

STAFF REPORT

Date: October 25, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Discussion and possible direction to the City Attorney's Office to appeal the Second Judicial District Court's Order Granting in Part and Denying in Part Plaintiff's Second Amended Petition for Writ of Mandamus and/or Prohibition in Scenic Nevada, Inc. v. City of Reno, Reno Real Estate Development, LLC and Reno Property Manager, LLC, Case No. CV21-02086 (Sept. 22, 2023).

From: Jasmine Mehta, Deputy City Attorney III

Department: City Attorney's Office

Summary:

Attached for Council review, consideration, and direction is an Order Granting in Part and Denying in Part Plaintiff's Second Amended Petition for Writ of Mandamus and/or Prohibition in Scenic Nevada, Inc. v. City of Reno, Reno Real Estate Development, LLC and Reno Property Manager, LLC, Case No. CV21-02086.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

There is no recent Council action relevant to this item.

Discussion:

In summary, the Order grants in part Scenic Nevada, Inc.'s petition for a writ of mandamus and/or prohibition as to two of the three area identification signs in the Development Agreement between the City of Reno and Reno Real Estate Development, LLC and Reno Property Manager, LLC and prohibits the City from issuing building permits for those two signs. In reaching its conclusion, the Court determined that 1) Scenic Nevada, Inc. had standing to contest the Development Agreement; 2) two of the signs are billboards, not area identification signs; and 3) that NRS 278.0201 does not give the City the authority to deviate from existing code when entering into a development agreement under that statute.

Written notice of entry of the Order was served on October 10, 2023. The deadline to file an appeal is November 9, 2023.

Financial Implications:

None.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council authorize and direct the City Attorney's Office to appeal the Second Judicial District Court's Order Granting in Part and Denying in Part Plaintiff's Second Amended Petition for Writ of Mandamus and/or Prohibition in Scenic Nevada, Inc. v. City of Reno, Reno Real Estate Development, LLC and Reno Property Manager, LLC, Case No. CV21-02086 (Sept. 22, 2023).

Proposed Motion:

I move to approve staff recommendation.

Attachments:

2023-09-22 Order GIP and DIP Writ