchiolo testified in favor of Assembly Bill 6, which authorized courts to let victims of sex trafficking who were convicted of engaging in prostitution to have their convictions vacated, according to legislative transcripts.

Cunningham said the dioceses first began investigating Cracchiolo's criminal history about three weeks ago when they received calls from a woman who objected to his position.

The two bishops, who had been on vacation during that period, were in the process of interviewing Cracchiolo and evaluating court records when Cracchiolo sent an email on July 11 offering his resignation.

Billboards

Continued from Page 1A

what we're doing here gets us to that end," Councilman Dave Aiazzi said.

The digital signs, which will switch messages at least every eight seconds, will be forbidden in historic and conservation districts, as well as along the Truckee River corridor, Mount Rose Highway, north of McCarran Boulevard and along Interstate 80 near Verdi and east of Robb Drive.

Those restrictions would be subject to potential special exceptions that would require City Council approval.

Meanwhile, the digital billboards, which are already allowed in Sparks and on tribal land in the Truckee Meadows, would be required to dim at night and barred from using animated images.

The question over off-premises digital billboards — the signs that line major roadways and freeways — has been on the Reno City Council radar since 2008 and contentious from the get-go.

Outdoor advertising representatives said the digital signs are needed to keep up with technological changes in their industry.

Meanwhile, opponents, led by the anti-billboard group Scenic Nevada, have argued the signs are dangerous to drivers and distract from surrounding scenery.

Scenic Nevada successfully pushed the 2000 voter initiative that capped the number of billboards in the Truckee Meadows and barred new billboard construction.

City officials interpreted the lan-

guage of that ballot question to allow for a "billboard bank" — meaning existing billboards could be taken down and moved elsewhere in the city where the signs are allowed.

Roughly 50 billboards are "banked" in Reno, according to Planning Manager Claudia Hanson, and most are controlled by Clear Channel Outdoor.

Now, under the new ordinance, billboard companies will be required to give up existing and banked billboards to construct digital billboards, though that depends on where they're built.

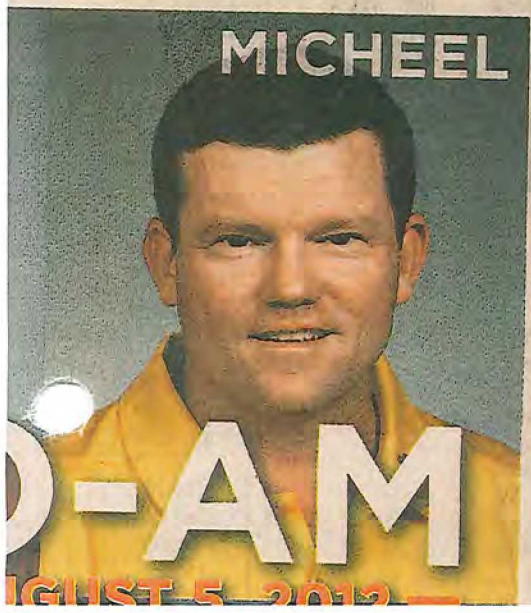
For example, there are restricted areas where a company would be required to give up four existing billboards for every new digital billboard, or eight "banked" billboards for one digital sign.

Examples of those restricted areas include the downtown Reno area, the East Fourth Street corridor, the Mill Street corridor, an area along Wells Avenue, the northern section of South Virginia Street, and the Midtown district.

Anywhere else in the city, where digital billboards are allowed, the exchange rate would be two existing or two banked billboards for every new digital billboard.

The so-called exchange rate was among the most contentious issues facing industry representatives. Smaller companies like Saunders Advertising pushed for a one-to-one exchange rate, meaning one existing static billboard for a new digital billboard.

Frank Gilmore, an attorney for Saunders, said for the companies that don't have a lot of billboards to exchange for digital signs, the city is effectively telling them "you can't play at the big kid table."



MICHEEL
D-AM
AUGUST 5, 2012



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FREE LIFETIME TIRE & MILEAGE CARE

JA 1611 SN 766

Your size in stock,

January 31, 2008 – 2:30 PM

Meeting w/stakeholders at sign in Sparks

- 1) What types of streets – Major Arterial and Freeways and minimum ADT
30,000 – NDOT
- 2) % as Public Service Announcements
Based on 8 secs – there can be 1350 images a day
100 available for public service
- 3) Enforcement – Readout at specific Date and time
Certain timeframe to get readout?
- 4) Code is 750 between signs – 1500 ok between LED because one sign over another will
effect light
- 5) 'Nit gun' visit in evening
- 6) Pictures of different Nits

2/13/08
on the agenda

EX 15

COR-05571

JA 1612

**BUILDING PERMIT APPLICATION**

City of Reno
Community Development Department
450 Sinclair Street - P.O. Box 1900, Reno, NV 89505
(775) 334-2063 - www.cityofreno.com

SIGN Rev 509

Case No. SN11-05117Rec'd By: POParcel Number: 013-311-33 Address: _____ Suite: _____

Description of Work:

Erect NEW Billboard

RECEIVED

MAY 24 2011

CITY OF RENO
PERMIT PLAC

Owner Information:

Name: Pestana 1956 Family Trust Phone No: 408-954-1000
Address: 1431 Ataberry LN SAN JOSE CA 95131

Tenant Information:

Name: YESCO Outdoor Media Phone No. 775-722-0439

Contractor Information:

Contractor: YESCO Outdoor Media Contact Name: Danny Schulte
Address: 775 E. Glendale Ave Sparks NV 89431
Phone No.: 775-722-8439 Fax No.: 775-359-8738
Nevada License No.: 0074289 City License No.: _____

Project Information:

Valuation: \$65,000 Zoning: AC
Planning Case Number: _____ Linear Feet of Business on Street Frontage: _____
Banner Sq Footage: _____ Existing Signs Sq. Footage: N/A
Proposed Sign Sq. Footage: 672' No. of Proposed Interior Signs: _____
No. of Proposed Exterior Signs: _____ Total Sq. Footage of all Signs: 672'
Sign Face Material: metal Sign Thickness: _____

Illuminated? Yes ☒ No ☐ Type of Illumination: Metal HalideElectrical: Existing ☐ New ☒ Not Applicable ☐Amps: 100 Volts: 120/240 Single PhaseMounted: Surface

Plan Requirements:

The Information provided on the Plans should include:

- 1) A Site Plan indicating in detail the proposed location (s) of the sign (s).
- 2) A representation to scale of the height, width, depth of the sign with all copy to be displayed on sign.
- 3) Site plans which show the distance from pole/monument signs to adjacent driveways and lot lines.
- 4) Detailed method of attachment.
- 5) An electrical load including the voltage and amperage.

Note: It is the responsibility of the applicant to provide all applicable information upon submittal of each sign permit. Failure to accurately provide the above information as it applies to this application may delay the processing and approval of the sign permit.

Applicant (print) Daniel L. Schulte (sign) Daniel Schulte

EX-16

JA 1613

SN 481

Print Date: 9/13/2011

City of Reno - Building and Safety Division
Application Status Trail Report

Page 1 of 2

Case Number: SGN11-05117
Owner: PESTANA 1986 FAMILY TRUST
Address: 2189 MARKET ST BB
Parcel Number: 013-311-33

Division	Comments	Sent Date	Returned Date	Status	Assigned To	Reviewed By
Application Accepted						
		05/24/2011	05/24/2011	Accepted w/ Review Fee		Patricia Silvestre silvestre@reno.gov
Plan Review Routing 1						
		05/24/2011	05/24/2011	Activate Review Process	Len Lipnisky	Len Lipnisky lipnisky@reno.gov
Planning Review						
	New Billboard Construction. Bank Receipt Y-10 (validated by Claudia Hanson) is being used by Yesco to install a billboard at APN (013-311-33). This will be a 2-sided 672 sq ft billboard. Parcel is zoned AC and billboard meets minimum 10' setback from front and side yard. Billboard will not overhang into the public right of way or adjacent parcels. Billboard height will be 42'9" from finish grade which does not exceed the maximum height requirement of 35' from the finish grade of the freeway. RMC 18.16.905(d). New billboard meets all spacing requirement as there are no billboards within 750' from this location. RMC 18.16.905(e). Lease agreement between Yesco and current property owner has been attached to the permit.	06/08/2011	07/05/2011	Approved w/ Revisions	Daniela Monteiro	Daniela Monteiro monteirod@ci.reno.nv.us 775-334-2225

ApplicationStatusTrailReport.rpt

JA 1614

SN 480

**BUILDING PERMIT APPLICATION** Rev 09/11

City of Reno
Community Development Department
450 Sinclair Street - P.O. Box 1900, Reno, NV 89505
(775) 334-2063 · www.reno.gov
Fax (775) 334-2043

SIGNS

Case No.: B-00046
Rec'd By: [Signature]

Parcel Number: 019-351-05 Address: 501 W. MOANA LANE Suite: BB

Description of Work:

NEW BILLBOARD STRUCTURE TO REPLACE 2 UNITS REMOVED BY
MOANA LANE WIDENING. STRUCTURE TO HAVE 2-300 SF FACES
EACH SIDE; USING BANKED RECEIPTS CC-3 & CC-4, AND ASSOCIATED
ELECTRICAL

Contractor Information:

Contractor: CLEAR CHANNEL OUTDOOR Contact Name: ARON WEST
Address: 4945 SOULE ST, RENO NV 89502
Phone No.: 775-353-5255 Fax No.: 775-856-7595
Email address: AARONWEST@CLEARCHANNEL.COM
Nevada License #: 51604 City License #: 15892

Project Information:

Valuation: \$ 100,000 Zoning: CC MF-14
Occupancy: N/A
Planning Case Number: N/A No. of Proposed Exterior Signs N/A
No. of Proposed Interior Signs N/A Existing Signs Sq. Footage N/A
Proposed Sign Sq. Footage 600 EACH SIDE Total Sq. Footage of all Signs N/A
Banner Sq. Footage N/A
Linear Feet of Business on Street Frontage: N/A
Illuminated? Yes ☒ No ☐ Type of Illumination: _____
Electrical: Existing ☐ New ☒ Not Applicable ☐
Amps: 100 Volts: 120/240
Mounted: TO COLUMN Sign Face Material: N/A
Sign Thickness: N/A

RECEIVED
JUL 03 2012
CITY OF RENO
PERMIT PLAC

Plan Requirements

The Information provided on the Plans should include:

- 1) A site Plan indicating in detail the proposed location (s) of the sign (s).
- 2) A representation to scale of the height, width, depth of the sign with all copy to be displayed on sign.
- 3) Site plans which show the distance from pole/monument signs to adjacent driveways and lot lines.
- 4) Detailed method of attachment.
- 5) An electrical load including the voltage and amperage.

Note: It is the responsibility of the applicant to provide all applicable information upon submittal of each sign permit. Failure to accurately provide the above information as it applies to this application may delay the processing and approval of the sign permit.

Applicant (print) Aaron West (sign) Aaron West



**City of Reno
Building Permit**

Total Fees Due: \$845.13

Permit Number: SGN13-00046

Total VMTs:

Address: 511 W MOANA LN UNIT BB

Job Type: Building/Sign/NA/NA

Parcel No: 019-351-05

Zoning: MF-30

Type:

Dwelling Units: 0

Height:

Area(Sq.Ft.):

Subdivision:

Lot:

Valuation: \$ 100,000.00

Occupancy:

Group:

Fire Sprinklers:

Fire Alarm:

Stories:

Owner Information:

GREEN ACRES MOBILEHOME PRK LLC
6170 RIDGEVIEW CT, STE E,
RENO, NV 89519

Tenant Information:

CLEAR CHANNEL BILLBOARD

Description of Work to Be Done

BILLBOARD..

RELOCATE MOANA BILLBOARD DOUBLE SIDE W

ELECTRICAL

BANKED CC-3,CC-4

Builder / General Contractor:

CLEAR CHANNEL OUTDOOR INC
2880 B. MEADE AVENUE
LAS VEGAS, NV 89102
702-23-8720

NV Lic.: 0051604

The undersigned hereby agrees to defend, indemnify and hold harmless the City of Reno, its officers, employees and agents from and against all demands, claims or liabilities that are asserted against the City of Reno arising from the undersigned's construction activities performed pursuant to the issuance of this permit (including but not limited to the undersigned's failure to perform in accordance with the approved permit and plans), save and except such demands, claims or liability that arise from the City of Reno's sole negligence or willful misconduct.

The undersigned agrees to obtain/maintain commercial liability insurance covering it during the term of the construction authorized by this permit, in an amount no less than the total construction cost of the work to be performed, and warrants that such liability policy shall include completed operations coverage as well as an additional insured endorsement naming the City of Reno as an additional insured with respect to operations performed by or for the undersigned for which the City of Reno has issued a building permit, without exclusion for bodily injury or property damage within the completed operations of hazard.

By

Date

9/4/12

Builder/General Contractor or the Authorized Agent

Building Permit

Permission is hereby granted to execute the work described in this application in accordance with the Rules, Regulations, and Ordinances of the City of Reno.

APPROVED

Building and Safety Division **CITY OF RENO**

STAMPED

PAID

SEP 04 2012

**CITY OF RENO
PERMIT PLACE**

**ALL INSPECTIONS MUST
BE COMPLETED**

SN 1175

JA 1616

511 W MOANA LN UNIT B8 LOT:

Inspection Record

Inspector Signature

Date

Building Inspections
B403 Footing

Electrical Inspections
B543 Electrical Meter Set
B552 Electrical Rough

Sign Inspections
S826 Sign Final

Final Inspections
B579 Electrical Final
B637 1704 Spec Insp Final Rep

PERMIT NUMBER: SGN13-00046

POST THIS PERMIT IN A
CONSPICUOUS PLACE

Permit Inspection Record
City of Reno Building Permit

GENERAL NOTES:

It is unlawful to remove this record from the job site until all final inspections have been made.

For inspections, please call the Building Div. automated phone line at (775) 334-2396 at any time, 24 hours a day. Contractors may also schedule inspections on-line at anytime once a registered account is established at the Virtual Permit Place at <http://applications.cityofreno.com/accela/>. Inspections may be set until 5:00 am of the day the inspection is to be performed. On the day of the inspection, you may call the Building Inspector directly or through an operator at (775) 334-2060 from 7:30 a.m. to 8:00 a.m. to request an inspection time.

Fire Department Inspections:

After the Fire Department inspections are scheduled, the Fire Inspector will telephone the contact number provided on the automated inspection dispatch within 48 hours to schedule an inspection time.

Please refer to the Fire Department comments posted on the back front page of the approved plans for additional information and requirements.

NOTICE:

This Form shall be a permanent part of approved plans attached hereto. Approved plans must be on the job site at all times and the inspection card posted for inspection purposes. Plans are approved in accordance the IBC except that noted structural details shall be provided before construction is initiated in noted areas. The Reno Building Division shall receive a copy of all testing and field reports. Any changes in the approved drawings shall be submitted in writing for approval. Provide or repair, as required, sidewalks, curbs and gutters in accordance with RMC. Excavation, fill, compaction and drainage shall comply with the IBC 90% minimum compaction under all concrete slabs.

Corrections and modifications as noted on plans and provisions of building codes and ordinances, as adopted by the City of Reno whether specified on plans or not, shall be complied with.

PERMIT EXPIRATION:

In accordance with the IBC, this permit shall expire if work is not commenced within 180 days from the issue date or if work is suspended or abandoned at any time after the work is commenced for a period of 180 days.

On-line inspection scheduling now available on the City of Reno's website www.reno.gov > Online Services Menu > Community Development Permits > Virtual Permit Place. Contractors may create an account and schedule inspections or check plan status.

SN 1176

JA 1617

From: "Claudia Hanson" <hansonc@reno.gov>
To: <AaronWest@clearchannel.com>
Cc: <MonteiroD@reno.gov>
Sent: Tuesday, July 17, 2012 9:05 AM
Subject: (Archive Copy) Re: SGN13-00046

I can head over to Sinclair, I'll can be there in 10 minutes

Sent from my iPhone

On Jul 17, 2012, at 8:51 AM, "West, Aaron" <AaronWest@clearchannel.com> wrote:

Are we going to be able to get together? Thanks...

aaron west
Real Estate Manager - Reno/Tahoe/Sacramento

From: West, Aaron
Sent: Monday, July 16, 2012 11:51 AM
To: 'hansonc@reno.gov'; MonteiroD@reno.gov
Subject: RE: SGN13-00046

I have a 10, how about 8:30 or 9:00; which office? Thanks...

aaron west
Real Estate Manager - Reno/Tahoe/Sacramento

From: Claudia Hanson [mailto:hansonc@reno.gov]
Sent: Monday, July 16, 2012 11:41 AM
To: West, Aaron; MonteiroD@reno.gov
Subject: RE: SGN13-00046

I'm open tomorrow before 10 or after 2:30

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: "MonteiroD@reno.gov" <MonteiroD@reno.gov>, "hansonc@reno.gov" <hansonc@reno.gov>
Date: Thu, 12 Jul 2012 19:10:28 +0000
Subject: RE: SGN13-00046

My Friday has opened up as well, anything work on your guys end? Thanks...

aaron west
Real Estate Manager - Reno/Tahoe/Sacramento

From: West, Aaron
Sent: Tuesday, July 10, 2012 3:55 PM
To: 'MonteiroD@reno.gov'; hansonc@reno.gov

COR-03923

JA 1618

5/6/2013

Subject: RE: SGN13-00046

Daniela,

I was hoping to meet with you and Claudia to discuss the banked receipts. Any chance both of you are available either tomorrow or Monday? Thanks...

aaron west

Real Estate Manager - Reno/Tahoe/Sacramento

From: Daniela Monteiro [<mailto:MonteiroD@reno.gov>]

Sent: Tuesday, July 10, 2012 2:36 PM

To: West, Aaron

Subject: SGN13-00046

Dear Applicant,

The following permit has been reviewed by Planning and placed on hold for the following reasons:

With respect to the proposed project, these notes identify additional information needed to complete the review process:

- 1) Please provide banked receipt for CC-3 and CC-4.
- 2) Site plan must demonstrate side property and front property setbacks will be met.
- 3) Demonstrate that billboard structure is more than 300' away from residential zoned property per RMC 18.16.904(b)(4)
- 4) Notarized owner consent for billboard installation must be provided per RMC 18.16.904(b)(2)
- 5) Please demonstrate distance on plans to billboards in all directions.
- 6) Please revise application to remove reference of "new" billboard as no new billboards are allowed in the City.

Once all reviews have been completed, revisions can be submitted to 450 Sinclair St, 2nd Floor.

Thank you,

Daniela Monteiro
Land Development Plans Examiner
775-334-2225

COR-03924

JA 1619

5/6/2013

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <MonteiroD@reno.gov>
Cc: <hansonc@reno.gov>
Sent: Tuesday, July 10, 2012 4:11 PM
Subject: (Archive Copy) RE: SGN13-00046

Daniela,

Please find the attached GA Permit v2 in response to item 6 below. In response to item 4 below please find a copy of the executed lease agreement with the property owner, said consent is provided in Article 5; the financial terms have been intentionally omitted. Stantec will make the necessary corrections associated with items 2,3 & 5. Thank you...

aaron west
Real Estate Manager -- Reno/Tahoe/Sacramento

From: Daniela Monteiro [mailto:MonteiroD@reno.gov]
Sent: Tuesday, July 10, 2012 2:36 PM
To: West, Aaron
Subject: SGN13-00046

Dear Applicant,

The following permit has been reviewed by Planning and placed on hold for the following reasons:

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Once all reviews have been completed, revisions can be submitted to 450 Sinclair St, 2nd Floor.

Thank you,

Daniela Monteiro
Land Development Plans Examiner
775-334-2225

Content-Transfer-Encoding=quoted-printable Content-Disposition: inline

(1) [gapermity20.pdf](#) (620K)

COR-03959

JA 1620

5/6/2013

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <MonteiroD@reno.gov>; <hansonc@reno.gov>
Sent: Thursday, August 02, 2012 2:17 PM
Subject: (Archive Copy) RE: SGN13-00046

Daniela,

Please find the attached Bank Receipts. Per our conversation I've recreated the actual receipt with supporting paperwork for sign-off on your end. This, with the previous submissions, should address all of the issues from your previous email. Thanks...

#	Banked	Cashed	APN	Faces & FT ²	Reno ID	Co ID	LDP Demo #	Demo Date	Date Banked	Bank Receipt Expire
75	X	X	011- 370-26	2X300	CC-3	6121; 6131	LDP03-06123	10/6/2003	1/29/2003	1/29/2013
76	X	X	011- 370-26	2X300	CC-4	5811; 5821	LDP03-06908	10/6/2003	11/17/2003	11/17/2013

aaron west
 Real Estate Manager - Sacramento/Reno

From: Daniela Monteiro [mailto:MonteiroD@reno.gov]
Sent: Tuesday, July 10, 2012 2:36 PM
To: West, Aaron
Subject: SGN13-00046

Dear Applicant,

The following permit has been reviewed by Planning and placed on hold for the following reasons:

With respect to the proposed project, these notes identify additional information needed to complete the review process:

- 1) Please provide banked receipt for CC-3 and CC-4.
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- 4) Notarized owner consent for billboard installation must be provided per RMC 18.16.904(b)(2)
- 5) Please demonstrate distance on plans to billboards in all directions.
- 6) Please revise application to remove reference of "new" billboard as no new billboards are allowed in the City.

Once all reviews have been completed, revisions can be submitted to 450 Sinclair St, 2nd Floor.

Thank you,

Daniela Monteiro
 Land Development Plans Examiner

COR-03979

JA 1621

5/6/2013

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <hansonc@reno.gov>
Sent: Thursday, August 16, 2012 4:23 PM
Subject: (Archive Copy) FW: SGN13-00046

Not to be a butt, but this was the request for corrections I received. Nothing formal and no mention of an explanatory letter. Thanks...

aaron west
Real Estate Manager - Sacramento/Reno

From: Daniela Monteiro [mailto:MonteiroD@reno.gov]
Sent: Tuesday, July 10, 2012 2:36 PM
To: West, Aaron
Subject: SGN13-00046

Dear Applicant,

The following permit has been reviewed by Planning and placed on hold for the following reasons:

With respect to the proposed project, these notes identify additional information needed to complete the review process:

- 1) Please provide banked receipt for CC-3 and CC-4.
- 2) Site plan must demonstrate side property and front property setbacks will be met.
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- 4) Notarized owner consent for billboard installation must be provided per RMC 18.16.904(b)(2)
- 5) Please demonstrate distance on plans to billboards in all directions.
- 6) Please revise application to remove reference of "new" billboard as no new billboards are allowed in the City.

Once all reviews have been completed, revisions can be submitted to 450 Sinclair St, 2nd Floor.

Thank you,

Daniela Monteiro
Land Development Plans Examiner
775-334-2225

COR-03983

JA 1622

5/6/2013

Marilyn Craig

From: Claudia Hanson [hansonc@reno.gov]
Sent: Wednesday, May 11, 2011 10:03 AM
To: West, Aaron
Subject: (Archive Copy) RE: Electronic Billboard Ordinance Workshop

Thanks Aaron, I'm not sure how I would get through this without you. :)

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <hansonc@reno.gov>
Date: Wed, 11 May 2011 11:48:34 -0500
Subject: RE: Electronic Billboard Ordinance Workshop

First, we need to figure out what exactly it is that we are debating over. – That's easy, we're trying to provide a much needed, valuable community service and Scenic hates us...

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <hansonc@reno.gov>
Date: Wed, 11 May 2011 11:31:26 -0500
Subject: RE: Electronic Billboard Ordinance Workshop

I thought the point of the meeting was to educate the planning commission on the technical aspects of digital prior to the public debate?

aaron west
Real Estate Manager - Reno/Tahoe :: Clear Channel Outdoor

From: Claudia Hanson [mailto:hansonc@reno.gov]
Sent: Wednesday, May 11, 2011 9:30 AM
To: West, Aaron
Subject: RE: Electronic Billboard Ordinance Workshop

The Planning Commission will not be there.

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <hansonc@reno.gov>
Date: Tue, 10 May 2011 17:26:04 -0500
Subject: RE: Electronic Billboard Ordinance Workshop

Will the planning commission be in attendance as well; or is this just a blow up with Scenic?

COR-04261

EX-17

JA 1623

aaron west
Real Estate Manager - Reno/Tahoe :: Clear Channel Outdoor

From: Claudia Hanson [<mailto:hansonc@reno.gov>]
Sent: Tuesday, May 10, 2011 2:10 PM
To: John Frankovich; Mack, Pete; Holshouser, Susan; jparmer@sbcglobal.net; Holshouser, Susan; West, Aaron; susan@saundersoutdoor.com; schultesusan6@msn.com; dschulte@yesco.com; Lori Wray; mwrap@markwraylaw.com; wardi@sbcglobal.net; day@chipbyte.com; Doug Smith; Robin Reeve; kruben@roanderson.com; Claudia Hanson; peternewmann@sbcglobal.net; Vern Kloos
Cc: Marilyn Craig; Lisa Mann; BarbaraDiCianno
Subject: Electronic Billboard Ordinance Workshop

Hello,

You are receiving this e-mail because you participated in the Electronic Billboard draft ordinance process in 2008 or have requested to be included in this process. If you know anybody who would like to be involved please feel free to forward this e-mail. If you no longer want to be involved please disregard this e-mail.

On May 24, 2011 from 4:00-6:00 p.m. the City of Reno, Community Development Department will be hosting a workshop to discuss a draft ordinance regarding Electronic Billboards. This workshop will be held at 450 Sinclair in the second floor conference room. We will e-mail draft wording prior to the workshop.

Thank you for your participation.

Claudia C. Hanson, AICP
Planning & Engineering Manager
City of Reno
775-334-2381

Marilyn Craig

From: Claudia Hanson [hansonc@reno.gov]
Sent: Wednesday, October 26, 2011 4:13 PM
To: West, Aaron
Subject: (Archive Copy) e-mail

Hi Aaron,

We have received many e-mails for the Planning Commission over the last month from Scenic Nevada. This one however specifically mentioned your company's name so I thought I would forward it to you. If you would like to see all of the others Michelle has the electronically or I have hard copies in the file. Here is the most recent one...

Dear Planning Commissioners,

Tacoma, WA and St. Petersburg, FL recently declined Clear Channels offer to trade traditional billboards for digitals. El Paso enacted a tough billboard ordinance which eventually was vetoed by the mayor. Clear Channel left St. Petersburg alone after being rebuffed there but is suing Tacoma and El Paso. Here is a summary and links to several news stories describing what occurred in these cities.

Tacoma passed an ordinance in 1997 to remove non-conforming billboards by 2007. When the deadline approached, Clear Channel sued. To avoid costly litigation with CC, Tacoma capitulated and in 2010 reached a settlement agreement that included trades. However, CC neglected to sign the agreement. The city had to update the code to allow digitals to enact the settlement agreement. The city council asked the Tacoma Planning Commission to draft an ordinance allowing digital billboards. Residents found out about the settlement and objected in large numbers at several public hearings in 2011. After the controversy started, CC signed the agreement and said the city better honor it. Residents convinced the Tacoma planning commission and city council not to allow digitals in the code. When the code wasn't updated to include digitals, CC told Tacoma it would cost \$75 million to buy all the non-conforming billboards the city wants taken down. Tacoma went to court to get the settlement voided and CC went to federal court to get the city to honor the settlement. Tacoma stood up to Clear Channel. See: <http://www.bellinghamherald.com/2011/03/17/1920408/citizen-message-for-billboards.html> Also: <http://www.thenewstribune.com/2011/09/23/1836856/clear-channel-billboards-tacoma.html?storylink=fb> Also: <http://crosscut.com/2011/09/23/neighborhoods-communities/21324/Feisty-Tacoma-and-compliant-King-County-face-off-with-a-billboard-powerhouse/>

In St. Petersburg, the mayor and city staff worked out a proposed trade agreement with CC. But residents were opposed and the city eventually rejected the trade deal, even though CC would have to trade 10 traditional billboards for one digital and digitals would be placed 2500 feet apart. At one point the city council was about to approve the trade if the digital billboards would come down at a later date for good. Amazingly, CC said it would take its digitals down in 20 years and replace them with standard boards, just to get the deal in place. But, the city council said they wanted a real sunset clause and that wasn't good enough. One councilman also didn't like the undemocratic way the trade deal was worked out by city staff and CC. As in Tacoma, city officials in St. Petersburg listened to the people and voted against digitals. See: <http://www.tampabay.com/news/localgovernment/article1184244.ece> Also: <http://www.tampabay.com/news/localgovernment/st-pete-council-rejects-digital-billboards/1186802>

In El Paso, the city agreed to allow Clear Channel to place 17 digital billboards and then realized there was no ordinance to allow digitals. The city council, in a 5 to 3 vote created an ordinance July 13, 2009, which banned new billboard construction but allows digitals, if Clear Channel removed 16 traditional ones. Further, the number of digital billboards allowed was set at 15 and each rotating advertisement must stay up for at least a full minute and must be placed a mile apart. See <http://www.elpaso.com/2009-07-14/12839263> I'm not certain, but I believe the

002 04304 JA 1625

Est - 1

mayor vetoed the new ordinance. Clear Channel Outdoor sued the city of El Paso three months later. See <http://newspapertree.wordpress.com/2009/09/04/press-release-clear-channel-outdoor-files-suit-against-the-city-of-el-paso-texas/> Today, according to an El Paso city staff person, the lawsuit is ongoing, digitals are not allowed under the code, yet 17 digital billboards are in various stages of being erected, generally without permits. The city allows trades for vinyl, but there has been no attrition with the cap and trade system. In the past three years, only one billboard has come down to erect a restaurant where the billboard stood.

Allowing digitals here only serves the best interests of Clear Channel Outdoor. What occurred in Tacoma and El Paso illustrates that making deals with Clear Channel is risky at best. Taking the path St. Petersburg took avoids costly lawsuits in the future and upholds the vote of Reno's citizens, who opted 11 years ago to prohibit new billboard construction here.

None of these cities had a voter approved ballot initiative, banning new construction and forbidding the city to approve billboard permits. Please honor the vote of 2000 and save future Reno residents from the threat of costly lawsuits or exorbitant billboard buy outs. Tell the Reno City Council that digitals are not allowed and that you will not recommend an ordinance permitting them in Reno.

Lori Wray
Scenic Nevada
Member, Board of Directors

Marilyn Craig

From: West, Aaron [AaronWest@clearchannel.com]
Sent: Wednesday, October 26, 2011 4:19 PM
To: hansonc@reno.gov
Subject: (Archive Copy) Re: e-mail

I would love to see more. Thanks

Sent from Aaron's iPhone, thus grammar and spelling could suffer...

On Oct 26, 2011, at 4:12 PM, "Claudia Hanson" <hansonc@reno.gov> wrote:

Hi Aaron,

We have received many e-mails for the Planning Commission over the last month from Scenic Nevada. This one however specifically mentioned you company's name so I thought I would forward it to you.

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<http://www.bellinghamherald.com/2011/03/17/1920408/citizen-message-for-billboards.html>

Also: <http://www.thenewstribune.com/2011/09/23/1836856/clear-channel-billboards-tacoma.html?storylink=fb> Also: <http://crosscut.com/2011/09/23/neighborhoods-communities/21324/Feisty-Tacoma-and-compliant-King-County-face-off-with-a-billboard-powerhouse/>

In St. Petersburg, the mayor and city staff worked out a proposed trade agreement with CC. But residents were opposed and the city eventually rejected the trade deal, even though CC would have to trade 10 traditional billboards for one digital and digitals would be placed 2500 feet apart. At one point the city council was about to approve the trade if the digital billboards would come down

COR-01482

JA 1627

at a later date for good. Amazingly, CC said it would take it's digitals down in 20 years and replace them with standard boards, just to get the deal in place. But, the city council said they wanted a real sunset clause and that wasn't good enough. One councilman also didn't like the undemocratic way the trade deal was worked out by city staff and CC. As in Tacoma, city officials in St. Petersburg listened to the people and voted against digitals. See:

<http://www.tampabay.com/news/localgovernment/article1184244.ece> Also:
<http://www.tampabay.com/news/localgovernment/st-pete-council-rejects-digital-billboards/1186802>

In El Paso, the city agreed to allow Clear Channel to place 17 digital billboards and then realized there was no ordinance to allow digitals. The city council, in a 5 to 3 vote created an ordinance July 13, 2009, which banned new billboard construction but allows digitals, if Clear Channel removed 16 traditional ones. Further, the number of digital billboards allowed was set at 15 and each rotating advertisement must stay up for at least a full minute and must be placed a mile apart. See http://www.elpasotimes.com/ci_12839263 I'm not certain, but I believe the mayor vetoed the new ordinance. Clear Channel Outdoor sued the city of El Paso three months later. See <http://newspapertree.wordpress.com/2009/09/04/press-release-clear-channel-outdoor-files-suit-against-the-city-of-el-paso-texas/> Today, according to an El Paso city staff person, the lawsuit is ongoing, digitals are not allowed under the code, yet 17 digital billboards are in various stages of being erected, generally without permits. The city allows trades for vinyl, but there has been no attrition with the cap and trade system. In the past three years, only one billboard has come down to erect a restaurant where the billboard stood.

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Lori Wray
Scenic Nevada
Member, Board of Directors

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Thursday, November 10, 2011 10:27 AM
To: West, Aaron
Subject: (Archive Copy) RE: emails

Ok...great. The one I received was the form letter.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <fournierm@reno.gov>
Date: Thu, 10 Nov 2011 12:24:46 -0600
Subject: RE: emails

Probably not the form letters. Thanks...

aaron west
Real Estate Manager Reno/Tahoe :: **Clear Channel Outdoor**
4945 Joule Street :: Reno :: Nevada 89502
775.353.5255 p :: 775.856.7595 f :: clearchanneloutdoor.com

From: Michelle Fournier [<mailto:fournierm@reno.gov>]
Sent: Thursday, November 10, 2011 10:24 AM
To: West, Aaron
Subject: RE: emails

even the cookie cutter ones?

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: <fournierm@reno.gov>
Date: Thu, 10 Nov 2011 12:19:23 -0600
Subject: RE: emails

That would be great, thanks...

COR-04353

JA 1629

aa ron west

Real Estate Manager - Reno/Tahoe :: **Clear Channel Outdoor**
4945 Joule Street :: Reno :: Nevada 89502
775.353.5255 p :: 775.856.7595 f :: [clearchanneloutdoor .com](http://clearchanneloutdoor.com)

From: Michelle Fournier [<mailto:fournierm@reno.gov>]

Sent: Thursday, November 10, 2011 10:19 AM

To: West, Aaron

Subject: emails

Do you still want me to forward emails to you regarding opposition of digital billboards?

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920

NEW E-MAIL ADDRESS: fournierm@reno.gov

Marilyn Craig

From: Lori Wray [lwrap@markwraylaw.com]
Sent: Friday, November 18, 2011 3:17 PM
To: 'fournierm@reno.gov'
Subject: (Archive Copy) Digital File

Michele,

Can I come over and look at the digital billboard file now? I won't need any copies of anything, I don't think and if I do it can wait til Monday.

Lori Wray
Office Administrator
Law Offices of Mark Wray
608 Lander Street
Reno, NV 89509
775 348-8877 voice
775 348-8351 fax

COR-04535

JA 1631

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Monday, December 05, 2011 1:49 PM
To: Aaron West
Subject: (Archive Copy) Fwd: Arizona Court of Appeals Decision on Digital Billboards
Attachments: ATT00691.htm

fyi.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: Lori Wray <lwrap@markwraylaw.com>
To: "'fournierm@reno.gov'" <fournierm@reno.gov>
Cc: 'Claudia Hanson' <hansonc@reno.gov>, Mark Wray <mwrap@markwraylaw.com>, 'Doug Smith' <dgsmith@bigsky.reno.nv.us>, 'Chris Wicker' <WWicker@woodburnandwedge.com>, "'petercneumann@sbcglobal.net'" <petercneumann@sbcglobal.net>, 'Scenic Nevada Admin' <info@scenicnevada.org>, 'John Hara' <countertourist@gmail.com>
Date: Mon, 5 Dec 2011 21:42:04 +0000
Subject: Arizona Court of Appeals Decision on Digital Billboards

Dear Planning Commissioners,

An Arizona appellate court in November ruled that digital billboards are illegal along federal highways because digitals use intermittent lighting. The ruling could have a profound impact on the proposed ordinance you are about to review for the City of Reno. Also, the court's opinion directly contradicts statements made by Clear Channel Outdoor at recent planning commission meetings here that digital billboards do not violate federal laws.

In *Scenic Arizona v City of Phoenix Board of Adjustment*, the Arizona Court of Appeals rejected arguments of American Outdoor Advertising, holding that the Phoenix Board exceeded its authority in granting a permit for digital billboards because digitals require use of intermittent lighting, a violation of Arizona state law and an agreement between Arizona and the federal government.

Like Arizona and many other states, Nevada entered into an agreement in 1972 with the federal government to ensure continued federal funding of highways. The federal-state agreements, or "FSA's", enforce regulations for billboards on size, spacing and lighting. The purpose is to "protect the public investment in such highways, to promote the safety and recreational value of public travel and to preserve natural beauty." 23 U.S.C. § 131(a) (2002).

Nevada's agreement with the federal government (attached) states that billboards:

"shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information) and shall not

JA 1632

cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance or is likely to be mistaken for a warning or danger signal as to cause glare or impair vision of any driver, or to interfere with an driver's operation of a motor vehicle." See, Agreement, attached, p. 7 (emphasis supplied).

Nevada's Legislature adopted statutes requiring Nevada to enter into its FSA with the federal government. NRS 410.220 to 410.410 require the state to enter into an agreement with the federal government and have the force of law. The statutes say the regulations in the agreement must be consistent with federal highway standards, on "spacing, size and lighting." See, Agreement, attached.

The regulations are included in the Nevada Administrative Code (NAC) which says in part:

"Signs must not include or be illuminated by flashing, intermittent or moving lights and also electronic signs may be approved, "if the sign does not contain flashing, intermittent or moving lights ..." See, NAC 410.350, attached, (emphasis supplied).

In its 51-page decision, the Arizona Court of Appeals held that digital billboards use intermittent lighting because the images flip every eight seconds from one advertisement to another.

"Because the combination of LEDs used to display each brightly lit image on the billboard changes every eight seconds, the billboard's lighting necessarily is intermittent under the plain meaning of the statute. Thus, we are not persuaded by American Outdoor's attempt to exempt its billboard from the bar on intermittent lighting. The billboard uses multiple arrangements of lighting to display images that stop and start at regular intervals, which means it uses intermittent lighting." *Scenic Arizona v City of Phoenix Board of Adjustment*, page 22.

As currently proposed, the new Reno ordinance would permit digitals within the McCarran Ring road. Sections of Interstate 80 and US 395 (part of the National Highway System governed by federal and state laws) are located within the McCarran Ring.

In recent Planning Commission public hearings, Clear Channel Outdoor testified that digital billboards aren't in violation of federal laws. Apparently, Clear Channel bases this claim on a 2007 Federal Highway Administration (FHWA) guidance memo that says digital billboards "do not violate a prohibition against 'intermittent,' or 'flashing' or 'moving' lights as those terms are used in the various (federal-state agreements)."

The Arizona court said that there were no rules, laws or formal regulations changed to allow intermittent light and the memo from FHWA did not replace the 40-year old laws on the books regulating 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 (Arizona's) prohibition of intermittent lighting." *Scenic Arizona v City of Phoenix Board of Adjustment*, page 31.

Scenic Nevada is opposed to digital billboards. The proposed city ordinance allowing digital billboards would violate city, state and federal law. We believe digitals include intermittent lighting; they are a distraction to drivers; they obstruct scenic views and detract from highway beautification; and they are new construction, which is prohibited. Reno city code says: "The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction."

The people voted 11 years ago to prohibit new construction and reaffirmed that vote in a recent survey, with 55% saying the Reno city codes should not be changed to allow digital billboards. When the time comes, please uphold the vote of the people and the laws of this state by voting no on allowing digital billboards within Reno.

Sincerely,
Lori Wray

COR-04369

JA 1633

Member, Board of Directors, Scenic Nevada

775 348-8877 work

775 848-8288 cell

COR-04370

JA 1634

-
- (1) nevadafederal-stateagreement(fsa)1.pdf (371K)
 - (2) nac4101.docx (11K)

COR-04371

JA 1635

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Wednesday, February 01, 2012 3:45 PM
To: West, Aaron
Subject: (Archive Copy) RE: Help

I guess Chris called Claudia and said he would bring it tomorrow morning. Thanks. Scenic is actually requesting a copy as well. We didn't have one but we definitely need it for the file.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: "fournierm@reno.gov" <fournierm@reno.gov>
Date: Wed, 1 Feb 2012 23:42:41 +0000
Subject: RE: Help

Michelle,

Because I wasn't there I'm not sure what was presented but I have reached out to John and Chris to provide this. It seems like Scenic has been rather quiet, or at least I haven't seen any correspondence?

aaron west
Real Estate Manager - Reno/Tahoe :: Clear Channel Outdoor
4945 Joule Street :: Reno :: Nevada 89502
775.353.5255 p :: 775.856.7595 f :: clearchanneloutdoor.com

From: Michelle Fournier [mailto:fournierm@reno.gov]
Sent: Wednesday, February 01, 2012 2:56 PM
To: West, Aaron
Subject: Help

Hi Aaron,

How are you? I need you help. John Frankovich provided a list of requested revisions to the billboards ordinance and a map to the Planning Commission at the January 4th meeting. Is it possible you could get me an electronic copy of both? We need it for the record.

Thank you

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920

COR-04387

JA 1636

Marilyn Craig

From: West, Aaron [AaronWest@clearchannel.com]
Sent: Tuesday, August 28, 2012 2:16 PM
To: hansonc@reno.gov
Subject: (Archive Copy) RE: Based on last week's meeting...

I'm curious why Frank thought it appropriate to call out that Clear Channel was willing to give up "54 signs for a digital" (understanding that he is completely wrong, AGAIN) in Tacoma; when he is bitching about a 2 for 1. Wouldn't you call out situations where there is no exchange ratio? If the council is getting tired of catering to the little guy, I can provide plenty of fodder for increasing the exchange ratio:

St. Petersburg OKs Clear Channel Digital Billboards
by Erik Sass, Aug 21, 2012, 5:29 PM

Clear Channel Outdoor is expanding its national network of digital billboards with new additions in St. Petersburg, Florida, where it has received permission from the city council to convert six traditional billboards to digital displays in the second half of the year.

While digital billboards have run into opposition in other parts of the country, in St. Petersburg the plan is actually being presented as a means to reduce outdoor visual clutter. The program involves scrapping a total of 83 traditional billboards around the city, including obsolete displays located in areas that no longer make sense from a commercial or zoning perspective...

One other thought. They have billboards in Sparks, which could be converted right now. If they are so fired up about digital, why haven't they contemplated converting those signs. That's what we did. Could it be that they don't actually have the money to do so and only care about this as a strategy for selling their inventory; the value of their inventory would at least triple...

aaron west
Real Estate Manager - Sacramento/Reno

From: Claudia Hanson [mailto:hansonc@reno.gov]
Sent: Tuesday, August 28, 2012 12:07 PM
To: West, Aaron
Subject: RE: Based on last week's meeting...

I'm meeting with Saunders this afternoon. No word from Scenic.

-----Original Message-----

From: "West, Aaron" <AaronWest@clearchannel.com>
To: "hansonc@reno.gov" <hansonc@reno.gov>
Date: Tue, 28 Aug 2012 16:46:32 +0000
Subject: RE: Based on last week's meeting...

Thanks, any word from our friends at Scenic or Saunders?

aaron west
Real Estate Manager - Sacramento/Reno

COR₁02971

JA 1637

From: Claudia Hanson [mailto:hansonc@reno.gov]

Sent: Monday, August 27, 2012 1:48 PM

To: West, Aaron

Subject: Re: Based on last week's meeting...

Sept 9 & 26 fee resolution will be with them so we won't need to wait for them.

Sent from my iPhone

On Aug 27, 2012, at 10:36 AM, "West, Aaron" <AaronWest@clearchannel.com> wrote:

Can I get new dates for 1st and 2nd reading? Thanks...

aaron west

Real Estate Manager - Sacramento/Reno :: Clear Channel Outdoor

CA :: 916.414.2909 p :: 916.492.1309 f

NV :: 775.353.5255 p :: 775.856.7595 f

COR-02972

JA 1638

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Friday, December 02, 2011 3:41 PM
To: Lori Wray
Subject: (Archive Copy) RE: RE: digital file

Works for me. I will see you then. I hope you have a great weekend. Stay warm!!

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: Lori Wray <lwwray@markwraylaw.com>
To: 'Michelle Fournier' <fournierm@reno.gov>
Date: Fri, 2 Dec 2011 23:39:19 +0000
Subject: RE: RE: digital file

Okay, I can't come in to your office until after lunch so about 1:30 or so, if that works?

-----Original Message-----

From: Michelle Fournier
Sent: Friday, December 02, 2011 3:37 PM
To: Lori Wray

I just remembered I won't be here until 10:00 or so. So, if you want to come after that it would ok. I would think Claudia would be here though.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov <<mailto:fournierm@reno.gov>>

-----Original Message-----

From: Lori Wray <lwwray@markwraylaw.com>
To: "'fournierm@reno.gov'" <fournierm@reno.gov>
Date: Fri, 2 Dec 2011 23:33:05 +0000
Subject: RE: digital file

Okay, thanks. When's a good time?
COR-04366

JA 1639

From: Michelle Fournier [<mailto:fournierm@reno.gov>]
Sent: Friday, December 02, 2011 2:30 PM
To: Lori Wray
Subject: Re: digital file

Yes.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501

Phone: (775) 334-2042

Fax: (775) 334-4920

NEW E-MAIL ADDRESS: fournierm@reno.gov <<mailto:fournierm@reno.gov>>

-----Original Message-----

From: Lori Wray <lwray@markwraylaw.com>

To: "'fournierm@reno.gov'" <fournierm@reno.gov>

Cc: 'Claudia Hanson' <hansonc@reno.gov>

Date: Fri, 2 Dec 2011 22:24:08 +0000

Subject: digital file

Hi Michele,

Can I come over and review the digital billboard file on Monday?
Thanks.

Lori Wray
Office Administrator
Law Offices of Mark Wray
608 Lander Street
Reno, NV 89509
775 348-8877 voice
775 348-8351 fax

Marilyn Craig

From: Lori Wray [lwray@markwraylaw.com]
Sent: Wednesday, December 07, 2011 6:31 PM
To: 'fournierm@reno.gov'
Cc: 'Claudia Hanson'; harafx@sbcglobal.net; 'John Hara'; Mark Wray; 'petercneumann@sbcglobal.net'; 'Chris Wicker'; 'James BARNES'; 'Doug Smith'; 'Scenic Nevada Admin'; 'Sue Smith'
Subject: (Archive Copy) Digital Billboard Opportunities
Attachments: ATT01366.htm

Dear Planning Commissioners,

Clear Channel Outdoor says in the attached email, "The reality is that new sites for construction of billboards, whether static or digital, are non-existent due to current inventories, no-compatible zoning and separation from residential."

New sites do exist. Attached is a photo, showing construction this fall of a new traditional billboard on Market Street in Reno adjacent to US 395. It was built on a vacant lot owned by a family from California. YesCo used a banked receipt. There are many reasons new billboards might be erected in Reno in the coming years, despite the vote in 2000 prohibiting new construction; new commercially zoned property such as the University Farms parcel; new annexations; and currently vacant commercial or industrial lots idled by the economy to name a few. Apparently, leasing space for a billboard is better than no rent at all.

Of course, the point is when a new digital billboard is constructed along the freeway, the billboard company will benefit from new "impressions." With eight advertisers on one DBB, the revenue generated will be far greater than a traditional billboard on a less traveled route in Reno. For this benefit, more impressions and more advertiser income, the billboard company will lose two, whole billboards on the street. The billboard company will choose to eliminate the billboards with lackluster performance and fewer impressions. Many more in the community will see the new digital and not notice that two others were removed. I'm aware that six banked receipts must be sacrificed too. These banked receipts represent billboards that were removed because they couldn't remain on the site for one reason or another. For example, billboards are removed because of expired leases. Some of those worthless billboards become banked receipts that can be returned to the streets as a digital billboard, earning far more income after coming out of the bank then going into the bank.

It's not clear to me how the community benefits from this arrangement.

Lori Wray
Member, Board of Directors
775 348-8877 work
775 848-8288 cell

COR-04555

JA 1641

Marilyn Craig

From: Michelle Fournier [fournierm@reno.gov]
Sent: Thursday, October 20, 2011 2:45 PM
To: mtjnky@yahoo.com; jjjwoosley@gmail.com; kevin@moodyweiske.com; romeo7419@charter.net; douglascoffman@aol.com; paddymelad@yahoo.com; dagnyck@gmail.com
Cc: Claudia Hanson
Subject: (Archive Copy) Fwd: Digital Billboards
Attachments: ATT00508.htm

Please see attached.

Michelle Fournier, Secretary
Community Development Department
450 Sinclair Street - 3rd Floor
Reno, NV 89501
Phone: (775) 334-2042
Fax: (775) 334-4920
NEW E-MAIL ADDRESS: fournierm@reno.gov

-----Original Message-----

From: Lori Wray <lwray@markwraylaw.com>
To: "fournierm@reno.gov" <fournierm@reno.gov>
Cc: "harafx@sbcglobal.net" <harafx@sbcglobal.net>, Mark Wray <mwray@markwraylaw.com>, 'Chris Wicker' <WWicker@woodburnandwedge.com>, 'Claudia Hanson' <hansonc@reno.gov>
Date: Thu, 20 Oct 2011 21:33:57 +0000
Subject: Digital Billboards

Dear Planning Commissioners,

At your October meeting, the Clear Channel Outdoor representative repeated again that digital billboards are "safety neutral."

Here is a quote by a nationally-known traffic safety expert, Jerry Wachtel, in an American Planning Association publication article published in 2011 that says "...the billboard industry insists that research (which it sponsored) shows that DBBs do not increase the number of crashes. This claim is unsupportable, and the research has been discredited by independent peer review."

<http://www.planning.org/planning/open/mar/digitalbillboards.htm?print=true>

Also thought you would be interested to know that while Clear Channel is telling you that digital billboards are "safety neutral," it is also bragging about how effective digitals are at distracting drivers. Here's a 2007 quote from Paul Meyer, president and chief operating officer of Clear Channel Outdoor. "You can't avoid it," Mr. Meyer said. "There's no mute button. There's no on-off switch." I'm attaching the New York Times article in which he was quoted. But here is the link also:

<http://www.nytimes.com/2007/01/11/business/media/11outdoor.html?pagewanted=2>

Please take a moment to read the attached 2009 news release from Scenic America about the 2009 Safety Summit convened in Washington D.C. At that conference, presenter Dr. John Lee of the University of Wisconsin said that digital billboards can be a cause of motorist distraction. Also attached is Scenic America's report on safety with links to safety reports conducted by experts in traffic safety.

Scenic Nevada believes that digital billboards are distracting. They are meant to be distracting. When a driver takes his eyes off the road for up to three seconds to read the ad or watch for the ad to change, the incidence of a crash increases by 80% or near crash increases by 65%. If you are interested in knowing the truth about whether digitals are safe, please look beyond what Clear Channel is reporting to you. There is a lot of evidence that shows digitals are distracting and distractions can lead to higher crash rates.

Digital billboards are new construction. Allowing digitals in Reno disregards the safety of our citizens as well as the vote that outlawed new construction of billboards. Please tell the city council to uphold the wishes of the voters and ban digital billboard construction in Reno.

Lori Wray

COR-04042

JA 1642

Scenic Nevada
775 348-8877

COR-04043

JA 1643

-
- (1) snnnytimesstoreyondigitalsandsafety0.pdf (2144K)
 - (2) snsenicamericapressrelease0.pdf (419K)
 - (3) sndigitalbillboardsafetystudies0.pdf (613K)

COR-04044

JA 1644

file://C:\Documents and Settings\craig.CH\Local Settings\Temporary Internet Files\Content.... 6/6/2013

Marilyn Craig

From: Claudia Hanson [hansonc@reno.gov]
Sent: Thursday, January 05, 2012 11:39 AM
To: Bill Thomas; Marilyn Craig
Subject: (Archive Copy) Electronic Billboards

Bill and Marilyn,

After looking at the appeal times, I have scheduled the electronic billboard text amendment to go to Council at 6:00 on February 8. It hasn't been appealed, but due to the public interest and probable length of discussion, we put it at 6:00. Chris Barrett had said that February was fine.

Claudia

Marilyn Craig

From: Bill Thomas [ThomasB@reno.gov]
Sent: Thursday, January 05, 2012 12:10 PM
To: Claudia Hanson; Marilyn Craig
Subject: (Archive Copy) Re: Electronic Billboards

That makes sense to me.

Bill Thomas, AICP
Community Development Director
(775)334-2435
(775)334-2343 fax
ThomasB@reno.gov

-----Original Message-----

From: "Claudia Hanson" <hansonc@reno.gov>
To: "Bill Thomas" <ThomasB@reno.gov>, "Marilyn Craig" <craigm@reno.gov>
Date: Thu, 05 Jan 2012 11:38:39 -0800
Subject: Electronic Billboards

Bill and Marilyn,

After looking at the appeal times, I have scheduled the electronic billboard text amendment to go to Council at 6:00 on February 8. It hasn't been appealed, but due to the public interest and probable length of discussion, we put it at 6:00. Chris Barrett had said that February was fine.

Claudia

Marilyn Craig

From: Claudia Hanson [hansonc@reno.gov]
Sent: Thursday, January 19, 2012 11:09 AM
To: Barbara Aufiero; Marilyn Craig; Christine Felch
Subject: (Archive Copy) Re: Appeal for Wild Orchid and Market Street

Hi Barbara,

Please schedule them for 6:00 on February 22. Billboards should be on for 6:00 on February 8 and MSFL should be on for 6:00 on March 14.

Thank you.

Claudia

-----Original Message-----

From: "Barbara Aufiero" <AufieroB@reno.gov>
To: "Claudia Hanson" <hansonc@reno.gov>, "Marilyn Craig" <CraigM@reno.gov>, "Christine Felch" <FelchC@reno.gov>
Date: Thu, 19 Jan 2012 08:29:28 -0800
Subject: Appeal for Wild Orchid and Market Street

Good morning,

I received the appeals for Market Street and Wild Orchid to the City Council yesterday. Lori Wray appealed both on behalf of Scenic Nevada. She wanted a 6 P.M. time. I'm not sure if this would be considered a Public Hearing or would it go under Community Development item. The dates she is considering are

February 8, 2012 6 P.M
February 22, 2012 6 P.M
or
March 14, 2012 6 P.M.

Please advise.

Thanks

Barbara Aufiero
Office Assistant II
City Clerks Office
aufierob@reno.gov
P.O Box 7
Reno, NV 89504
1 E First Street, 2nd Floor
Phn: (775)334-2030
Fax: (775)334-2432

COR-04152

JA 1647

Marilyn Craig

From: Bill Thomas [thomasb@reno.gov]
Sent: Tuesday, March 27, 2012 4:19 PM
To: hansonc@reno.gov
Subject: (Archive Copy) Re: Electronic Billboards

Like the ideas. Why don't we talk tomorrow at Council.

Sent from my iPhone

On Mar 27, 2012, at 3:02 PM, "Claudia Hanson" <hansonc@reno.gov> wrote:

Hi.

I just need to bounce some concepts by you so put your planner hat on for a minute... I've met with Scenic NV and Clear Channel and CBS since the billboard workshop(I must remember to tell you about the CBS repl!). CBS didn't really have a response one way or another but the other two agree (yes they finally agree on something!) that the bank should be closed for deposits. You can still use what you have in there, but we shouldn't be adding any more to the bank. Probably should have done that a few years ago. It won't fix the situation but it won't get any worse.

We could also look at expanding the 4:1 ratio to other areas where we want to remove clutter. The two sign companies agreed to have an adopted ratio to use throughout the City or in the cluttered areas. We can identify the cluttered areas through the ordinance. If a company does not want to or can't use that ratio they can propose a development/relocation agreement to establish an electronic billboard. Somehow that agreement would need to result in a reduction of the square footage of boards, preferably ones that don't meet standards and/or are located in a clutter area. Staff could negotiate the agreement, application fee would be enough to cover our T&M and the agreement would be approved by PC and/or CC, probably CC since any of them would be appealed there anyway. Any newly constructed signs would need to meet all standards. We don't want to continue the non conformities of the existing signs.

My concern would be being consistent from one agreement to the next. We could establish findings. I don't want to relate it to a certain % of the signs owned by a company since they could easily form another company and place one board under it. We could lock in the ownership as of a certain date but that could mess with the companies being able to sell the signs between each other.

I just need to bounce this off of you, I don't really have anybody else around here who understands the billboards.

Let me know your thoughts.

Thanks.

Claudia

JA 1648

COR-04221

EX-20

from staff report from April 25, 2012
(COR 701-709 Exh. 51)

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) *then*
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

From: "Fred Turnier" <turnierf@reno.gov>
To: <SiddharthanV@reno.gov>; <SchroederJ@reno.gov>
Cc: "Bill Thomas" <ThomasB@reno.gov>; <craigm@reno.gov>; <hansonc@reno.gov>; <FallisS@reno.gov>
Sent: Monday, July 02, 2012 3:52 PM
Subject: (Archive Copy) Digital Billboards item Council 7/18

Visha and Jamie,

I spoke with Marilyn about this item and we asked for it to be on the 18th. Due to some on-going negotiations/discussions with the industry and Claudia being out till the 5th to discuss, we have requested that our staff report be finalized the 5th. This is a deviation from our 9 am tomorrow deadline. I spoke with Bill about this and the sensitivity of getting this on the 18th and ensuring the industry does not get upset over changes that may occur. I appreciate the flexibility.

If you have any questions or comments, please let me know.

Thank you,
Fred

Fred R. Turnier, AICP
Community Development Director
City of Reno
E: turnierf@reno.gov
P: 775.321.8302
F: 775.334.2343

Please take a moment to take our online customer service survey
<http://reno.gov/index.aspx?recordid=137&page=2372>

COR-03812

ET-2

JA 1650

5/6/2013