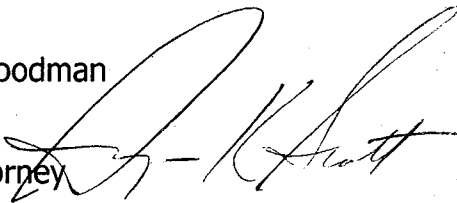


Memorandum

City of Las Vegas Office of the City Attorney

To: Mayor Oscar B. Goodman

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: August 31, 2006

Re: Request for Opinion on Abstentions for 9/6/06 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on Item 113 which is scheduled to be considered by the City Council at its September 6, 2006 meeting.

Item 113 (RQR-13675) is an application by Lamar Outdoor on behalf of a property owner, Masonic Memorial Temple, for a two-year review of an approved Special Use Permit for an off-premise advertising sign (billboard) at 2234 West Mesquite Avenue.

It is my understanding from speaking with you, that you are currently a member of the Masonic Memorial Temple on Mesquite Avenue. As a result of that relationship and your personal commitment to the organization, your independence of judgment regarding this item might be materially affected. The City Council's decision with regard to this required review will directly harm or benefit Masonic Memorial Temple financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by . . . (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussion and vote on the above-referenced item.

Submitted at City Council
Date 9/6/06 Item # 113

If the above-referenced item is abeyed, tabled or withdrawn at the September 6, 2006 meeting, you may vote on the motion to abey, table or withdraw the item as those are not substantive motions. If the item comes back before the City Council for rehearing, you will again need to disclose your conflict on the record and abstain from voting.

If you have any additional questions regarding any of the above, please feel free to contact me.

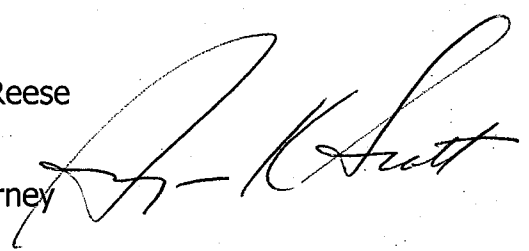
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Memorandum

City of Las Vegas Office of the City Attorney

To: Councilman Gary Reese

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: August 31, 2006

Re: Request for Opinion on Abstentions for 9/6/06 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on Item 113 which is scheduled to be considered by the City Council at its September 6, 2006 meeting.

Item 113 (RQR-13675) is an application by Lamar Outdoor on behalf of a property owner, Masonic Memorial Temple, for a two-year review of an approved Special Use Permit for an off-premise advertising sign (billboard) at 2234 West Mesquite Avenue.

It is my understanding that Gary Gray will be representing the Masonic Memorial Temple with regard to this matter. It is additionally my understanding from speaking with you, that Mr. Gray is a close friend of yours, was your Campaign Manager during your previous City Council election and is anticipated to be your campaign manager for your re-election campaign. As a result of your relationship with Mr. Gray, you have expressed concern that your independence of judgment on this item might be materially affected. The City Clerk's Office informs us that you previously abstained from the discussion and vote on items involving the Masonic Memorial Temple on April 17, 2002 (Items #133, 134 and 135) and on December 18, 2002 (Item #144) because Mr. Gray was its representative. The City Council's decision with regard to this required review may directly harm or benefit Mr. Gray financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by . . . (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

Submitted at City Council

Date 9/6/06 Item #113

In light of the above, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussion and vote on the above-referenced item.

If the above-referenced item is abeyed, tabled or withdrawn at the September 6, 2006 meeting, you may vote on the motion to abey, table or withdraw the item as those are not substantive motions which would have any effect upon Mr. Gray's fortunes. If the item comes back before the City Council for rehearing, you will again need to disclose your conflict on the record and abstain from voting.

If you have any additional questions regarding any of the above, please feel free to contact me.

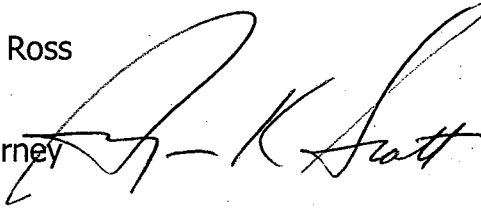
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Memorandum

City of Las Vegas Office of the City Attorney

To: Councilman Steve Ross

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: August 31, 2006

Re: Request for Opinion on Abstentions for 9/6/06 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on Item 113 which is scheduled to be considered by the City Council at its September 6, 2006 meeting.

Item 113 (RQR-13675) is an application by Lamar Outdoor on behalf of a property owner, Masonic Memorial Temple, for a two-year review of an approved Special Use Permit for an off-premise advertising sign (billboard) at 2234 West Mesquite Avenue.

It is my understanding that Gary Gray will be representing the Masonic Memorial Temple with regard to this matter. It is additionally my understanding from speaking to you, that Mr. Gray is a close friend of yours and was your City Council election Campaign Manager. As a result of your relationship with Mr. Gray, you have expressed concern that your independence of judgment on this item might be materially affected. The City Council's decision with regard to this required review may directly harm or benefit Mr. Gray financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by . . . (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussion and vote on the above-referenced item.

Submitted at City Council

Date 9/6/06 Item # 113

If the above-referenced item is abeyed, tabled or withdrawn at the September 6, 2006 meeting, you may vote on the motion to abey, table or withdraw the item as those are not substantive motions. If the item comes back before the City Council for rehearing, you will again need to disclose your conflict on the record and abstain from voting.

If you have any additional questions regarding any of the above, please feel free to contact me.

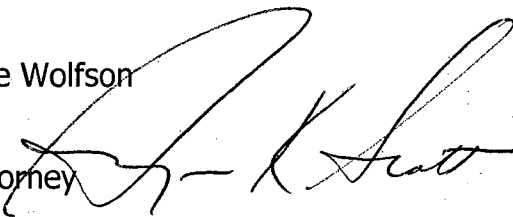
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Memorandum

City of Las Vegas Office of the City Attorney

To: Councilman Steve Wolfson

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: September 5, 2006

Re: Request for Opinion on Abstentions for 9/6/06 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on Item 113 which is scheduled to be considered by the City Council at its September 6, 2006 meeting.

Item 113 (RQR-13675) is an application by Lamar Outdoor on behalf of a property owner, Masonic Memorial Temple, for a two-year review of an approved Special Use Permit for an off-premise advertising sign (billboard) at 2234 West Mesquite Avenue.

It is my understanding that Gary Gray will be representing the Masonic Memorial Temple with regard to this matter. It is additionally my understanding from speaking to you, that Mr. Gray is a friend of yours and was your City Council election Campaign Manager. Additionally, Mr. Gray was the Campaign Manager for your wife, Judge Jackie Glass. As a result of your personal relationship with Mr. Gray, you have expressed concern that your independence of judgment on this item might be materially affected. The City Council's decision with regard to this required review may directly benefit or harm Mr. Gray financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by . . . (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussion and vote on the above-referenced item.

Submitted at City Council

Date 9/6/06 Item #113

If the above-referenced item is abeyed, tabled or withdrawn at the September 6, 2006 meeting, you may vote on the motion to abey, table or withdraw the item as those are not substantive motions. If the item comes back before the City Council for rehearing, you will again need to disclose your conflict on the record and abstain from voting.

If you have any additional questions regarding any of the above, please feel free to contact me.

BKS:b

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To: Mayor Oscar C. Goodman and the City Council of Las Vegas

From: Rancho Manor N. A. (DJ Deegan)

Subject: Masonic Temple Billboard

Re: RQR-13675

Please accept the following statement for the record on this issue.

There is one addendum (press release from Gary Gray).

Thank you.

Submitted at City Council

Date 9/6/06 Item #113

Rancho Manor has assented to the continued presence of the Masonic Temple billboard.

For the record, we submit that this billboard was originally agreed to only because:

- a. some residents felt the negative impact of the billboard could be tolerated out of compassion for the Masons' community service work and, at that time, dire financial situation.
- b. it was believed that an agreement could be made with the Masons to take steps to protect the neighborhood and severely restrict future negative impacts.

I would respectfully direct the Council's attention to the conditions of approval to the conditions of approval of Re-zoning. One requires sub-division of the property into a lot zoned "O" on the west side and a lot designated "CV" comprising the center and eastern portion. The entire original lot could have been zoned "CV" and suitable for billboard construction under an amended City ordinance. Therefore, this was NOT done to facilitate the billboard but to define and restrict future land use and development of this area.

I would submit in evidence the proposed press release written by the representative of the Masonic Temple and the billboard company at this time, Mr. Gary Gray, in November of 2001. Three things should be evident from this document, which, I agree, correctly reflects discussions between Rancho Manor N.A. and Mr. Grey.

- a. zoning and future land use and development was the key topic and essential to reaching an agreement between the Temple and the Neighborhood. Although the object of the agreement was the billboard, neither that nor the traffic calming device are mentioned here as it is assumed that the Neighborhood will not oppose the billboard and that the advertiser will supply the calming device.
- b. just as the Neighborhood agreed to respect the Temple's right to develop the western portion of their property without future GPA and zoning debates, the Temple agreed to restrict development on the east side by maintaining "R-1" zoning.
- c. the Temple agreed to consult with their neighbors, both the Association and the First Christian Church, regarding future development.

The compromise outlined here was significantly changed by the Planning Dept. and the City Council under the guidance of Councilman Weekly. The western "developable" portion of the Masons' property was changed from C-1 to O, a restriction to everyone's satisfaction and the immense relief of the neighborhood. The eastern portion was changed from R-1 to CV. When we (RMNA) queried this change, it was admitted that while the Masons could not build for lease or profit, they could build for their own (fraternal activities) use. For this reason, a landscape buffer was to be an added condition. Nothing was given to change the understanding that the area zoned CV strictly for the use of the Masons and their guests, while commercial, rentable, office space was to be limited to the western-most parcel so zoned.

Now, we see the Masonic Temple planning a multi-story office park for their entire property without consultation or consideration of prior agreements and zoning decisions. At RMNA, we are appalled that they can cherry-pick their agreements, accepting terms in their favor and ignoring those which inconvenience them.

(DJ Deegan)

interoffice

MEMORANDUM

to: Dan Deegan
from: Gary Gray
re: Article
date: November 6, 2001

Faxed to 385-7654

Attached is a short article outlining the discussion and agreement of October 27th. We believe it covers all the discussion. If there is anything which doesn't match your recollections, please let me know as we want to be both concise and accurate.

Thanks for this opportunity.

from the desk of...

Gary Gray

Gray and Associates
P.O. Box 7397
Las Vegas, Nevada 89125

702-388 7788
Fax: 702-385-3999

On Tuesday, October 27th neighborhood leaders, representatives of the City of Las Vegas, the Masonic Temple and Ad America met to discuss the application for an amendment in the city's master plan.

The Masonic Temple explained that increased maintenance costs for an aging building forced them to look for an additional form of steady income. That is why they proposed development of their vacant property.

All parties agreed it was no longer economically feasible to use the property in the way it is currently zoned; that is, for the construction of single family housing. The discussion turned to the application which proposed changing the master plan, and then the zoning, to allow commercial business along Rancho Road and an office complex along the eastern portion of the property.

The neighborhood representatives explained that any change near existing homes caused real concern. They urged the Masonic Temple to consider dropping plans to develop office space and concentrate on what might be acceptable businesses along Rancho Road. The Masonic Temple agreed to that suggestion and will amend its application to leave the eastern portion as it is currently zoned.

The discussion then turned to the portion along Rancho Road and the western half of the section along Highway 95. It was understood that the Masonic Temple lacked the finances to develop the land on their own and would have to engage a development company to put a plan and drawings together. The Masonic Temple and the neighborhood representatives agreed that any plan development must involve review and comment by the neighborhood.

Work will be done first with neighborhood representatives. Then, the public will have opportunities to comment first at a neighborhood meeting, at a planning commission meeting at least thirty days after the neighborhood meeting, and finally, forty-five days after the planning later before the city council. The same process and timelines apply to the amendment of the master plan and to the request for a zone change.

The types of businesses which might be located along the Rancho Road area were discussed. It was agreed that convenience store-gas station type businesses would not qualify. In terms of general types of business, an Applebees or Chili's-type restaurant was discussed as were coffee shops along the lines of Starbucks or Jitters. Also discussed were fast-food restaurants such as In-N-Out Burger or Burger King, drug stores such as Rite-Aid, and beauty salons or dry cleaners. The need for adequate traffic controls, landscaping and parking were also discussed.

It was mutually agreed that the Masonic Temple would amend its application to affect only the property along Rancho Road and the western portion along Highway 95 and progress to the next stage which is a public hearing on the changed proposal. The Masonic Temple will try to find someone able to develop the property and will involve the neighborhood organization in the development discussions.