

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 78792

CITY OF LAS VEGAS, a political subdivision of the State of Nevada

Petitioner

v.

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Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of
Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents

and

180 LAND CO., LLC, a Nevada limited liability company,

Real Party in Interest

District Court Case No. A-17-758528-J
Eighth Judicial District Court of Nevada

**REAL PARTY IN INTEREST'S APPENDIX
TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP 27(e)
FOR STAY PENDING WRIT PETITION
VOLUME 3
OMS 466 - OMS 670**

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AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that Real Party in Interest's Appendix does not contain the social security number of any person.

DATED this 21st day of May, 2019

LAW OFFICES OF KERMITT L. WATERS

By: /s/ Autumn Waters

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1880 **BART ANDERSON**

1881 Right. Those are conditions of the approved study, but when they come in with actual
1882 construction drawings, you know, if anything changes and that's another thing. As they're
1883 coming in with more development and it gets more clear, we can require that they update that
1884 traffic study and address any issues that come up.

1885

1886 **MAYOR GOODMAN**

1887 And as it comes in, I would assume it's a matter of public record?

1888

1889 **BART ANDERSON**

1890 It is.

1891

1892 **MAYOR GOODMAN**

1893 And this is, so any condition, anything that we would vote on at this point is subject to the
1894 approval by the developers of those conditions, those conditions have to be met, period.

1895

1896 **BART ANDERSON**

1897 Correct or they won't be allowed –

1898

1899 **MAYOR GOODMAN**

1900 By the developers.

1901

1902 **BART ANDERSON**

1903 Or they won't be allowed to actually –

1904

1905 **MAYOR GOODMAN**

1906 Develop.

1907

1908 **BART ANDERSON**

1909 – get the permit to build.

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1910 **MAYOR GOODMAN**

1911 Okay. Any questions? Yes, Councilwoman?

1912

1913 **COUNCILWOMAN TARKANIAN**

1914 Madam Mayor, the concern I have is Rampart, and the concern I have is right at Charleston and

1915 Rampart, which is not very far from here and where they'd have to be going right and then

1916 making their U-turn. We have had six months previous to June of this year, 87 traffic accidents,

1917 87 just at that area, according to a news article that appeared in the Review-Journal. That's an

1918 awful lot of accidents.

1919 And that's before any of this comes in. That's before any of this (sic) 41 units per acre, and that's

1920 my concern. I just want to voice it. I mean, maybe the traffic study says everything is fine, and

1921 yes, it's 82 percent full or 87 percent full or complete, excuse me, percentage-wise, but still,

1922 we're having those accidents there, and we're going to have more, we're going to have more with

1923 just that right turnout, there's no doubt in my mind, from what we have now.

1924

1925 **BART ANDERSON**

1926 I have not heard that number for accidents before I spoke with you earlier today and that, I would

1927 agree, that's a large number of accidents. I'm going to have to –

1928

1929 **COUNCILWOMAN TARKANIAN**

1930 I'll give you a copy of the article.

1931

1932 **BART ANDERSON**

1933 I would appreciate that so that I can look into that further and then get back to you.

1934

1935 **MAYOR GOODMAN**

1936 Yes, Councilman?

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 21st day of May, 2019, a copy of the foregoing **REAL PARTY IN INTEREST'S APPENDIX TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP 27(e) FOR STAY PENDING WRIT PETITION VOLUME 3** was electronically filed with the Clerk of Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by E-Flex system and others not registered will be served via U.S. mail as follows:

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1937 **COUNCILMAN COFFIN**

1938 Thank you, Mayor. I'm looking at the document here, which I've got a couple weeks ago from
1939 you, Chris, and EHB, your client. I'm looking in here for the drainage plan. I saw a paragraph
1940 devoted to drainage. But is there a map and a plan in here, by the way? I know it hasn't been
1941 submitted yet.

1942

1943 **CHRIS KAEMPFER**

1944 No, drainage has been submitted.

1945

1946 **COUNCILMAN COFFIN**

1947 Oh, submitted but not approved.

1948

1949 **CHRIS KAEMPFER**

1950 It's been, it's in the process of being reviewed. They've given comments and those comments
1951 have been considered. We need to comment back. So it's in that process.

1952

1953 **COUNCILMAN COFFIN**

1954 I need to see the status of that, maps of it and all that so that I can determine how I feel about
1955 that. I'm not predisposed against this program, by the way, but part of it, part of my concerns
1956 have to do with the drainage. So I need a map as submitted, apparently, to us.

1957

1958 **BART ANDERSON**

1959 Well, the – If I may through you, Mayor.

1960

1961 **MAYOR GOODMAN**

1962 Yes.

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1963 **BART ANDERSON**

1964 The drainage study has been submitted. It was an overall drainage study for, it mainly
1965 concentrated on the area of the 720 that you're looking at now, but it did kind of address the
1966 entire area.

1967 Typically, when we have these developments that are not associated with a development
1968 agreement, the drainage study does not come in before they get entitlements. Usually it's a
1969 condition of approval. So we wouldn't normally have a drainage study to look at prior to you
1970 guys acting on it.

1971 So, it's kind of unusual that we do in this case, and that's because it was associated with a
1972 development agreement. We can certainly bring what has been submitted to your office and sit
1973 down with you and show you what they've proposed, but because it isn't an approved study, it
1974 could change between now and then. And, in fact, I expect that it will because –

1975

1976 **COUNCILMAN COFFIN**

1977 Am I expected to vote on this without seeing a full drainage study?

1978

1979 **BART ANDERSON**

1980 That is the normal course of events.

1981

1982 **COUNCILMAN COFFIN**

1983 Well, this is not a normal event.

1984

1985 **BART ANDERSON**

1986 If you would prefer that they have an approved drainage study before you vote on it, then you
1987 need to direct that and perhaps abey this until that happens, because staff doesn't have the ability
1988 to force that.

1989

1990 **COUNCILMAN COFFIN**

1991 Okay. You don't have the authority. My point is informally I have been told, Chris, for your
1992 information, and I've been shown, essentially, a cocktail napkin version of drainage. And I know

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1993 roughly where the boxes would have to be, because that's roughly underneath the structures. But
1994 the concreting of the wash upstream concerns me, because that's a real sensitive habitat area, and
1995 I want to know if there's any unnecessary concreting of the wash.

1996 As I see it, upstream, I mean I did see this concept that the concreting would actually go as far as
1997 what is the existing clubhouse and maybe even further. That might be somebody's nice dream
1998 about how you ought to do it. But on the other hand, maybe it is not necessary to do it in that
1999 fashion. So, I need to know how much of the upstream environment is going to be ruined by the
2000 downstream, you know, plan here. So, I need to see that.

2001
2002 **MAYOR GOODMAN**
2003 Thank you. Thank you. What I'd like to do now is do you have a presentation, and then I want to
2004 open it up for public comment and then we'll go from there. You have a presentation?

2005
2006 **STEPHANIE ALLEN**
2007 Yes.

2008
2009 **MAYOR GOODMAN**
2010 Okay. It's yours.

2011
2012 **CHRIS KAEMPFER**
2013 Sadly, a rather elaborate one, but I think it's necessary to put some of these things on the record,
2014 Your Honor. And good afternoon, almost your evening, I mean evening, Your Honor and
2015 members of the Council. I'm Chris Kaempfer. With me is Stephanie Allen, and we're here on
2016 behalf of the applicants.
2017 You'll also be hearing from Mr. Greg Borgel with regard to some traffic considerations, and Mr.
2018 Jim Jimmerson has some comments, I believe, in the rebuttal portion of our presentation.
2019 Mr. Chris Williams, who is the architect, is here should you have any questions for him, and
2020 obviously you know the owners and their representatives are in the audience should you have
2021 any questions appropriate for their consideration.

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2022 Now, before we go any further, I want to thank very much your Planning Director and his staff,
2023 those representatives from Public Works, Fire and your other departments and your dedicated
2024 City Attorney for all of their hard work and thoughtful analysis throughout this entire process.
2025 It has not been easy, and at times it's been almost painful, but all of those folks had one idea and
2026 one goal in mind and that was to protect the interest of the City of Las Vegas. That was their
2027 only concern as they worked both fairly and hard with the developer and with the Queensridge
2028 community. So, thank you all.

2029 As a result of the withdrawals of the four of seven applications that were to be heard by you
2030 today, our request has narrowed considerably. As a result of these withdrawals, there is no need
2031 for any major modification to any plan. And as a consequence, today the request for your review
2032 and approval of a major modification has been eliminated.

2033 As a result of these withdrawals, there is no need for any development agreement. So, today the
2034 request for your review and approval of a development agreement has been eliminated. In fact,
2035 the request today is not to develop anything at all on 232 of the 250 acres of the golf course
2036 property. If you'll, we can go to the overhead.

2037 This is the map with which I'm sure everybody is familiar. Two hundred and thirty-two,
2038 Stephanie will point out what is not being developed or requested to be developed is that 232
2039 acres. The development is limited to the section that she's pointing out that was Development
2040 Area One. It was always Development Area One. Nothing has been changed. There's no change
2041 in the location, the design, or density of this portion of the project from what we proposed from
2042 the very beginning. Development Area One is where we're starting, and Development Area One
2043 is all that we are asking to have approved now.

2044 So, what we have before you today is simply a general plan amendment, a zone change and site
2045 development review pertaining to a 720-unit luxury development on 17.5 acres of land
2046 essentially on the southwest corner of Rampart and Alta, just east and south of the existing
2047 Queensridge Towers.

2048 As Planning and legal will verify, these 720 units fit squarely within the permitted number of
2049 units already available under the previously approved Peccole Plan, which again is why no major
2050 modification of any plan is either requested or required. Both your staff and the Planning

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2051 Commission, well, till I heard from Mr. Perrigo just now, recommend approval, and we will be
2052 asking today for your approval as well.

2053 Now, before we get into a detailed discussion of this GPA, zone change and site development
2054 review, some more basic, yet critically important underlying facts need first to be addressed and
2055 understood.

2056 First, despite the shock that it creates and it created for me, since I live on Queensridge golf
2057 course and have for over seven years, the Badlands Golf Course is going away. Simply, there
2058 will no longer be a golf course in Queensridge. And as sad that is for all of us in Queensridge,
2059 nothing can be done to change that inevitability. And while I very much respect Councilman
2060 Coffin's comments about liking to preserve all, not all but a portion of that golf course, the reality
2061 is that, in all likelihood, in fact, simply is not going to happen.

2062 Arguments from the community, and, as harsh as this might sound, that it must remain a golf
2063 course, as compelling as those arguments seem, and they are compelling, simply get us nowhere.
2064 Bottom line, it will no longer be a golf course. So, we have to kind of start with that
2065 understanding that there's going to be something other than a golf course and how do you get and
2066 move there somewhere hopefully in the middle. Secondly, despite what some might want to
2067 believe, the fact is that that realization, the golf –

2068

2069 **MAYOR GOODMAN**

2070 Excuse me, Mr. Kaempfer, I have a, you may have a question, please, but brief.

2071

2072 **COUNCILMAN COFFIN**

2073 Thank you, Chris. What I'm thinking about is what you've said then is there's no need for me to
2074 even think about what I have said as being a potential. It's essentially what you said is go
2075 through, you know. So, what I'm thinking, and I know you did it respectfully, you did it
2076 respectfully, but I think why you say that is because you haven't looked at an alternative.

2077

2078 **CHRIS KAEMPFER**

2079 Well, that's –

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2080 **COUNCILMAN COFFIN**

2081 You know, you haven't seen that. Thank you very much, Chris.

2082

2083 **CHRIS KAEMPFER**

2084 I want to get into that.

2085

2086 **COUNCILMAN COFFIN**

2087 I just want to say make sure you understand my thinking on that, that really it's not an insult to
2088 me, but it is what you're saying is, well, I can't see it because I haven't looked at it.

2089

2090 **CHRIS KAEMPFER**

2091 No. The reality – is your comments, that's why I modified what I was going to say, because your
2092 comments that I just heard now, tonight, that's why I said with all due respect to those comments,
2093 and that doesn't mean we're not going to listen to what you have to say, I'm just saying the
2094 determination was made that golf won't work there.

2095 Now if you've got some plan that you want to present to EHB and Yohan, we'd be fools not to
2096 give it —

2097

2098 **MAYOR GOODMAN**

2099 Okay.

2100

2101 **COUNCILMAN COFFIN**

2102 You know what? I would love to.

2103

2104 **MAYOR GOODMAN**

2105 You know what I'm going to do, let's turn this back.

2106

2107 **COUNCILMAN COFFIN**

2108 But I've asked for it and you've never given it a thought.

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2109 **MAYOR GOODMAN**

2110 Okay. What I'm going to do is any other comments are going to be held till you're through your
2111 presentation, please. My apologies.

2112

2113 **CHRIS KAEMPFER**

2114 All right. Now, that's what I want, that was the point I was trying to get to. Despite what some
2115 may want to believe, the fact is that same realization that golf could no longer work at Badlands
2116 did not come easily or quickly for the new ownership. If you look at the slide here, the
2117 development company, EHB, before you today has been in this area for over 20 years. The
2118 development company has been, like I said, 20 years and in that time –

2119

2120 **MAYOR GOODMAN**

2121 Could you speak closer to your microphone, please?

2122

2123 **CHRIS KAEMPFER**

2124 I'll just stand closer. All right. It's been, like I said, they've been here over 20 years and in that
2125 time, they have built over three million square feet of residential and commercial properties and
2126 have invested over \$1 billion within a 1.5 mile radius of Queensridge, 1.5 miles, \$1 billion,
2127 including building the two towers at One Queensridge Place and constructing 40 percent of all
2128 custom homes in Queensridge, one builder, 40 percent of all custom homes in Queensridge. That
2129 is a commitment to our Queensridge community and the surrounding area that no one else can
2130 even hope to match and that commitment to our community is not just a business one. It is a
2131 personal one as well. All of the principals of ownership live in Queensridge, either in what I call
2132 Queensridge Proper or in the towers. They have 10 condominiums in One Queensridge Place and
2133 two lots and three homes in Queensridge Proper.

2134 The last thing they want to do is see damage done to their own Queensridge community. It was
2135 because of this commitment to all of Queensridge that during the process of purchasing the golf
2136 course property they spent substantial time, effort and money in trying to figure out a way to
2137 develop a championship 18-hole golf course on the majority of this property.

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2138 To explore that option, ownership hired world-renowned golf course designer Bobby Weed to try
2139 and make it work. But after reviewing all facts and figures, exploring options, looking at all that
2140 must be done to repair and replace existing water lines, pumps and ponds, factoring in the sad
2141 state nationwide of the golf course industry and determining that tens of millions of dollars must
2142 be sent, spent to upgrade Badlands in order to bring it up to any kind of acceptable standard, Mr.
2143 Weed concluded and, as you can see, a combination of many factors at Badlands leads us to
2144 believe that a long-term strategy which considers outright closure is the most intelligent course
2145 of action.

2146 Now, as you also can see, the sad state that I talked about of the golf course industry nationwide.
2147 In the last 10 years, there have been 1,503 courses that have closed. In the last four years, 732
2148 courses have closed and in 2015 alone, 234 courses.

2149 In terms of golfers, you can see from the overhead how the golf industry has been decimated by
2150 those who simply don't play the game anymore, going from 30 million golfers in 2000-2002 to
2151 now 18 million golfers projected by 2020. So, despite that effort to try to keep it a golf course,
2152 there are too many facts that come into play.

2153 The third important underlying fact is that the development potential of the Badlands Golf
2154 Course was always contemplated by the previous owners of Queensridge, always. I can't
2155 emphasize this enough, and the next few points point this out. The previous owners of this golf
2156 course and Queensridge always contemplated that golf course being developed. I say that for
2157 several reasons. One, when the Badlands Golf Course was first created, initially as 18 holes and
2158 then later 27, it was not zoned open space or rural or any other designation that might in any way
2159 have served evidence the intent not to develop it. Just the opposite. All of the golf course
2160 property was and is zoned R-PD7. That designation in and of itself represents the development
2161 potential of 7.49 units per acre.

2162 Before the new owners bought this property, they first secured from the City of Las Vegas a
2163 zoning verification letter that verified that the entirety of the golf course property is zoned that
2164 same R-PD7. So as easy as it could have been for the previous owners to zone this property in a
2165 way that afforded all of us in Queensridge the protection of the land use designation, that was not
2166 done.

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2167 However, the previous owners did not stop at zoning. In creating the CC&Rs that would govern
2168 all of Queensridge, the previous owners clearly and specifically provided, first in 1996 with the
2169 18-hole golf course and then later in 2000, when the golf course expanded to 27 holes, that,
2170 quote: The existing golf course commonly known as the Badlands Golf Course is not a part of
2171 the property or the annexable property, close quote. It's not a part of the property or the
2172 annexable property.

2173 What does that mean? Exactly what it says. It means that the golf course is not and was never
2174 intended to be part of Queensridge, and the golf course property cannot even be brought into
2175 Queensridge.

2176 Please compare our CC&Rs with those for Silverstone. From what I've been told, the Silverstone
2177 CC&Rs provide that the golf course property cannot be used for any purpose other than a golf
2178 course unless 75 percent of the residents of Silverstone agree. We, at Queensridge, were not
2179 afforded that same protection. In fact, our CC&Rs afford us no protection at all.

2180 Further, not only is the golf course property not part of Queensridge and cannot become part of
2181 Queensridge, but the golf course property was not even considered in determining the amount of
2182 open space required for Queensridge Proper. When you created, when the Queensridge
2183 development was created, they had to have certain open space requirements to meet. They didn't
2184 use the golf course as part of that open space requirement. They met it otherwise, and they did
2185 that so that there could be no confusion that the golf course did not belong to Queensridge, is not
2186 part of the open space, is not to be considered with, aligned with, or in any way affected by
2187 Queensridge development.

2188 Now, they also did not specifically grant to the homeowners associations or anyone else in
2189 Queensridge any right of easement or license or access with regard to the golf course property.

2190 The bottom line is the golf course is not and was never intended to be part of our community. So,
2191 as residents, we have no right at all to dictate how it is used.

2192 Now, I'm a land use lawyer. I should have been smarter than that, but I didn't check the CC&Rs,
2193 I didn't check all this out, I didn't even check the zoning and when I did, I realized what – had
2194 happened and that's when I met with the City Attorney and City Planning and said, is this really
2195 the state of affairs and where does that really put us?

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2196 But the previous owners did not stop there. In order to remove all doubt about the potential for
2197 development of the golf course, the previous owners provided that those who bought any custom
2198 lot on the golf course had to specifically agree in their purchase agreements that, quote, Seller
2199 has made no representations or warranties concerning zoning or the future development of
2200 phases of the planned community or the surrounding area or nearby property.

2201 The purchase agreement also provided that by virtue of the purchase of a lot, quote, Purchaser
2202 shall not acquire any rights, privileges, interest, or membership in the Badlands Golf Course. Not
2203 just membership, no rights, no interest, no privileges, nothing in the Badlands Golf Course.

2204 Finally, to wrap it up with a bow, the previous owners not only made the custom lot purchaser
2205 agree that there was no representation as to what could or would be developed on the
2206 surrounding or nearby properties and that the purchaser had no right or interest in the Badlands
2207 Golf Course, but that his or her view from the lot they were purchasing, quote, May at any, may
2208 at present or in the future include, without limitation, adjacent or nearby single-family homes,
2209 multiple family residential structures, commercial structures, utility facilities, landscaping and
2210 other items, close quote.

2211 And finally, the purchase agreement provided that, quote, Adjacent or nearby residential
2212 dwellings or other structures could potentially be constructed or modified in a manner that could
2213 block or impair all or part of the view from the lot.

2214 Also, we have heard the argument made that the Badlands Golf Course cannot be developed
2215 because much of the golf course property is needed to provide the community with appropriate
2216 drainage protection; we've heard that. You can't modify the golf course because we need it for
2217 drainage.

2218 Well, the previous owners thought of that as well and clearly protected the development potential
2219 of this golf course property. In a 1995 document entitled On-Site Drainage Improvements
2220 Agreement, the previous owners and the City of Las Vegas agreed that the existing drainage
2221 improvement shall remain in place and operational, quote: Until alternative or replacement flood
2222 control facilities acceptable to the City are operational and the City has approved, provided
2223 written authorization for the removal of the drainage facilities, close quote.

2224 Once that authorization has been given by the City, this agreement continues that, quote: The
2225 developer may, at its sole option, remove or modify the drainage improvements so long as the

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2226 modification is acceptable to the City and in the opinion of a qualified drainage engineer, the
2227 drainage improvements are no longer necessary.

2228 So, the argument falls away that the golf course must remain as it is now in order to provide the
2229 required drainage. As an aside, as you heard, the new owners have submitted and the City is
2230 reviewing the proposed drainage study, and the new owners will comply with any and all
2231 conditions that are imposed.

2232 The bottom line of all of this is that through zoning, through CC&Rs, through expressed
2233 language in the purchase and sale documents, and even through its agreements at the City of Las
2234 Vegas, the previous owners clearly sought to protect and did in fact protect the development
2235 potential of the Badlands Golf Course property, not the residents of Queensridge, the
2236 development potential of the Badlands Golf Course property.

2237 Now, with regard to the development before you today, being the 17.5 acres to the south and east
2238 of the existing Queensridge Towers, those same type of disclaimers, reservation and lack of
2239 warranties, if you will, were given to the tower residents.

2240 In the purchase agreement and joint escrow instructions pertaining to the sale of each and every
2241 one of those tower units, the purchase agreement provides, quote: Seller makes no representation
2242 as to the subdivision, use, or development of any adjoining or neighboring land. Without limiting
2243 the generality of the foregoing, views from the unit may be obstructed by future development of
2244 adjoining or neighboring land, and seller disclaims any representation that views from the unit
2245 will not be altered or obstructed by development of neighboring land. These purchase
2246 agreements go on to provide, neither seller nor its affiliates make any representations whatsoever
2247 relating to the future development of neighboring or adjacent land and expressly reserve the right
2248 to develop this land in a manner that seller or seller's associates determine in their sole discretion.
2249 These same disclaimers were also addressed in the public offering statement for One
2250 Queensridge Place. In that document, it is noted that although the adjacent property to the south
2251 is zoned R-PD7, quote: Zoning is subject to change at any time without notice. And, quote: As to
2252 those properties contiguous to the condominium property, which would be this 17.5 acres before
2253 you today, Developer makes no representation as to the development of such properties.
2254 This same public offering statement goes on to provide that with regard to views, developer
2255 makes no representation as to the desirability or existence of any view from the unit. The

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2256 currently existing view from the unit may be changed at any time, either due to action taken by
2257 developer, affiliates of the developer, or any third party.

2258 So, it turns out that the most critically important and for those of us who live there, sad and
2259 simply inescapable fact, is that from all the public and private documents, and as confirmed by
2260 the extensive research done by your own Planning Director and by your Planning staff and by the
2261 City Attorney, the Badlands Golf Course property can be built out with some kind of residential
2262 development and it has been planned that way from its inception.

2263 That is not the fault of the City. That is not the fault of the new owners. There are those, I'm sure,
2264 who will argue that it is not the fault of the previous owners. They were simply doing what they
2265 did to protect their own business interest. It is simply an indisputable fact, whether we like it or
2266 not, whether we want to acknowledge it or not, that the golf course property was planned for and
2267 can and will be developed. The only question is:, how would it be developed?

2268 Now, once the new owners learned that the golf course property was for sale and it was, they
2269 were faced with a dilemma. Having already built the iconic Queensridge Towers, having built 40
2270 percent of the custom homes in Queensridge, and living on the Badlands Golf Course
2271 themselves, did the new owners just let and, Your Honor, you referred to it, did they just let the
2272 golf course property be sold by the previous owners to any standard home builder and developed
2273 under the existing 7.49 units per acre? Or did the new owners buy the property with the idea in
2274 mind of enhancing home values, protecting wildlife, creating on 183 of the 250 acres very large,
2275 luxury estate lots with more than 120 acres of open space. Out of that 183 acres 120 acres of it is
2276 open space, while putting greater density in the form of very high-end, luxury multi-family
2277 development up on the golf course property, near adjoining properties already zoned for both
2278 higher density and commercial.

2279 As you can see from, now, this is, we call this the 720, as you can see from this map here, the
2280 720 is located in the middle of extreme dense uses. It's got R-PD-10 over there, which is
2281 probably the least intense of everything there, R-PD-10 to the south, it's got PD zoning right next
2282 to the towers.

2283 PD zoning, there are the towers, PD zoning. There's a tower, you know, there's also a tower
2284 approved, that was going to be two and there's one tower that's approved on the property, she's
2285 pointing it out now. It's got the hotel immediately to the north, Boca Park, all of the shopping

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2286 centers around there as you can see. So, it's right in the middle of all of that other density and
2287 that was the idea. Put density where density is so that we're allowed to then put less density,
2288 limited numbers of homes, very few homes, acres per homes as opposed to homes per acre.
2289 So, what the new owners did was they chose the latter and were determined to buy the property
2290 to both protect it and so their vision of a renewed and very special Queensridge could be realized
2291 and more importantly, I think, in their own mind, to protect their interest from the zoning that
2292 already existed there that in, and I, you know, I represent a lot, if not most, of the land use
2293 developers and the home builders, and some of them are very good. But they would salivate over
2294 7.49 units per acre on property like this, and God love them, but that is not what Mr. Lowie
2295 wanted to see.

2296 Now, because of the withdrawal of four of the seven applications, the entirety of that vision is
2297 not being considered today. Rather, what is going forward today is a development of 720 units
2298 on 17.5 acres that has both staff recommendation of approval, and well, did, and Planning
2299 Commission recommendation of approval. But this 17.5 acre development is not just a standard,
2300 multi-family development that we see throughout the Valley. Every consideration was given to
2301 the tower folks, from design standards to preserving views, to access, to make sure the
2302 development is compatible with its two big sisters next door.

2303 Here is the site plan that's in front of you. As you can see, this is a wraparound project so that
2304 parking for the most part is interior, and residents park on the same floor as they live.
2305 Primary access is from Rampart Boulevard, so and that there will be no impact on tower
2306 residents in terms of traffic or any would be minimal. They're certainly not going through the
2307 Queensridge Tower entrance. And as Mr. Borgel will advise you shortly, the traffic study clearly
2308 evidences that any and all additional traffic can be handled by the existing roadway system.

2309 Now, next is the landscape plan. As you can see, landscaping is enhanced and it both
2310 complements and corresponds to the landscaping of the existing towers.

2311 We also now get to the elevation. This right here, this is the inspiration, if you will, for the
2312 development of the 720. If you know Mr. Lowie's work and EHB companies, nobody, nobody
2313 builds a better product, whether it's the towers or the Supreme Court Building or Tivoli Village,
2314 nobody builds a better product than he does. And this is the actual elevation of the building itself
2315 with enhanced architectural design.

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2316 Now, we're going through some elevations here, and what we're trying to show here is how
2317 critically important it is to note that the top of this four-story structure is no higher than the top of
2318 the podium of the towers; that was done for a reason. The new owners and the representatives
2319 who also live in the towers are extremely aware of the sensitivity the tower residents have with
2320 regard to the protection of their views. Even though by law views are not a protectable zoning
2321 interest, and clearly from what I read to you are not protectable in this case because of the
2322 contract documents that were signed and the public offering that was issued, the new owners
2323 wanted to make sure that the view to the east and south was in fact protected in every reasonably
2324 possible way for the tower resident.

2325 So we have a project that is planned, landscaped, designed to a standard we do not normally see
2326 in a multi-family structure, situated in a way that does not impact its most immediate, and I want
2327 to emphasize again, iconic neighbors.

2328 Finally, I want to just take a few more minutes and, I apologize, in anticipation of some of the
2329 issues we have heard before and which you will likely hear again. I would like to address some
2330 of those issues now.

2331 First of all density. We have heard that 41 units per acre, at 41 units per acre the project is too
2332 dense. As you can see from this slide, the density of the towers is 25 units per acre. However, in
2333 determining the appropriateness of the density and the project before you, we need to remember
2334 that we have to look at the surrounding zonings again. And I want to go back to that circle now,
2335 and you can see here. Again, all of the surrounding zonings are very, excuse me, are very intense
2336 uses that, to which this fits in precisely.

2337 Now, while the towers are at 25 units an acre, it's a planning principle that density increases as
2338 you go toward a major roadway. And here we have two such major roadways in Rampart and
2339 Alta. Now, no one may believe it and, candidly I care little, but the thing is the reason for my
2340 involvement is because I'm faced with somewhat that same situation.

2341 I live in a home that has Charleston on the other side of it and between my home, at four units an
2342 acre and Charleston is the golf course. When that golf course goes away and, I've resigned
2343 myself to the fact that it will, I have been told by your Planning staff, who I very much respect
2344 and appreciate and which motivated me to get involved, that what could I expect between my
2345 four units an acre and Charleston? I could expect density is not going to go down. It's not even

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2346 going to stay the same. It's going to go up, because it's a planning principle that between density
2347 and a major roadway, that density increases.

2348 So, my fight has always been for the half-acre lots and acre lots and whatever, three-acre, five-
2349 acre lots that were being provided because I knew the alternative. If this is zoned the way, then
2350 I'm going to get five or six units an acre next to me instead of a half-acre lot or an acre lot,
2351 whatever it might end up being.

2352 And the same is true here. That same planning principle applies. You have 25 units an acre in the
2353 towers. You have Rampart and Alta. The fact that we're increasing the density as we go to
2354 Rampart and Alta is something that you have done from the beginning.

2355 Now, the plan has always been, the plan we've provided and, we have withdrawn without
2356 prejudice the first four, to increase density on the 70 acres. We can argue all day as to whether
2357 it's too much, whether it's situated in the right place, whether it's too high, whatever, those things,
2358 we're going to get to them later on, obviously. We are not going to get to them tonight. All right?
2359 But there is already existing 25 units an acre. The PD there is next to it. There's R-PD-10. There's
2360 commercial. There's office. All of this around there is property that surrounds it. So, it's not as if
2361 we're plopping down this higher density development in the middle of something where there's
2362 low density or it's otherwise not appropriate. It is surrounded by density that makes it
2363 appropriate.

2364 Also, as noted, this is not a standard multi-family development. This is designed after the towers
2365 themselves. It takes lots of time, effort and money to design and build those special features and
2366 additions with first class amenities inside and out. Those of you, I assume all of you have been in
2367 the towers. All I can do when I go in those towers is just say to myself, wow, I mean, when you
2368 look at something and you say, that looks like marble, You know what, it's marble. If you look at
2369 something and that looks like inlaid glass or inlaid rock or whatever it might be, that's exactly
2370 what it is. And I can tell you with Yohan Lowie, it's from some exotic country somewhere that
2371 he's been able to bring that back here. That's what he does and that's the kind of project that he
2372 wants to be built here.

2373 Now, increased density pays for those incredible design extras. Someone, not Mr. Lowie, if this
2374 is the decision not to go forward, someone, not Mr. Lowie, can build 25 or 30 units an acre to try
2375 to match what's there at the towers now. But that is not what we want.

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2376 Is it, does it benefit the Queensridge community, especially the towers? Are they better off with a
2377 standard multi-family project that you see all over town with 500 units on 17.5 acres? Or is the
2378 community and, especially the towers, better served with this first class development even
2379 though the density is somewhat higher?

2380 And also, density is unfairly measured by the number of units. That's the way we do it, by the
2381 number of units, not the number of bedrooms or the number of beds or the number of people in a
2382 unit. I'd like you to consider this. A 1,000-square foot luxury one-bedroom, multi-family unit
2383 generally brings one person, sometimes two, not usually two because the number is 1.2 in a one-
2384 bedroom, multi-family luxury apartment. We're talking about something that's luxury, something
2385 that's expensive. You get one, one, 1.2.

2386 Now, a 2,000-square foot home can come with three bedrooms and three to four people. Yet,
2387 from a zoning standpoint, the density of a multi-family building is determined to be twice as
2388 much as the density in the home, because you have a 1,000-square foot home unit, that's one
2389 unit. You have a 2,000-square foot condo or a house that's one unit.

2390 Now, the fact that there's one person in this one and three or four people in this one doesn't factor
2391 into density. And I'm saying it has to factor in here that because of the luxury of this place,
2392 because the fact that there are very limited studio or three-bedrooms, most are one, some two,
2393 that you're not going to be drawing the number of people that you think you would.

2394 Now, another thing I'd like you to think about. If the square footage in the towers were cut in
2395 half, so by way of example, the average size of a unit in the towers was 1,800 square feet and not
2396 3,600 square feet so that the tower density became 50 units an acre. If you took those 3,600
2397 square foot homes and you made them 1,800 square foot homes, would anyone suggest that the
2398 towers would all of a sudden be unacceptable from a zoning and aesthetic standpoint? Or would
2399 the quality of that development of the towers control over the number of units? And that is what
2400 we have here. The quality of this development controls over any other consideration.

2401 Now, if the argument is that the project must have comparable density to match the towers, does
2402 that mean that the tower folks would be benefitted by development that match their 25 units per
2403 acre, but also match their 200 feet high? The clear answer is no. The increased height would ruin
2404 their views. Taking this project over 17 and a half acres and making it only the four stories high

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2405 provides no visual impact at all essentially on the towers, obviously you can look down, and
2406 again creates a project that looks and feels exactly like it belongs next to the towers.
2407 And one of the things I've heard argued is that what happens if he gets halfway through and, then
2408 he decides he's not going to build it or whatever. The answer is easy. Your Planning Director and
2409 Planning staff know (sic) it. You can't just stop and say I'm going to do something else. If
2410 somebody else wants to do something, they have to come back in with a site development
2411 review. I doubt very seriously that someone who has the interests that he has in Queensridge,
2412 both Proper and in the towers, is going to talk away from the project. And I don't believe that
2413 anybody really seriously believes that, but that hypothetical was thrown out there and, the bottom
2414 line is you still have to complete it in the way it was designed.
2415 Now, some people are going to tell you about 278A. I'm not an expert in that, but I do know your
2416 City Attorney is, and the City Attorney has said 278A is not applicable and, he has said that.
2417 That pertains to the entirety of the golf course property. He has said clearly, specifically, and
2418 continually that 278A does not apply and, the golf course can be developed.
2419 Now, he's not saying the golf course can be developed right now. He says you're going to have to
2420 get appropriate zoning approval, or if you do something within the R-PD7, you still need
2421 approvals and designs and, you have to make sure the water and all of those other issues, but the
2422 golf course is developable. That's the opinion that is taken by your City Attorney.
2423 Now, I agree, as I say, with the City Attorney and, I disagree with the opposition that says 278A
2424 applies. But that's not really the point. Your City Attorney, the one who represents you, says 278
2425 (sic) does not apply and, he has reason for it and, Mr. Jimmerson will speak to that.
2426 Finally schools, I'm going to let Ms. Allen talk on that. Mr. Borgel's going to talk briefly traffic.
2427 And then I just want to quickly go through that, before you get to schools. Let's go through
2428 some, these are some of the questions that were asked over a period of time and, I just want to
2429 quickly answer them. Is the golf course zoned for residential development? Can homes be built
2430 on it? Yes. Are the applications that relate to the 720 complete? Yes.

2431

2432 **AUDIENCE**

2433 Can't hear you.

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2434 **CHRIS KAEMPFER**

2435 Did City staff recommend approval of the applications? Yes. Did Planning Commission
2436 recommend approval of the applications? Yes. Is traffic study required as part of this process?
2437 Yes. Has a traffic study been submitted? Yes. Has a traffic study been reviewed and approved by
2438 the City traffic engineers? Yes. Has the City required traffic mitigation measures? Yes. Will the
2439 applicant meet those mitigation measures? Yes. Is a drainage study required as part of this
2440 process? Yes. Can the existing drainage be modified? Yes. Has the drainage study been
2441 submitted? Yes. Will drainage mitigation improvements be required? Yes. Will the applicant
2442 meet the required drainage mitigation improvements? Yes. Does the City believe that the
2443 mitigation improvements will address drainage concerns? Yes.
2444 Now, with regard to construction, will construction occur 24 hours per day? The answer is no.
2445 Construction hours are subject to your code and, that means they have, they cannot start before
2446 7:00 and have to end at 6:00 and, the only time there's exception if you ask to continue those
2447 hours because of a pour, if you need to pour continually for a while, you can ask permission to
2448 extend those hours on a limited basis. When do you anticipate start of development? If in fact it's
2449 approved, we intend to start development right away.
2450 So finally, then and, this is my final comment, when we, while it may be somewhat secondary to
2451 the issues of compatibility, it is still very true and very important for our City on the whole that
2452 great development brings with it great benefits. This project is no exception.
2453 The economic benefits of this development will be very significant. Nearly 3,000 direct and
2454 indirect, full-time equivalent jobs will be created. That includes construction jobs. Non-
2455 reoccurring sales and use taxes will amount to several millions of dollars and, annual reoccurring
2456 property tax revenue increases will be greater than \$1 billion per year.
2457 Additionally, very much needed additional patrons will be available to support the immediate
2458 trade areas, retail and restaurants. A community in particular benefits when the surrounding
2459 community thrives with it. A more detailed report was given by Mr. John Restrepo to the
2460 Planning Commission and, we would ask that that be included as part of the presentation today.*
2461 So those conclude my comments. I do know Stephanie has a couple of comments.

2462

2463 *Exhibit "A" to transcript

2464

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2465 **MAYOR GOODMAN**

2466 And before Stephanie starts, I'd like to ask Mr. Kaempfer, I've been asked by members of
2467 Council to have a copy of your, the CC&Rs with those quotes, if you have a copy that we can
2468 give to and your remarks, if your remarks are available as well, but I don't know if they are.
2469

2470 **CHRIS KAEMPFER**

2471 They are.
2472

2473 **MAYOR GOODMAN**

2474 So please, thank you very much. If you could submit those to the Council, so they would –
2475

2476 **CHRIS KAEMPFER**

2477 In fact, yes, we'd like for the record to reflect that we did provide all of the documents to which
2478 we made reference on these screens.
2479

2480 **MAYOR GOODMAN**

2481 Thank you very much. Please.
2482

2483 **CHRIS KAEMPFER**

2484 Go ahead.
2485

2486 **STEPHANIE ALLEN**

2487 Thank you, Your Honor, Stephanie Allen, 1980 Festival Plaza. Just real briefly, in addition to
2488 submitting the proposal that Chris just went through, I'd also like to submit an email from the
2489 school district. We've met with them several times. Monday afternoon we met with the school
2490 district and their counsel and explained to them the changes that we had proposed and the request
2491 for the withdrawal of the first four applications. So they're aware of that. We spoke and emailed
2492 as late as today. We very much appreciate them working with us and have promised and assured
2493 them that we will continue to keep them in the loop. If we file any future applications, we'll

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2494 participate with them and continue to work with them. So I'll submit that email for the record as
2495 well. And then just briefly, I do have –

2496

2497 **MAYOR GOODMAN**

2498 What was their comment? If I may interrupt you, Ms. Allen.

2499

2500 **STEPHANIE ALLEN**

2501 Sure.

2502

2503 **MAYOR GOODMAN**

2504 What was their comment? I'd like you to read it so Council has that information, please.

2505

2506 **STEPHANIE ALLEN**

2507 Sure, they said. Hi, Linda, thank you for the call today. I plan to state the following for the
2508 record, which I paraphrased. But, that we met with the school district and its outside counsel on
2509 November 14th to, again, discuss the impacts our projects have on schools in the area and to
2510 explain that the applicant has requested a withdrawal without prejudice of all the applications
2511 except for the 720 units at the corner of Alta and Rampart. We assured the school district that we
2512 would continue to work closely with them and notify them of all future applications. The
2513 applicant very much appreciates the school district working with them. We will keep you a part
2514 of the process as we move forward. Her response was, thank you very much. The District looks
2515 forward to working closely with the developer to ensure that if there are any impacts, that they
2516 can be mitigated early on. As we both continue to monitor the development, we can work
2517 through any issues and/or concerns as they arise. Thank you, Linda.

2518

2519 **MAYOR GOODMAN**

2520 Thank you.

2521

2522 **COUNCILWOMAN TARKANIAN**

2523 Mayor, if I might, please?

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2524 **MAYOR GOODMAN**

2525 Yes, please.

2526

2527 **COUNCILWOMAN TARKANIAN**

2528 When this initially went through, every single level elementary, middle school and high school
2529 was over capacity currently, not before any additions, but currently almost by 300, or more than
2530 300, well let's say almost by 300 on the elementary level and on every single level and, that's
2531 before we get this coming in. This is just where we are now, and I think the school district has
2532 told us that, that where we are now, all of these schools in this area are over capacity, without
2533 what you're talking about, 41 units per acre.

2534

2535 **MAYOR GOODMAN**

2536 Thank you.

2537

2538 **STEPHANIE ALLEN**

2539 Thank you. I guess my only final comment would be I do understand there's two conditions that
2540 would be revised should you all be inclined to vote in favor of this application. So I'll defer that
2541 to staff, but I just wanted to make sure that was part of the record as well.

2542

2543 **MAYOR GOODMAN**

2544 Okay. Thank you.

2545

2546 **STEPHANIE ALLEN**

2547 Thank you very much.

2548

2549 **MAYOR GOODMAN**

2550 And does that conclude the presentation?

2551

2552 **STEPHANIE ALLEN**

2553 I believe Greg has a few comments, Greg Borgel on traffic.

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2554 **MAYOR GOODMAN**

2555 Okay. And then we'll have public hearing. Then I want to hear from staff.

2556

2557 **COUNCILMAN COFFIN**

2558 Your Honor? I have questions.

2559

2560 **MAYOR GOODMAN**

2561 We're going to wait to the final presentation.

2562

2563 **COUNCILMAN COFFIN**

2564 The context would be important to ask at the time that it's fresh, Your Honor.

2565

2566 **COUNCILWOMAN TARKANIAN**

2567 It would be better.

2568

2569 **COUNCILMAN COFFIN**

2570 If you don't mind indulging me on this for a minute, because I'd like to remember what he has to

2571 say, but I want to be able to hear it in total. I think it's important –

2572

2573 **LUANN D. HOLMES**

2574 Councilman, we need your microphone on.

2575

2576 **COUNCILMAN COFFIN**

2577 Your Honor, I just need to ask why in the presentation from EHB and, I suppose that could be

2578 Chris' answer, Greg, or maybe you had something to do with the preparation of it, why is there

2579 no inventory of the species in the habitat supported by the arroyos?

2580

2581 **MAYOR GOODMAN**

2582 I thought that was withdrawn.

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2583 **CHRIS KAEMPFER**

2584 That's not an issue that is part of the application.

2585

2586 **MAYOR GOODMAN**

2587 Right. You have withdrawn the rest of the application, so that's not an issue.

2588

2589 **COUNCILMAN COFFIN**

2590 No, no, no. No, Your Honor, it's the 720 and above. Just bear with me here, because what I'm

2591 just stating with you, I'll show you something here. So really it's important.

2592 The drainage study apparently our staff tells me, confirmed by somebody from the engineering

2593 company that did the study submitted to us, that the drainage study includes, contemplates

2594 hardening or clearing, maybe semi-concreting the arroyos way beyond where the 720 would be.

2595 And as I have told you, I'm not really opposed in great detail to the 720. I think it's at the right

2596 spot. But my point is that maybe there's some unnecessary work going on here, because it looks

2597 like it's being done in such a fashion and please, Tom, show the map, that it is being done as if

2598 we are approving Phases Two and Three and, that's not an issue for us today. But I don't want to

2599 vote on this until I get some clarity.

2600 Okay. Tom Perrigo has agreed to put some illustrations under the overhead. They're there now.

2601 Okay.

2602 This is prior to any development on Peccole. This is 1990 aerial. I've distributed a copy of this to

2603 every member of the Council. Here we show, if you look, you can see Rampart on the right

2604 pretty easily discerned. On just to the left of Rampart, above the pen, is where you can see where

2605 the towers are right now, that flat, cleared space. Now then, you see these two tracks of growth.

2606 That predates Peccole. It predates human involvement in the Valley. It predates everyone here in

2607 this building, because it's relying upon groundwater, not on any runoff.

2608 Chris, I know, if Yohan wants to help, he can. I don't mind him talking to you at all. But the

2609 point is that something is preexisting there for hundreds if not thousands of years. It's just, that's

2610 the way the Valley has always been. I grew up here as a little kid, know about that. The little

2611 oases didn't happen. They just happened by accident.

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2612 **MAYOR GOODMAN**

2613 Does this tie into the 720? Please get there, Councilman.

2614

2615 **COUNCILMAN COFFIN**

2616 Well, we've got time, Mayor, for a large decision like this. It looks to me like the footings for the
2617 720 do not go that far, where that underbrush is, that growth, those trees which support the life
2618 there. But the concreting of the arroyos does go up quite a ways into it and wipes that out. In
2619 other words, the preliminary concreting shows and, I just had to do this fishing on my own here
2620 during this meeting and, see I think that's unnecessary.

2621 I think if you want to do the 720, you don't need to wipe out all of this. If you overlay, there's
2622 another map there. That's the map of the golf course, an aerial map of the existing golf course.
2623 Now if you look at and, you lay the 720 down there, I think you can probably put your finger on
2624 it right now, it's going to extend farther to the west than that. Isn't it going to go, Tom, would you
2625 help, get some help and go to the extreme western limit of the structures in the 720. Okay.

2626 What you have there is what to me is agreeable, in my opinion, to build on, without having to
2627 destroy all the upstream growth, which supports – thousands of critters – but you have not
2628 inventoried. I know it's not your job as a lawyer to do this, but somebody has to think about the
2629 environment around here.

2630 And there is something important there. They may or not be endangered species. That's not my
2631 point. The point is why destroy what you don't have to until you feel you need to make these
2632 investments? If you want to go box culverts underneath the structures themselves, which we can
2633 see don't really come close to all the stuff upstream, why not leave it alone until you are ready to
2634 build Phases Two and Three if they are approved by the Council?

2635

2636 **CHRIS KAEMPFER**

2637 That's not only a very good question; the answer is we're not going to do any more, in terms of
2638 development, than the City says we have to do. So if the City says, you don't have to do anything
2639 here and you can start here and move forward, that's all we want to do. So I mean, that's a good
2640 point. And our drainage people working with Public Works are going to have to make those
2641 kinds of determinations. But I – agree with you absolutely.

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2642 **COUNCILMAN COFFIN**

2643 Okay. Because our Public Works people, I'm not going to hold them to this and, the engineer
2644 from the company that drew up the proposals, are thinking, probably, that's not necessary to be
2645 that invasive. Maybe it would save a few bucks, but in the end, if you're going to get approval for
2646 Two and Three and on and on and on, if you get it, then I say it just makes sense. You got the
2647 votes, you do it.

2648

2649 **CHRIS KAEMPFER**

2650 No. It's not, I'll represent to you and, I think Mr. Lowie will represent to you as well, that if the
2651 City tells us we don't have to do any more than X, we're not going to do any more than X.

2652

2653 **COUNCILMAN COFFIN**

2654 Okay. There has to be a puddling pool, a pool to catch water to allow it settle what can be and,
2655 then the excess flows through the box culverts and to Tivoli under them on Rampart.

2656

2657 **CHRIS KAEMPFER**

2658 Right. And as you know, Tivoli was an example –

2659

2660 **COUNCILMAN COFFIN**

2661 You had to do something there too.

2662

2663 **CHRIS KAEMPFER**

2664 A large –

2665

2666 **COUNCILMAN COFFIN**

2667 This is what I'm asking and it has not been submitted though. And so, what I'm asking for you is
2668 clarity in your submission. And certainly you've publicly said you would do that –

2669

2670 **CHRIS KAEMPFER**

2671 What I'm telling you –

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2672 **BOB COFFIN**

2673 – unless the City says to you you've got to concrete it to hell and gone. And I'm saying I don't
2674 think they're going to tell you that.

2675

2676 **CHRIS KAEMPFER**

2677 If that's what, we did not do anymore, this is what I'm being told by our drainage people, we're
2678 not doing any more than we were told to do. If in fact we're told something else, fine. We're not
2679 gonna do more work than we have to. We're not gonna destroy whatever we're talking about
2680 more than we have to.

2681

2682 **COUNCILMAN COFFIN**

2683 Yeah. The people that live there know what we're talking about.

2684

2685 **CHRIS KAEMPFER**

2686 Well, I live there.

2687

2688 **COUNCILMAN COFFIN**

2689 You and I don't much, except I've played a lot of golf out there and, I've seen it just as of Friday.
2690 I saw a lot of life in there if you just stand still for a minute. So. Okay. So, you just know that it's
2691 been preexisting anybody, including the Peccoles, John C. Freemont and the Mexican explorer,
2692 everybody. That's been there. There's been life there all these hundreds and probably thousands
2693 of years.

2694

2695 **CHRIS KAEMPFER**

2696 That's why candidly, Councilman, that's why candidly I was in favor and still are in favor of the
2697 initial plan that preserved 120 acres as open space for wildlife to roam. That's exactly why I got
2698 on board with that. So, I hear what you say and, I agree with what you say and, I can assure you
2699 we're not going to do any more than Public Works says we have to do.

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2700 **COUNCILMAN COFFIN**

2701 Well, what I'm telling you is I am in agreement that some of this golf course is going to go. That
2702 has to happen.

2703

2704 **CHRIS KAEMPFER**

2705 Well, if a portion of it goes, it's going to probably be this portion too, yeah.

2706

2707 **COUNCILMAN COFFIN**

2708 I'll keep pressuring you until I get you to admit that maybe some of it will stay. Thank you.

2709

2710 **CHRIS KAEMPFER**

2711 All right.

2712

2713 **GREG BORGEL**

2714 Your Honor and Councilmembers.

2715

2716 **MAYOR GOODMAN**

2717 Please.

2718

2719 **GREG BORGEL**

2720 Greg Borgel, 300 South Fourth Street. There's always a moment in every major play where the
2721 major protagonist has to catch his breath and some minor character comes on to entertain the
2722 crowd and that would be me.

2723 I have been asked, primary, among other things in this project, to make sure that our other
2724 consultants are doing their technical work in a manner that I as a planner and your planners can
2725 say, yes, the question should have been answered. One of the serious sets of questions has been
2726 the traffic study. So briefly, I assure you, the study is not brief, but I shall be brief.

2727 This document of several hundred pages has been prepared to address all of the traffic issues of
2728 the entirety of the project. And the conclusion of this is that the traffic can be managed with

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2729 mitigation measures that your staff has asked for and, the applicant has agreed to all those
2730 mitigation measures.

2731 Now, the question could be raised, oh, well that was the whole project. Now you're only doing a
2732 part. What about that? And the answer to that is this, that addressing only the 720 and the access
2733 to the 720 and the mitigation measures which the applicant has agreed to on the 720, there is
2734 capacity on Rampart at Alta, in that area, to accommodate the 720 easily. The AM peak hour is
2735 less than 50 percent of capacity. The afternoon peak hour is at 75 percent of capacity.

2736 Now, let me jump ahead a little and say we know perfectly well that, oh, it's not being shown to
2737 you. Well, take my word for it until it comes up, that's what it says. When it comes up, you'll see
2738 it. There it is. We'll get the microphone out of the way. Seventy-five or 74 percent at PM peak,
2739 less than 50 percent at AM peak. And I will submit this for the record 'cause that is a new
2740 exhibit, along with the whole traffic study, which is not a new exhibit, but since we know that
2741 attorneys have this inclination to argue that anything that wasn't introduced in evidence is not
2742 evidence, it's in evidence.

2743 And now, to the concluding point, though off the exhibit that was just picked up here, we're well
2744 aware and I respect, 'cause I've driven on the street and observed it as well, that there are traffic
2745 congestion issues in the area. I would say to you that, from my observation, those traffic
2746 congestion issues that are already there have resulted from incomplete streets, streets being
2747 remodeled, repaired, times when Durango hasn't been available, times when sewers have been
2748 put in, times when landscaping is coming in, when driveways are being moved.

2749 So what we've done here is we've taken the assumption that eventually the street will be
2750 complete, we will have done our mitigation measures. And that's why you observe traffic
2751 congestion now that this project can mitigate and will mitigate in an approved traffic study.
2752 That's the process you have. We have no other way to do it. The traffic study was done by GCW,
2753 formerly GC Wallace, one of the premiere traffic studiers in the Southwest. I think you respect
2754 their reputation. We certainly respect your staff's analysis and, it's been approved and really
2755 should not be an issue save and accepting addressing concerns that staff may develop as this
2756 process goes forward, which the applicant will address.

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2757 **MAYOR GOODMAN**

2758 Thank you. Thank you. And hopefully we will get a report back from Mr. Anderson on the
2759 question from Councilwoman about those accidents at the corner of Charleston and Rampart, if
2760 you'd follow up on those for us.

2761

2762 **BART ANDERSON**

2763 Yes, ma'am. I do have some additional information on that topic, if you would like to hear it.

2764

2765 **MAYOR GOODMAN**

2766 Yes.

2767

2768 **BART ANDERSON**

2769 Recently, the Nevada Department of Transportation conducted a roadway safety analysis for
2770 Charleston as part of their normal affairs. And so, we do have the data for the last three years for
2771 the intersection of Charleston and Rampart slash Fort Apache. That data was compiled by NDOT
2772 and, for the last three years what they have counted is 54 accidents at that intersection.
2773 So, the 87 in the last six 6 months, I have not been able to corroborate that. I've been looking on
2774 the Review-Journal site trying to find it. I'm not saying it doesn't exist. I'm just saying I haven't
2775 found it. But what I have found is the NDOT last three years report.

2776

2777 **COUNCILWOMAN TARKANIAN**

2778 Well, and if you'd like one that's sort of blurry, but you can still read it, I'd be glad to give it to
2779 you.

2780

2781 **BART ANDERSON**

2782 I would definitely appreciate that.

2783

2784 **COUNCILWOMAN TARKANIAN**

2785 I only have the blurry one. I thought I could get a better one for you.

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2786 **BART ANDERSON**

2787 That would be absolutely fine. I'll have my younger associates read it.

2788

2789 **MAYOR GOODMAN**

2790 Please. Just to corroborate what you find out when you finally have the data.

2791

2792 **BART ANDERSON**

2793 You bet.

2794

2795 **MAYOR GOODMAN**

2796 Thank you.

2797

2798 **GREG BORGEL**

2799 Your Honor, just a minor point then, since I've had occasion to make the same investigation. I
2800 believe we've just been quoted from page 54 of the traffic study, which I've handed in. However,
2801 the number of accidents reported at the intersection composite, three years total, not each year, is
2802 44, not 54.

2803

2804 **MAYOR GOODMAN**

2805 Over a three-year time frame it is 44?

2806

2807 **GREG BORGEL**

2808 That's correct, three years total. Not 44 each year or not 44 average. And I suppose that's a minor
2809 correction, but we'd like to have things to show what the study shows. Thank you.

2810

2811 **MAYOR GOODMAN**

2812 No, and to keep it on the record, that's important. Yeah. You can't believe our papers always and
2813 things that are reported.

2814 Okay. So now it's going to be time for public comment. I'm going to ask you not to repeat
2815 somebody else's words and to stay on point. Where we are is Items number (sic) 1-0-5, 1-0-6, 1-

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2816 0-7. So, please state your name as you come forward. Keep your time limit please. I'm going to
2817 keep it to two minutes, but ask you specifically not to be repetitive. If you're with a group, maybe
2818 you can get a spokesperson. Thank you.

2819

2820 **PATRICE TEW**

2821 Sorry. Before this starts, could I submit these, please?

2822

2823 **MAYOR GOODMAN**

2824 Yes, if you would to our City Clerk, that's fine.

2825

2826 **PATRICE TEW**

2827 Thank you.

2828

2829 **MAYOR GOODMAN**

2830 Thank you.

2831

2832 **COUNCILWOMAN TARKANIAN**

2833 Wait a minute, did we get to ask Chris some questions? I missed that one. Was I talking about
2834 traffic instead? I just wanted, could I just Chris Kaempfer some quick questions on one of your
2835 slides?

2836

2837 **MAYOR GOODMAN**

2838 Excuse me one second. Okay. Please.

2839

2840 **CHRIS KAEMPFER**

2841 Yes, ma'am.

2842

2843 **MAYOR GOODMAN**

2844 Yeah.

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2845 **COUNCILWOMAN TARKANIAN**

2846 Chris, on that one that has 720 on it with the circle, where you showed the units per acre, I had it
2847 in front of me, and I can't find it. I think that might be it.

2848

2849 **CHRIS KAEMPFER**

2850 This one here?

2851

2852 **COUNCILWOMAN TARKANIAN**

2853 I think that was it. I can't read it. I'm just wondering if you could tell me up on the left, that's
2854 Angel Park at left top. And right underneath it is what?

2855

2856 **CHRIS KAEMPFER**

2857 Here?

2858

2859 **COUNCILWOMAN TARKANIAN**

2860 Yes.

2861

2862 **CHRIS KAEMPFER**

2863 This is a Suncoast.

2864

2865 **COUNCILWOMAN TARKANIAN**

2866 And that's the Suncoast.

2867

2868 **CHRIS KAEMPFER**

2869 Yeah. The Suncoast is right here, the large, vacant partially used parking lot.

2870

2871 **COUNCILWOMAN TARKANIAN**

2872 Okay. And then down at the bottom left is –

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2873 **CHRIS KAEMPFER**

2874 Down over here is Rampart Commons, where they had several places, candidly, that closed
2875 because of the opening of Downtown Summerlin.

2876

2877 **COUNCILWOMAN TARKANIAN**

2878 Is Rampart Commons, I don't live in that area at all.

2879

2880 **CHRIS KAEMPFER**

2881 It's a shopping center. It's a high-end –

2882

2883 **COUNCILWOMAN TARKANIAN**

2884 It's a shopping center.

2885

2886 **CHRIS KAEMPFER**

2887 It's a high-end shopping center.

2888

2889 **COUNCILWOMAN TARKANIAN**

2890 Then across from that, going backwards on a clock?

2891

2892 **CHRIS KAEMPFER**

2893 This is Boca Park. All of this is Boca Park.

2894

2895 **COUNCILWOMAN TARKANIAN**

2896 I know what that is. And the next one above it?

2897

2898 **CHRIS KAEMPFER**

2899 Is Renaissance, which is, that's a vacant parcel, but planned for both commercial and high –

2900

2901 **COUNCILWOMAN TARKANIAN**

2902 And the next one is?

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2903 **CHRIS KAEMPFER**

2904 Tivoli Village all the way through here.

2905

2906 **COUNCILWOMAN TARKANIAN**

2907 Tivoli Village. What is the units per acre on Tivoli Village? Or excuse me, that's commercial,
2908 right?

2909

2910 **CHRIS KAEMPFER**

2911 It's a mixture. There's residential there too.

2912

2913 **COUNCILWOMAN TARKANIAN**

2914 Okay. Moving out to where there are homes, the information I was given and in all of this, the
2915 problem is you don't know if all your information is accurate or not. So, I mean so, I just want to
2916 know where we have homes, what is the ratio per acre there, the units per acre, you know –

2917

2918 **CHRIS KAEMPFER**

2919 I don't know for sure.

2920

2921 **COUNCILWOMAN TARKANIAN**

2922 – to the right of Tivoli. Now, I was told –

2923

2924 **CHRIS KAEMPFER**

2925 I would guess – they're probably, I'd be guessing, I would say five, it's just a guess.

2926

2927 **COUNCILWOMAN TARKANIAN**

2928 You're right. I think you're right, because I was told it was 4.5 to 5 units per acre. And then if you
2929 move down, going clockwise now, the next residents are 6 to 10 units per acre.

2930

2931 **CHRIS KAEMPFER**

2932 Down in here?

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2933 **COUNCILWOMAN TARKANIAN**

2934 Yeah, a little higher than that and, then as you go further down, it's three to four per acre. I'm just
2935 trying to establish what the units are per acre. That's it. Okay. So really, what you have matches
2936 what I have pretty much.

2937

2938 **CHRIS KAEMPFER**

2939 Yeah.

2940

2941 **COUNCILWOMAN TARKANIAN**

2942 Okay. I just needed to know that.

2943

2944 **CHRIS KAEMPFER**

2945 It's standard planning, where you have residential and you have commercial on the corner or you
2946 have multi-family on the corner. That's standard.

2947

2948 **COUNCILWOMAN TARKANIAN**

2949 I just thought we took a big leap in units per acre on that as far as when you're looking at fitting
2950 into something. Thank you, Chris, very much.

2951

2952 **CHRIS KAEMPFER**

2953 Yes, ma'am.

2954

2955 **MAYOR GOODMAN**

2956 Okay. Thank you. So, let's do this as well as we can and smile it through. And I see a smile, two,
2957 three. Let's see how we're doing, quarter of seven. Madam, please.

2958

2959 **PATRICE TEW**

2960 Mayor Goodman, Councilwoman and Councilmen, my name is Patrice Tew. I am a Clark
2961 County School District Trustee for District E, of which Queensridge is in. So I'm very familiar
2962 with the schools. I need to let you know, for the record, I am not representing the Board position.

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2963 I will be making reference to a letter of record from our Superintendent, Patrick Skorkowsky.
2964 And so, I am speaking as a District E Clark County School District Trustee.
2965 I am so appreciative that you talked about the overcrowding in this area. One of the asks that the
2966 District would make is that we use the yield per household of students, of what we use in our
2967 demographics and have used for decades, that we've, and allow us to review the information that
2968 is given on these dwellings and figure out the per pupil that will be yielded.
2969 We have in this District, Bonner Elementary School, which you said was over capacity, which is
2970 160 percent over capacity right now. So, what that means is that there are too many students
2971 within this building structure and, we have 17 portables that are in addition to what that school
2972 has in brick, excuse me, in brick and mortar.
2973 So, it's really critical and, I appreciate the dialogue between the developer and the District, but it
2974 needs to be rendered to something more than emails and that Planning for such large
2975 development is a complex and multifaceted task. To that end, the District and master planners
2976 and developers need to enter into a memorandum of agreement, to work out mutually agreeable
2977 solutions that will become a part of the development agreement. This MOA process has been
2978 successful at working in Tule Springs, Sky Canyon.

2979

2980 **MAYOR GOODMAN**

2981 Thank you. I'm going to have to keep with this.

2982

2983 **PATRICE TEW**

2984 Okay.

2985

2986 **MAYOR GOODMAN**

2987 But they have indicated their willingness to absolutely keep the lines of communication open and
2988 hopefully address the issues that come before it. Thank you.

2989

2990 **PATRICE TEW**

2991 It is critical.

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2992 **MAYOR GOODMAN**

2993 If you would submit that letter to our Clerk so she can have it on record please.

2994

2995 **PATRICE TEW**

2996 Okay. Thank you.

2997

2998 **MAYOR GOODMAN**

2999 Thank you.

3000

3001 **COUNCILWOMAN TARKANIAN**

3002 And Madam Mayor, perhaps we could get a win-win situation where land might be donated for
3003 an elementary school and look at the magnet school you could have there and the study of the
3004 water.

3005

3006 **MAYOR GOODMAN**

3007 Yes, sir. Please state your name for the record and you have two minutes.

3008

3009 **STEPHEN COLLINS**

3010 Good evening. My name is Stephen Collins. I'm a retired physician here in town and, we've
3011 known each other a long time, Mayor.

3012

3013 **MAYOR GOODMAN**

3014 Didn't recognize you. Nice to see you.

3015

3016 **STEPHEN COLLINS**

3017 When I first moved here, we lived down on Rancho and Oakey, not far from where your home
3018 was and, we used to carpool to the school together for our children. I've practiced medicine in
3019 Las Vegas since 1978, for 20 years and retired. And since, starting before I retired, I began
3020 developing real estate. And I've developed with partners over two million square feet of
3021 commercial and office based in this Valley, much of it in Henderson. Our largest two projects

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3022 were the Gallery at Sunset Mall and the Stephanie Street Power Center and nearby development
3023 all the way up and down Warm Springs and that commercial district there and helped create what
3024 is now a new downtown area for Henderson, if you will, in the Valley there.
3025 I mention that only because I am sensitive to the retail business in the community and the office
3026 space. Goodness knows this part of the Valley has had terrible problems. We have in, within a
3027 couple of miles of where we're located, at Rampart and Alta, we've got close to a half a million
3028 square feet of retail space that is constantly turning over or is vacant and, the retail area there is
3029 suffering greatly. The restaurants are under-served, are under-serving the community.
3030 And I mention these things only because I really feel that this development we're reviewing
3031 tonight is going to bring an additional group of people to this residential area as residents in the
3032 development we're discussing who are going to be shopping in the shopping areas across the
3033 street and very close by, who are going to be eating in restaurants that they never had the
3034 opportunity to explore before and, I think that there will be an economic benefit to this region of
3035 the Valley that is not being addressed by any of the issues related to the physical situation of this
3036 development or its character.

3037

3038 **MAYOR GOODMAN**

3039 Thank you, Doctor.

3040

3041 **STEPHEN COLLINS**

3042 I have –

3043

3044 **MAYOR GOODMAN**

3045 If you'll wrap it up, because you're over your two minutes and we have others.

3046

3047 **STEPHEN COLLINS**

3048 Sure. I have two homes in Queensridge, a penthouse and a second unit there and, I'm committed
3049 to the development, but I think that this development that's going to be added there is a very
3050 positive thing for this part of the community.

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3051 **MAYOR GOODMAN**

3052 Thank you. Thank you very much, Doctor. It's good to see you.

3053

3054 **STEPHEN COLLINS**

3055 Nice to see you.

3056

3057 **MAYOR GOODMAN**

3058 Next, please.

3059

3060 **MICHAEL BUCKLEY**

3061 Mayor Goodman and members of the Council, my name is Michael Buckley, 300 South Fourth
3062 Street. I represent the Frank and Jill Fertitta Family Trust. We were hoping that we would have
3063 about 20 minutes as a group to prepare a presentation that would address many of the issues that
3064 Mr. Kaempfer had, not just the two minutes per speaker. Mr. Garcia has a prepared booklet for
3065 the Councilmembers and for the Clerk for the record that we'd like to do, if that would be okay.

3066

3067 **MAYOR GOODMAN**

3068 Can you speak for the whole group then, to take the time for the whole group? Would the group
3069 be willing for that?

3070

3071 **COUNCILWOMAN TARKANIAN**

3072 Those are members of the audience, the group.

3073

3074 **AUDIENCE MEMBER**

3075 Give him 25 minutes to hear what he's got to say.

3076

3077 **COUNCILWOMAN TARKANIAN**

3078 We gave him a lot time on that other issue.

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3079 **ELAINE WENGER-ROESNER**

3080 Mayor? Hi. I'm Elaine Wenger-Roesner and I'm the President of the HOA Board at Queensridge.
3081 We have, I think, maybe 50 residents that would like to have a moment just to have their voices
3082 heard. I can't speak for them right now, but – it would be nice to be able to hear these
3083 professionals give a presentation and then let the community be able to have their voices heard
3084 and – give their opinions. Thank you.

3085

3086 **MAYOR GOODMAN**

3087 If in fact, Mr. –

3088

3089 **ELAINE WENGER-ROESNER**

3090 Thank you.

3091

3092 **MAYOR GOODMAN**

3093 – Garcia would take the time with representation of the time that you need to go ahead and make
3094 your presentation, we would welcome that. I think, at that point, depending on the hour of the
3095 evening and if we can get one or two representatives to speak for other clusters, that would be
3096 appropriate rather than be repetitive and double up on covering the same things again and again.
3097 So let's start with you, Mr. Garcia.

3098

3099 **GEORGE GARCIA**

3100 Yes, Mayor, members of Council, George Garcia, 1055 Whitney Ranch Drive, Suite 210.

3101 Pleasure to be before you. Needless to say, I've heard a lot, obviously, from the presentation
3102 from the applicant and, you'll be shocked to think that I and Mr. Kaempfer will be disagreeing.
3103 So I'm going to go through and explain exactly why. And I have great respect for him, but as a
3104 planning professional, I see planning principles and the way the plans and the history of this
3105 development significantly different than he presented.

3106 I presented for the record, basically, a full documentation of a lot of history. We presented that
3107 previously, but as for the records from all the prior Planning Commission and all the history of

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3108 the Peccole Ranch Phase Two Master Plan and related documents, zoning maps all be included
3109 for the record.

3110 A lot of that is in our documents as well as opinions that we've created regarding those findings
3111 and facts of staff, the applicants' letters, all of that is in these reports. We've provided you a short
3112 executive summary and some of the comments related to that at the beginning, but there's
3113 substantial documentation beyond that. We turned that in Monday. In addition, there are a couple
3114 of expert reports that are included in there that were included previously, a couple of minor
3115 modifications made by them, and they're included as well.

3116 But let me go back to the, and start a presentation then on the history. So, let's go to, Councilman
3117 Coffin had this, so this was nice, but in 1990, this is the way Councilman Coffin had indicated,
3118 this is the way the area looked.

3119 So what's so, what is it about a master plan? This is a master planned community. Master
3120 planned communities are also known Planned and Unit Developments or Planned Developments,
3121 Planned Residential Developments, gone by a number of names. State statutes recognize them,
3122 and they're well-recognized in the planning profession.

3123 Peccole Ranch has been a Master Planned Community since its inception and approval in 1990.
3124 Z-1790 was the zoning action. There was also a master development plan action that preceded
3125 that. And both of these basically were done in a way to express that the master developer,
3126 Mr. Peccole, wanted a legacy project and part of that legacy was to have both natural and
3127 manmade beauty throughout the property.

3128 Master Planned Communities are unlike anything else. They create the highest land values long
3129 term. They bring the best amenities, the best in quality that communities seek. That property
3130 value that gets created also brings with it a lot of risk for the developer because it takes a long
3131 time to do these projects. It also gives the highest level of protection for the developer in doing
3132 these because he's given a lot of flexibility through a PUD. PUDs create that flexibility. In turn,
3133 when the project is completed and portions of it are completed, the residents get the highest level
3134 of protection and assurances, both under state statutes and city ordinances.

3135 That protection is what basically makes it possible for developers to take the high degree of risk
3136 and expense in creating Master Planned Communities and, it's why residents seek out the value
3137 and protection of those Master Planned Communities, because they know that's the assurance

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3138 that they're getting and, it's no simple thing in these highly complex projects. So, in 1990, what
3139 did the developer, he took this and, you can see the drainage courses, basically, with the street –

3140

3141 **MAYOR GOODMAN**

3142 May I ask you a question, Mr. Garcia?

3143

3144 **GEORGE GARCIA**

3145 Yes.

3146

3147 **MAYOR GOODMAN**

3148 Knowing that at some point Mr. Pankratz and Mrs. Hughes are going to be responding to the
3149 greater whole, at that time that that comes back, your greater commentary, isn't that a better time
3150 and place and or are you getting to numbers one, because we've abeyed the one to four and, this
3151 is about five, six and seven specifically. I don't mean to put words in your mouth.

3152

3153 **GEORGE GARCIA**

3154 Good question, Mayor. The point is that Peccole Ranch Phase Two is a Master Planned
3155 community. Queensridge, Badlands are part of a Master Planned Community.

3156

3157 **MAYOR GOODMAN**

3158 Correct.

3159

3160 **GEORGE GARCIA**

3161 So while Mr. Kaempfer wants to say that the golf course is private and you have no right as a
3162 resident in there, he's absolutely right. But that doesn't change the fact that, aside from those
3163 private agreements, that from a public planning and land use standpoint, the people who were in
3164 that Master Planned Community have the rights and assurances granted to you by state statutes
3165 and by the city approvals which include a plan development. And you have, so this is all part of a
3166 Master Planned Community and the rights that ensure, that go with that.

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3167 So, that's what we're going to be discussing and what I'm leading up to. So this is a portion of
3168 that plan and the whole Peccole Ranch –
3169

3170 **MAYOR GOODMAN**

3171 Because I just want to make sure that at the time, that the group, the two sides come together to
3172 readdress us at a bigger plan, rather than this piece that we're addressing now, specific. Would
3173 that be the appropriate time to have the bigger picture discussion, 'cause we're not on that.
3174

3175 **GEORGE GARCIA**

3176 The bigger picture discussion, yes. But this issue is applicable.
3177

3178 **MAYOR GOODMAN**

3179 From you, as representative.
3180

3181 **COUNCILMAN COFFIN**

3182 Your Honor? Excuse me, George. Excuse me, Your Honor. We have to let them present. I mean,
3183 the proponents had two and half hours.
3184

3185 **MAYOR GOODMAN**

3186 No, no, no. It's not about that.
3187

3188 **COUNCILMAN COFFIN**

3189 We've got to let the flow.
3190

3191 **MAYOR GOODMAN**

3192 Councilman, please.
3193

3194 **COUNCILMAN COFFIN**

3195 I know, Mayor. But honestly.

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3196 **MAYOR GOODMAN**

3197 No, no, no. What I'm saying is, no, please. I mean, this is a reality. We're trying to put the fair
3198 time at the right point. When w go back to items number one –
3199

3200 **COUNCILMAN COFFIN**

3201 Well, let them rebut, for sure.

3202

3203 **FRANK SCHRECK**

3204 Let him reply. This is what you're listening to. This is the time.

3205

3206 **MAYOR GOODMAN**

3207 Frank, please. This isn't the time for that. What we're talking about, we have abeyed numbers 1-
3208 0-1 through number 1-0-4. When that comes back is a time to look at the bigger project. Right
3209 now, this Council is looking at Items 1-0-5, 1-0-6, 1-0-7.

3210

3211 **FRANK SCHRECK**

3212 And that's what (inaudible).

3213

3214 **MAYOR GOODMAN**

3215 And all I have asked, please, Mr. Schreck, what I have asked is for Mr. Garcia to address those
3216 items and when Mrs. Hughes and Mr. Pankratz, with that information, comes back is the
3217 appropriate time to discuss the whole picture. This is about just those items if that's where you're
3218 getting, which is what I was asking here.

3219

3220 **GEORGE GARCIA**

3221 My point is going to be related to the three items before you.

3222

3223 **MAYOR GOODMAN**

3224 Thank you.

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3225 **GEORGE GARCIA**

3226 It will also relate to the whole, but it's particularly relevant certainly tonight.

3227

3228 **MAYOR GOODMAN**

3229 Okay.

3230

3231 **GEORGE GARCIA**

3232 So, in 1990, this document, the Peccole Ranch Master Plan, which was prepared by Peccole
3233 Ranch Partnership, which included Triple Five Development and Peccole Ranch, was the
3234 document that was submitted and approved as part of the Master Development Plan, which was
3235 one item, the second item being the zoning, which was the PUD. Along, in that document, there's
3236 some very fascinating history and important relevance to tonight. Okay.

3237 What you see before you is the document as it is shown back in 1990 and, what it contemplated
3238 is very important, because there are some real key elements in this that I think reflect what the
3239 owners intended and, it's contrary to what was described before. But the elements of this are very
3240 important because it goes to what he was talking about.

3241 Mr. Peccole was trying to create an exclusive environment bounded on all sides by the golf
3242 course. So, it was clearly built into the plan, not something that was going to go away and, when
3243 he leased it for 50 years, it wasn't going to go away with two 40-year (sic), two 20-year
3244 extensions, for a total of 90 years. Exclusive golf course community, that's on page nine.

3245 Page 10, open space and drainage. A focal point of the Peccole Ranch Phase Two is the 199.8-
3246 acre golf course and open space drainage system which traverses the site along the natural wash.
3247 All residential parcels within Phase Two, except one, have exposure to the golf course and open
3248 space. That was something that was built into the plan, that all of those parcels will have it.

3249 It further goes on to say on Page 12: The close proximity to Angel Park along with the extensive
3250 golf course and open space network were determining factors in the decision not to integrate a
3251 public park in the proposed plan. There is no other open space, major open space. This is the
3252 singular amenity that was the most important key part of this project. It is a golf course Master
3253 Planned Community.

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3254 The design of the golf course has been instrumental in preserving the natural character of the
3255 land and controlling the drainage on and throughout the property. I believe that's Mr. coffin,
3256 Councilman Coffin's point. It is instrumental in preserving that natural area. Those are critical
3257 pieces of what was built in there.

3258 But what that master plan did goes beyond that and just saying those words, and, it's partly
3259 reflected here, but I have a board I want to put up that basically illustrates it even better, a couple
3260 of them. In this, there's charts that are put in the document that basically then become
3261 perpetuated over time. Over the entire course of this, some of this has never changed, that piece
3262 being right here in particular where it talks about Peccole Ranch land use Phase Two data. You
3263 will see here that the total number of residential units was 4,247. The average net density and
3264 that's density after you take out the right of way, is 4.5 units to the acre. And then you go up and
3265 see there's only two types of residential, single-family and multi-family. It tells you the acres,
3266 tells you the number of units.

3267 If we go down to the golf course drainage, what we find is that there are literally no units, no
3268 density provided whatsoever in this – column and rows here, none whatsoever. And why is that?
3269 Because if you take the golf course, if you take this residential alone up here and you do the
3270 division, it's not seven units per acre. It's actually higher. What you do is you basically have to
3271 add in the golf course to get the average density over a 4.5.

3272 Why does he do that? Because a PUD, by definition, allows the master developer to take land
3273 and say here's the average density over it. I'm going to transfer some of that over to a different
3274 area and, that's going to result in higher densities in some areas and lower densities in others.
3275 So what do we end up with? We don't have just R-7. We have R-PD7 and, the PD is what I just
3276 described to you. It is the plan, it is the document that says there is no residential in that golf
3277 course drainage area that was originally envisioned and, that document has not changed.

3278 What he does do is we know the towers is (sic) at 25, as Mr. Kaempfer said, 25 units to the acre.
3279 Well, how does it go from seven to 25 if it's on seven? You've got to go look at the PD. If you
3280 look at the PD, it allows the developer to move the density. And that's how come you end up
3281 with areas of high density, at that time they were in the brown colors here. You end up with
3282 higher densities where you can get 25, even though seven is the average.

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3283 But all the rest has been transferred out of there. That's gone. Potentially the gold has been
3284 mined. And to allow the developer to take back and put development in there is basically going
3285 to be taking back what the surrounding property owners paid for the privilege, the promises that
3286 they were given in this area.

3287 And it's going to harvest the wealth back from those existing homeowners and transfer that back
3288 to the buyer of the golf course, who unlike buying a typical piece of land that's raw dirt out in the
3289 far edges, this dirt was planned, not just zoned, but planned. So, all of the development
3290 opportunities and rights, a lot of those were already given away and used to create higher density
3291 on surrounding property, including R-M10 as we at Tudors.

3292 If we go to look at what the area looks like today and we see what's left, what was built, we see
3293 that of all the multi-family, this is after all the accounting of all the units in here of what's been
3294 consumed and what's entitled but not built, such as the Tower project next door to Queensridge
3295 One, there are only 283 multi-family units left. There aren't even 720 available. That's assuming
3296 you could even put them in the golf course, where I just showed you they don't even belong. But
3297 if you could, there's only 283. And if anybody had a right to those 283, it would be properties
3298 that are already zoned, essentially R-3 or PD.

3299 This is another interesting thing because it shows what people's expectations were and what they
3300 had the reasonable right to rely on. And let's take a look at another piece of the Design
3301 Guidelines that weren't shown to you. As part of the Design Guidelines for each of these
3302 subdivisions that were being built, the developer had very extensive documents. In those
3303 documents, this is a typical one here and, this is showing you what the developer had and, he has
3304 in there different pages I've pulled out, but he goes this is a document that shows how homes are
3305 to be built. And it shows, what does it show you? It shows views of the golf course open space
3306 and drainage.

3307 So, what is given away by the Peccole Ranch master developer declarant was to say to people,
3308 no, you don't have a right to use the golf course, but you have the right to the enjoyment of that
3309 scenic open space view, the preservation and conservation of that natural open space. That's what
3310 they paid for and, that's what they got, that scenic open space view, a park-like setting that you
3311 pay for. That's what your expectation is and reasonable reliance on when the project is
3312 completed. Just read one here: One-story homes and significant open space. Each lot is designed

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3313 to take advantage of the golf course open space and when possible sensitive to adjacent lot
3314 relationships.

3315 So, does the developer have a right to build and maybe move buildings that partially block your
3316 view? Sure. But it was very clear the intent was to create views of the golf course open space
3317 drainage area.

3318 If we go and look at what the City did, basically shortly after this was adopted, the City adopts
3319 its General Plan document. You can zoom in on this area here. You can see there's the Peccole
3320 Ranch Phase Two area and there's the City, as designated, the green areas that represent the
3321 drainage corridors and that basically creates what you know today to be park, recreational and
3322 open space.

3323 It later gets amended to add the other additional nine holes, because the Peccole family has found
3324 this to be so lucrative they're going to add another nine holes as well and, that's shown here. You
3325 can see now the addition and, this is the more recent version. But again, we have the green space
3326 over the golf course areas, parks, recreation and open space.

3327 All of those are consistent with the fact that the master developer never intended residential
3328 development in the golf course area and, the City recognized it's open space, not residential
3329 development. The R-PD zoning is not R-7, it's R-PD. You've got to look at the PD and, I just
3330 showed you what the PD stands for.

3331 So what does it look like today? I think the Councilwoman asked what's the, let's talk about
3332 what's the compatibility. Let's talk to that issue. The, and that's a great one, because here's what
3333 that begins to look like.

3334 And we can't dismiss density, by the way, that is a fundamental planning principle and, you can't
3335 dismiss compatibility as was suggested. So here, let's take a look at what the densities are here.
3336 As was discussed here on the PD, where the towers are and where the third tower would go, let's
3337 say it's 19.5.

3338 Proposed here at the 720 is 41 plus. Let's go around. Here we've got ten and a half, four and a
3339 quarter, 10, another 10, let's call it up here three and a half, one, three and go on down. So, we're
3340 going from somewhere around, if we look at this density here compared to what's proposed, it's
3341 40 times greater. It's more than 200 percent double than what's immediately abutting and, you
3342 just keep on going.

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3343 By any measure, I don't see how you can say 41 is compatible under any circumstances with
3344 what's there in terms of density. By any stretch, density is the planning tool and, you can't
3345 dismiss it.

3346 This is some views, just for views, I think for those of you that haven't been up in the towers and,
3347 there are other people that can speak to that, but I've provided that for the record as well. Let's
3348 talk about the golf course. What is the golf course? This came up at the Planning Commission.
3349 The golf course is R-PD zoning. City zoning for a golf course is CV. Typical of every golf
3350 course you have, it's R-PD. So here is Silverstone, R-PD3, Los Prados, R-PD-9. Then I showed
3351 an example of open space, another open space, because what's being proposed would affect any
3352 open space, golf course included, this is R-PD3.

3353 All of those could be under this premise. Every one of them could be a golf course gold rush as I
3354 describe it. Great opportunity for speculation if you open this door, because this is simply what it
3355 creates, is basically an opportunity to say every one of these is a failing golf course and come in
3356 with a reason why it's more valuable to develop.

3357 This is an example of the Spectrum project that's supposedly the groundwork for what, and basis
3358 for what this is going to look like. The open space at that project is much greater. It is true
3359 underground or podium-type buildings here. You don't see the wrap buildings being suggested or
3360 where people in the towers would be looking down on garages.

3361 This is, in fact, based on what I was just showing you, what I call illegal spot zoning. It's not
3362 compatible. This is not in an urban hub. Urban hubs are where you expect to find the R-4 high
3363 density designation land use and zoning. This is not that. That means it can't go above the 25.
3364 There's not a project above 25 units per acre within 4.5 miles. So while this may, this is not a
3365 designated urban hub. And in the 2020 Master Plan, it talks about what are designated urban
3366 hubs. This, in fact, opens the door to all 250 acres if you approve it, which is, Mayor, to your
3367 point, does it go to the greater area? Absolutely. If this project gets approved, it opens the door
3368 that the developers can come in and do general plan amendments and zonings without anything
3369 else. This is a failure. We think there is a need for a major modification. We think that's what
3370 your staff originally suggested.

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3371 **COUNCILMAN BARLOW**

3372 Mayor?

3373

3374 **MAYOR GOODMAN**

3375 Yes?

3376

3377 **COUNCILMAN BARLOW**

3378 May I just interrupt real quick, just before I lose this thought. Mr. Garcia, you mentioned illegal
3379 spot zoning. Would you qualify that?

3380

3381 **GEORGE GARCIA**

3382 Sure. I think, illegal spot zoning, as I define it, is basically when you have something that's not in
3383 furtherance of the general plan, such as it's not consistent with what your general plan today
3384 shows, it's not in furtherance of comprehensive planning policy, and it's for the sole benefit of a
3385 particular individual or land, then that would be what I would call illegal spot zoning.

3386

3387 **MAYOR GOODMAN**

3388 Does that answer your question? No.

3389

3390 **COUNCILMAN BARLOW**

3391 It does. But I now want to contrast that, Mayor, and ask Planning. The terminology illegal spot
3392 zoning, can you speak to that, Tom?

3393

3394 **TOM PERRIGO**

3395 Yeah. This is always a challenging issue and it comes up frequently. Spot zoning is not
3396 necessarily what, just because it's something different than what's next door, and there have been
3397 many examples of projects, for example, there was one on, what was that one intersection?
3398 Rainbow and Ann, where there was claims of spot zoning, but, in fact, it was representative of a
3399 transition in an area on an arterial intersection where commercial zoning made sense next to
3400 residential. And so, you have to, you can, the courts will look at this and, I'm not the attorney, so

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3401 I'd have to leave it up to an attorney, but the courts will look at this based on the surrounding
3402 circumstance and the changes in that area. So, to claim spot zoning, it's a difficult test to make.

3403

3404 **MAYOR GOODMAN**

3405 Can you address that further, Mr. Jerbic?

3406

3407 **BRAD JERBIC**

3408 I'll be happy to and, I'll be a little more definitive. This is not spot zoning. Spot zoning is an
3409 arbitrary, capricious treatment of a parcel of land inconsistent with all the parcels around it and
3410 quite often in contradiction to the master plan.

3411 In this case, the General Plan of the City is being amended. This will be consistent with it. This
3412 parcel is not being singled out. If you had spot zoning, you would have a neighborhood where an
3413 individual wanted to do car repair and he couldn't do it because he's not commercial zoning. So
3414 you take that one residential lot and you zone it commercial in the middle of a residential
3415 neighborhood. You don't change the general plan. You single out one parcel arbitrarily and
3416 capriciously. That is spot zoning.

3417 If this is spot zoning, then so is the tower, so is the Suncoast Casino and so are many other
3418 developments around there. So, it is my explicit legal opinion this is not spot zoning.

3419

3420 **GEORGE GARCIA**

3421 Mayor, then continuing on, in my opinion, as a professional planner, it is illegal spot zoning.

3422

3423 **MAYOR GOODMAN**

3424 Okay.

3425

3426 **GEORGE GARCIA**

3427 It is contrary to the plan, as I just demonstrated, the original 1990 plan, is not in furtherance of
3428 that plan and is inconsistent with the zoning thereunder.

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3429 **MAYOR GOODMAN**

3430 And you're making your –

3431

3432 **GEORGE GARCIA**

3433 So, let me go also, then continuing on, I also believe this plan is defective and deficient as to its
3434 applications in process. There is no major modification. A major modification is required. This is
3435 out of Section G of the Master Development Plan Development Standards, out of Title 19.

3436 Development of the Planned Development District may proceed and, this should be a Planned
3437 Development District because, as we saw next door where the towers are, the most recent
3438 amendments were done through the Planned Development District because R-PD7 and the
3439 zoning code is no longer favored. So this should be a rezoning to PD requiring a major mod if
3440 you're going to do this.

3441 Any request on behalf of the property owner proposals by the City to modify the approved
3442 Master Development Plan, which I just discussed, or development standards shall be filed with
3443 the Planning Department in accordance with this section and, the Director shall determine if it's a
3444 major or minor modification. And you can read on about what's minor, but this is clearly not
3445 minor. We believe that this falls into the category requiring a major modification. This is
3446 deficient in that regard.

3447 It is also deficient and defective in the sense that there is no DINA, which is required for projects
3448 when you have 500 units or greater within a PUD, you need a DINA. It's not here. It's not been
3449 provided. The Site Plan that's been provided, there's no setbacks that are labeled. The distance
3450 between buildings is not labeled. Access to roads have no dimensions, no dimensions on the
3451 plan, no parking spaces or dimensions, no existing wall details and, this is certainly where more
3452 than 20 percent of the aggregate site has a slope or natural grade above four percent. This is
3453 clearly that condition, because approximately 70 percent or greater of this site meets that slope
3454 condition and as such, again, is defective and deficient in terms of what should have been done.
3455 We believe, therefore, that the processes and procedures are defective. We believe the
3456 applications are. We believe there are not sufficient findings to justify this. And furthermore, we
3457 think the public safety, the 100-year floodplain and traffic engineers have technical ways to

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3458 evaluate it. I think the residents will tell you that it's not as comfortable and safe as the traffic
3459 engineers would like to lead you to believe.

3460 But more importantly, the drainage study, our traffic engineer will tell you there's a serious
3461 deficiency and the fact that that drainage study is not yet completed and in a case where you have
3462 in field development with highly valuable property and you have a lot of life at risk. I think this
3463 is not the case to be anything casual about what takes place or to do anything unlike staff says,
3464 well, we just normally do it with the condition of approval. Well, this is not a normal
3465 circumstance or condition.

3466 With that, Mayor, we do think 278 applies. I know Mr. Kaempfer would not like it to apply. We
3467 think it's very clear it does apply, because it applies to completed Master Planned Communities
3468 and the state statutes we believe, sovereignty, Mayor, I think is the situation. And I will leave
3469 those, but I think I've talked with all of the Council.

3470 I think staff knows full well our position; 278 applies. We believe that once a project is
3471 completed and Queensridge is completed, that the owners in there, the deference is given to the
3472 residents and owners who have a reasonable right to rely on everything that they were told is
3473 done. All the maps are done. All the zoning. The declarant is gone. They closed down and
3474 dissolved that, the declarant. Nobody has taken their position. All the bonds have been released
3475 by the City.

3476 It is a fully completed project and under 278A, we believe all the residents have the right to have
3477 that preferential treatment and, no amendment or modification can go forward without –
3478 basically having their consent that that project can go forward and, it has to be in furtherance of
3479 the benefits of the PUD. With that, Mayor and Council, thank you for your indulgence.

3480

3481 **MAYOR GOODMAN**

3482 Thank you, Mr. Garcia.

3483

3484 **GEORGE GARCIA**

3485 I'm happy to answer any questions.

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3486 **MAYOR GOODMAN**

3487 Are you sure our staff and Planning has all that drainage and traffic, the other issues, that is in
3488 that complete package you gave?

3489

3490 **GEORGE GARCIA**

3491 We – have given a complete package, including the reports we've looked at from our drainage
3492 engineer and, he'll be up momentarily to speak to you in furtherance on that.

3493

3494 **MAYOR GOODMAN**

3495 I just want to make sure that our Planning has that, those crisp documents in hand.

3496

3497 **GEORGE GARCIA**

3498 They do. I believe they do. Then I'll leave these. These are the exhibits that I've just used.

3499

3500 **MAYOR GOODMAN**

3501 Okay.

3502

3503 **GEORGE GARCIA**

3504 And you already have the other and here's the, I'll leave those for the record. Thank you.

3505

3506 **MAYOR GOODMAN**

3507 Okay. And those are the ones for Planning?

3508

3509 **GEORGE GARCIA**

3510 Those are everything I've used to discuss tonight and the rest are in the books and documents that
3511 we've already provided in the binders.

3512

3513 **MAYOR GOODMAN**

3514 Okay. Thank you.

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3515 **GEORGE GARCIA**

3516 And there's also a disk in there with a lot of additional information.

3517

3518 **MAYOR GOODMAN**

3519 Okay. Thank you.

3520

3521 **GEORGE GARCIA**

3522 Thank you.

3523

3524 **MICHAEL BUCKLEY**

3525 Good evening, Mayor, Michael Buckley once again, 300 South Fourth Street, and members of
3526 the Council. There are a couple of things that I just want to go over. Number one is to follow up
3527 on what Mr. Garcia said regarding the staff report.

3528 I'd just like to read you. I did some research on the relation between the Planning Commission
3529 and the City Council on general plan amendments. In the opinion of the Nevada Attorney
3530 General, before any change or addition to a master plan can be made by a governing body, the
3531 Planning Commission must file a report with the governing body pertaining to the change or
3532 addition.

3533 The report cannot be a mere recommendation or a bare statement of the Planning Commission's
3534 vote, but must report the Planning Commission's evaluation of the proposal and any facts or
3535 reasons supporting the conclusion or recommendation.

3536 I think if you look at the record, what the Planning Commission did was a simple yes, we
3537 approve. There were no findings. And with regard to the issue of the major modification, when
3538 this application, these three applications were filed and it was presented to the Planning
3539 Commission back in January of this year, the staff did withhold recommendation because there
3540 was not a major modification and they believed that there should be one. That mod, that
3541 determination is continued in their present conditions of approval. Their conditions of approval
3542 require a major modification and a development agreement as written.

3543 I wanted to just point out a couple of things in the big picture and, that is there's reference to this
3544 2014 letter from the Planning Department. Let's go back and, Mr. Garcia mentioned the plan for

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3545 Peccole Ranch. Once the plan is approved, the project gets mapped. This is the map for
3546 Queensridge and Badlands, and you can see I've marked in green where the golf course is.
3547 But you'll also notice, and the orange is the public drainage easements, but you'll also notice that
3548 the map says Badlands Golf Course in several places. Here's another sheet from that.
3549 But I want to point out elsewhere that here is Mountain Spa. Mountain Spa has the same
3550 drainage easement. It doesn't reference the golf course on this, unlike Queensridge.
3551 The last thing, and I had read some comments by the, in one of the homeowners meetings that
3552 this project was not in a flood zone. This is a page from a map that this applicant filed a year ago
3553 and, you can see, per this parcel map, all areas designated as Zone A Hazard are hereby granted
3554 to be public drainage easements to be maintained by the underlying property owner. So, all of
3555 this area is a drainage easement and a FEMA flood zone, including where this development is.
3556 The, now, I think the other thing that I think, that's been given short shrift and that is that the
3557 court cases, the statutes, the City's Development Code all say that the general plan prevails over
3558 the zoning. This property is zoned PR-OS, meaning parks, recreation, and open space. This has
3559 been the City's plan, and it is the City's General Plan designation for it since 1990 and 1996. And
3560 that's consistent with the R-PD7 zoning, which doesn't mean 7.498 units per acre, but innovation
3561 and residential development with emphasis on enhanced residential amenities and efficient use of
3562 open space.
3563 One of the best lessons I learned in my eight years as a Planning Commissioner was when a
3564 developer came in with a small pad in a large shopping center and wanted approval for zoning on
3565 that, and my experienced colleague says, wait a second, what are you going to do with the rest of
3566 the shopping center? And I think the same thing is true here.
3567 Whatever one's feelings or belief about the zoning and the property rights, one cannot deny that
3568 the Badlands property is and has been a part of a planned community. The courts will ultimately
3569 decide the associated legal rights, but this isn't, as some say, about keeping a golf course. It's
3570 about a lot more. If the City approves this project, and I'm just talking about the 720, without
3571 regard to the community in which it is located, the stage will be set for the piecemeal dismantling
3572 of one of the City's prime areas.
3573 I want to talk now too about the CC&Rs, which Mr. Kaempfer mentioned. His claim is that the
3574 CC&Rs support the position that Badlands need not remain a golf course. Section 3.4 of the

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3575 CC&Rs is an acknowledgement by the owners that they live near a golf course and may not
3576 make claims against the developer or the association on account of, quote, stray balls and other
3577 events inherent to the activities of the golf course near the property.

3578 I think, remember I was on the Common Interest Community Commission for a quite a while
3579 and I certainly saw this in action. Associations are not just about maintaining common areas.
3580 They regulate the way people live. Rules like how long your garbage cans can be put out don't
3581 have anything to do with running a golf course. Excluding the golf course property simply
3582 confirms that, in the same way as Queensridge Towers, it's independent. More importantly, the
3583 two developments share boundaries.

3584 And even though the golf course was excluded from the association property, in 2004, the
3585 original developer annexed exclusive easement areas within the golf course to the master
3586 association. And I'll submit this for the record. This is a Declaration of Annexation of Golf
3587 Course Natural Zone Easements recorded in 2004. Lastly, the claim has been made that the –

3588

3589 **COUNCILMAN BARLOW**

3590 Mayor? I'm sorry. Sir, can you just explain what you've just passed in?

3591

3592 **MICHAEL BUCKLEY**

3593 What that is, Councilman, is that along the edge of the border between a home and the golf
3594 course, there is an area of exclusive –

3595

3596 **COUNCILMAN BARLOW**

3597 Can you point it out on the map as far as the boundary that you're referencing? You have your
3598 board in front of you.

3599

3600 **MICHAEL BUCKLEY**

3601 Well, it can't be shown on this. It can be shown on the exhibit that if I could just have that exhibit
3602 back, I can show you.

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3603 **COUNCILMAN BARLOW**

3604 You can't show it on the exhibit in front of you?

3605

3606 **MICHAEL BUCKLEY**

3607 No, because this is too large a scale. But let me show you this.

3608

3609 **COUNCILMAN BARLOW**

3610 Okay.

3611

3612 **MICHAEL BUCKLEY**

3613 This document has 19 separate lots.

3614

3615 **COUNCILMAN BARLOW**

3616 Thank you, Mayor.

3617

3618 **MICHAEL BUCKLEY**

3619 And if you can see overhead, lot 22 here, you see lot 22 here, this area right here is actually in
3620 the golf course, but it's an exclusive easement given to the owner of lot 22 on the golf course. So
3621 really, one of the questions we had is why the owners of these lots didn't have to sign any of
3622 these applications or map approvals when they actually have exclusive easements on the golf
3623 course.

3624

3625 **COUNCILMAN BARLOW**

3626 And – For me, and I appreciate that, but where on the map is this in proximity?

3627

3628 **MICHAEL BUCKLEY**

3629 I – can't say. Councilman, I'm only addressing, the point I'm addressing was the point that the
3630 CC&Rs didn't include the golf course, and I'm saying that there is a relationship between the
3631 CC&Rs and the golf course.

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3632 **YOHAN LOWIE**

3633 Councilman, would you like to, excuse me one second, if you would like to have an answer to
3634 that question, I would like to answer it.

3635

3636 **COUNCILMAN ROSS**

3637 State your name.

3638

3639 **YOHAN LOWIE**

3640 My name is Yohan Lowie. I'm sorry, Yohan Lowie, to the record. I've done those easements.
3641 These are houses that I built and gave, from the golf course 10 to 15 feet, for homeowners that
3642 live in those homes a piece from the property. So we pushed the fence out. We made it an
3643 easement. And I had Peccole, had jurisdiction of the HOA on that narrow stretch of land within
3644 the boundary of those lots. There is around 30 of them that we have done, 19, I think, on
3645 Verlaine Court and there's other ones that were done too.

3646

3647 **MICHAEL BUCKLEY**

3648 Yeah. I think that's right. I mean, there was an easement granted.

3649

3650 **COUNCILMAN BARLOW**

3651 I'm just saying what part of the property are we talking about?

3652

3653 **YOHAN LOWIE**

3654 It's behind people's homes. Directly adjacent to the homes, some of the lots had very small
3655 backyards, like 15 feet. We increased their backyards into the golf course from areas that were
3656 not within the game. So you can consider –

3657

3658 **COUNCILMAN BARLOW**

3659 I understand.

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3660 **YOHAN LOWIE**

3661 So it's a permanent easement. The golf course owner owns those – pieces of property, but those
3662 property are a permanent easement in favor of the homeowners that owns (sic) that house, and
3663 the HOA has jurisdiction so somebody would not go and build something, a house on the
3664 property that doesn't belong to them.

3665

3666 **COUNCILMAN BARLOW**

3667 I understand. Thank you for the explanation.

3668

3669 **MAYOR GOODMAN**

3670 Thank you. Please continue.

3671

3672 **MICHAEL BUCKLEY**

3673 Thank you. Okay. Last thing I want to talk about is the sales contract. And there are, of course, I
3674 think the courts are going to determine what the ultimate effect of these contracts are. But putting
3675 aside whether this applicant has any standing to assert the benefits of contracts to which it was
3676 not a party, again, the courts will have the last word in determining whether disclaimers in
3677 contracts requiring, also requiring thousands of dollars in premiums for disclaimed views are
3678 effective.

3679 The Council may recall the Rio Secco class action, which according to the Las Vegas Sun lasted
3680 seven years, involving a golf course in a planned community. I think, lastly, the boilerplate
3681 contract language is not a good defense against what buyers are actually led to believe. And I
3682 thank you for your time.

3683

3684 **MAYOR GOODMAN**

3685 Thank you very much. And now we'll hear from the general public and two minutes each. Yes,
3686 Councilman, Mr. Barlow?

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3687 **BRAD JERBIC**

3688 I hate to interrupt, but from time to time as we go through this, I do need to correct the record
3689 'cause this is going to be transcribed, this is going to be used in court. There was a statement
3690 made, and I want to make sure I heard it right, that this property was zoned PR-OS. I don't
3691 believe this was zoned PR-OS. It's zoned R-PD7.

3692

3693 **MICHAEL BUCKLEY**

3694 General plan.

3695

3696 **BRAD JERBIC**

3697 – The general plan is PR-OS. Is that correct? I see a nod from Mr. Buckley that's correct.

3698

3699 **COUNCILMAN BEERS**

3700 Your Honor, could I ask Mr. Buckley a question?

3701

3702 **MAYOR GOODMAN**

3703 Is it in relation to what Mr. Jerbic was asking, or going backwards? Mr. Buckley, where are you?

3704 There you are. Yes, please.

3705

3706 **COUNCILMAN BEERS**

3707 Is the Queensridge Owners Association a common interest community?

3708

3709 **MICHAEL BUCKLEY**

3710 Yes.

3711

3712 **COUNCILMAN BEERS**

3713 Regulated, oops, you've got to hit the button. You've got to hit the button.

3714

3715 **MICHAEL BUCKLEY**

3716 I think that's a question for Shauna Hughes.

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3717 **COUNCILMAN BEERS**

3718 So okay, but it would be regulated under 116, NRS 116 or subject to, I guess?

3719

3720 **MICHAEL BUCKLEY**

3721 I believe so.

3722

3723 **COUNCILMAN BEERS**

3724 Okay. Thank you.

3725

3726 **FRANK SCHRECK**

3727 Yeah, Madam Mayor, Frank Schreck, 9824 Winter Palace. Unfortunately, I apologize from
3728 yelling from the seat. I should have come up here and approached you.

3729

3730 **MAYOR GOODMAN**

3731 Thank you.

3732

3733 **FRANK SCHRECK**

3734 Unfortunately, Todd Bice had to catch a plane, otherwise he'd be making the statement I am. We
3735 have spent a lot of money and a lot of time to make a presentation to this Council, hoping you
3736 would have an open mind as to whether or not this application should be approved or denied. We
3737 have individuals that are professionals that we've tried to cut down their time, but they need to
3738 make a presentation to be able to put information into the record so that if, in fact, we need
3739 judicial review of this, we'll have that.

3740

3741 **MAYOR GOODMAN**

3742 Okay. Well, if you will tell us where the professionals stop on the presentation, then we'll go to
3743 public comment by residents or whomever.

3744

3745 **FRANK SCHRECK**

3746 Right.

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3747 **MAYOR GOODMAN**

3748 So I need to know.

3749

3750 **FRANK SCHRECK**

3751 Straight through here.

3752

3753 **MAYOR GOODMAN**

3754 Pardon?

3755

3756 **FRANK SCHRECK**

3757 Right here.

3758

3759 **MAYOR GOODMAN**

3760 Okay. excellent. Okay. So I know the time comes off.

3761

3762 **NELSON STONE**

3763 Mayor and Council, my name is Nelson Stone. I'm a civil engineer with T.Y. Lin International.

3764

3765 **MAYOR GOODMAN**

3766 Can you speak into the microphone? We're having trouble. Thank you.

3767

3768 **NELSON STONE**

3769 Nelson Stone with T.Y. Lin International. I'm a Civil Engineer. Address is 4031 Dean Martin

3770 Drive, Las Vegas 89103. I'll make this quick. On behalf of the Queensridge HOA, I've been

3771 hired to review the drainage documents and past drainage studies of the site. I'll stipulate that I

3772 would acknowledge that GCW is an excellent engineer, and we have no real technical issues

3773 with their work here today. I want to make sure that's on the record. I just want to hit a couple of

3774 high points for you that would be appropriate.

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3775 **MAYOR GOODMAN**

3776 Please do so.

3777

3778 **NELSON STONE**

3779 Here's the report that I did more detail with a CD. There's 13 copies there. I'd just like to
3780 comment on the fact that the project had a drainage study submitted early March of this year by
3781 GCW, with a supplemental a few days later and reviewed by your staff about 30 days later, at the
3782 end of March. That drainage study comment letter had about 35 items that needed to be
3783 addressed.

3784 To date, my knowledge and confirmed by staff and I think the applicant is that this drainage
3785 study has not been approved. My, what I've assumed here is that was at least a stipulation early
3786 on for this project that the drainage study and the traffic study would be approved. We don't see
3787 that that's happened, and that may have slid through. I just want to put a point on that that's not
3788 been approved.

3789 Approval of the drainage study on a project like this is incredibly complex and time consuming.
3790 It would involve approval by your staff, by Regional Flood Control, Clark County Regional
3791 Flood Control, and also in this case, FEMA, by virtue of the fact of the Conditional Letter Map
3792 of Revision being required or a CLOMR. Additional requirements for approval in your staff's
3793 comment letter indicated possible Army Corps of Engineer 404 permit acknowledgement or
3794 acceptance.

3795 I just want to state that for the record, because this project is very, very complex and, as
3796 engineers, one of the things we're tasked with is to minimize the risk to improve the safety of the
3797 health and welfare of the – residents. In this case, the drainage study not being approved would
3798 lead me to think that the uncertainty and the risks involved with this site may not be adequately
3799 reflected on the site plans that are in front of us here today.

3800 As you can see from the overheard here, if I could get you to go to the camera, overhead, zoom
3801 out, you can see that at least the 720 and moreover the 70, which was addressed in the drainage
3802 study, is located in a FEMA floodplain. It's a Zone A. And, you know, that should give us all
3803 pause to be concerned, because that means life safety could be at risk. It puts engineers on alert
3804 that there is a, maybe a higher level of, higher standard to be applied to the design or maybe

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3805 additional factors of safety included to address debris flow, changing rainfall depths and
3806 whatnot.

3807 And so, as we stand here today, we don't have an approved drainage study, and I believe that was
3808 indicated as part of your conditions of approval earlier in the year. So, having said that, I wanted
3809 to give you pause to think about what happens when we have risk or uncertainty that's not
3810 addressed or is changed as a result of older infrastructure or an urbanized condition.

3811 And this next board, I think we'll all recognize this as Desert Rose Golf Course, the flood in
3812 September of 2012. The interesting part of this is that this is a golf course. This is an urbanized
3813 area. This is at the confluence of the Las Vegas Wash and the Flamingo Wash. And the word
3814 confluence is important, because on the Badlands site, there are confluences of washes that occur
3815 just upstream of the 70 or the 720.

3816 And I think that a picture is worth a thousand words and, this sort of reflects, perhaps, ageing
3817 infrastructure that wasn't, when it was originally constructed, did not contemplate the changes in
3818 design criteria that we now have. Of course, we're all aware of that this has been mitigated with a
3819 new Regional Flood Control project. So we're very happy with that.

3820 Another slide or board I want to show you is again, this addresses uncertainty and risk. This is I-
3821 15 up at Moapa Valley in September of 2014. I don't think that anyone would have predicted
3822 this. Nevertheless, the factor safety was inadequate, perhaps. I did a little research on this, and
3823 what we found out there was the rainfall depth in a six-hour period was six inches.

3824 Here in the Valley, we generally consider a 100-year storm to be about three inches and that, in
3825 fact, is what GCW did calculate for this particular site. So, this was rainfall above and beyond
3826 our normal design criteria by a factor of two. So, risk and uncertainty here really, really caused a
3827 lot of property damage and certainly impacted the public.

3828 And then this last slide is, again, I-15 just in the Moapa Valley region again, risk, uncertainty,
3829 something that we want to minimize as engineers and something as a Council, perhaps you want
3830 to have that drainage study approval on hand before we proceed with an approval tonight.

3831 There are things that may impact the site plan, in terms of the review comments by staff. I did
3832 notice that there's a concern about access roads in these cut slopes that might impact your site
3833 plan. I think with that I'll let it go there, and I appreciate your time.

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3834 **MAYOR GOODMAN**

3835 Thank you very much, and hopefully, as we move forward with the rest of the development and
3836 you have a position paper, that we'll be able to have it ahead of time, it would be helpful. Thank
3837 you.

3838

3839 **BRAD NELSON**

3840 Madam Mayor, members of the Council, my name is Brad Nelson. I reside at 34 Via Sienna
3841 Place, Henderson, and I'm not an attorney. The homeowners in the area wanted to get an opinion
3842 of an outside person who's a land developer, so they contacted me.

3843 Why'd they contact me? Well, I've got 47 years in the land development business, over 30 of it is
3844 here in the Valley doing master plan communities and, I've also done about five golf courses in
3845 the local community and 25 or so golf courses over my lifetime experience. So, I understand golf
3846 courses, I understand Master Planned Communities.

3847 So, they said, take a look and see what you think the developers are doing and how they're doing
3848 it. So, I immediately looked at Peccole Ranch and said, here's a community that's built out and, I
3849 emphasize the word community. This is a place where a lot of people live. They've invested their
3850 time, their effort, their treasure, and their lives in living in this community, which is a high, a
3851 higher end golf course community in the whole Valley. It's a jewel for the City, and these people
3852 want to see that to continue.

3853 Immediately, when I looked at that, I said, well, the master plan is complete. All the parcels have
3854 been sold. All the roads are in. Everything has been developed. Not everything has been built on
3855 it, but everything has been developed. All the utilities are all in place.

3856 So, when a developer does those kinds of things, one of the things he wants to be sure is that his
3857 clientele, which are his residents, the people that live in his community, are always going to say
3858 he's done a great job, and part of doing that is living up to your commitments, and part of that is
3859 the golf course was part of our original commitment.

3860 So, the Badlands was always part of the community. It benefits not only the people who live
3861 around it, but the entire area because you drive up the streets, you see in to the golf course. You
3862 see the open space. You see the natural protected areas that are part of the City, not just part of

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3863 Queensridge. So, that's important to a developer to say, I've done a great job, and this is what I
3864 want to leave as my legacy.

3865 As Mr. Garcia indicated, this area was originally looked at large parcel, clustering of the units
3866 was done to create the open space, which is the common practice of a Master Planned
3867 Community and Planned Unit Development. So, it was clear that the project had performed and
3868 been designed and processed under the idea it's a Master Planned Community built around a golf
3869 course.

3870 The home buyers, the residents, the City all made decisions over the last 20 or so years based on
3871 this golf course being there. If you look at some of the records, you'll see that backyards were
3872 reduced in some builder products because they said you're next to the golf course. So home
3873 builders were granted variances based on the fact they were building in a golf course community.
3874 The Badlands Golf Course, as Councilman noted, has been one of the best in the area. There are
3875 others in the area, but the Badlands has a unique character to it and people love to play it. But
3876 I've never seen a Master Planned Community anywhere, after it's a complete, to have the icon of
3877 the community, the Badlands Golf Course, removed with no commitment to what's going to
3878 happen. Right now it could lay barren, unwatered forever. We don't know that.

3879 So, projects that are coming forward, originally there was a development agreement. Right now
3880 there isn't. So, there's no commitments with the approval of what's on the agenda tonight to say
3881 what's going to happen to the rest of the land. It's clear when that golf course is abandoned that
3882 the values that people looked at in their community, not just what their investments were, but the
3883 values they saw in that community are now going to be eroded and diminished as a result. And
3884 there's no guarantee that a golf course will ever go back. It's possible with the right golf course
3885 operators, but right now that doesn't look like what's going to happen.

3886 Next, after looking at the community, I looked at the process, because it was clear there was
3887 contention between the applicant and the neighborhood. And I go back to what is considered the
3888 norm for land development, and that is there are four tests in feasibility.

3889 The first is market. The applicant said there's a market here for luxury. There is absolutely no
3890 evidence, that I've seen, that says there's a luxury market that will support what they're proposing
3891 to build. I would like to see that. And that should have been one of the first steps brought to the
3892 community, the stakeholders and the residents to say, here's the market study, this is what, pick a

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3893 number or a name out of a nationally recognized market analyst and say, here's what they think,
3894 not what I think. I'm not telling you what I'm going to build. I'm telling you what my consultants
3895 think I can build.

3896 The next is a physical feasibility, and that's in the issues you just heard from our engineer. The
3897 drainage, all those technical issues should be solved at least at a preliminary level.

3898 You've heard school district. When I was developing in town, first thing we did was go the
3899 school district and say, what do we need to build? Here's our commitment, day one. Take it to
3900 the community. We absolutely are committed to get that school built. We will give the land. We
3901 will build the utilities. You build the school, the school district. We offered to build the school,
3902 and they wouldn't let us do it. But we gave the land. We gave the roads. We gave everything for
3903 that. So, right up front, that issue was put to bed, as well as all the other issues that come out, as
3904 you work with the stakeholders.

3905 The third feasibility test is financial, and, that goes a long way to make sure that the developer
3906 can afford to do what he's planning, but part of that is also the fiscal side. And the only thing
3907 you've seen. at least that I've seen, is fiscal revenue. There is no estimate of a cost of what this
3908 community will be to the City. So, the cost benefit study or the fiscal impact study is only half
3909 complete.

3910 Finally, the political side, as far as I'm concerned, the developer should have day one gone to the
3911 community and said, I have an idea. There's an issue here with a golf course. I have the ability to
3912 go make something happen and make a long-term improvement to the community. And start
3913 with the ideas, not say, here's what I'm going to do 'cause that's the way you get people in the
3914 neighborhood to buy in. They help make decisions on what's going to be done there.

3915 The last one of these kinds of projects I worked on, which was an infill, we spent six months, a
3916 total of six months with a neighborhood. We had meetings, as many as four nights a week for
3917 months to go through, these are the issues. How do we resolve them? And eventually, at the end
3918 of nine months, we got approval from the community. So, the political process is the key to what
3919 everybody observes. They don't necessarily see the other tests of feasibility.

3920 And then the development agreement, which I reviewed, was, I thought, it was a disaster. It was
3921 totally one-sided. There's no protections (sic). The developer has, at his own decision, can
3922 change anything and everything about the development agreement. So, I thought that was

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3923 extremely weak. So, the four tests that I mentioned, the developer typically looks to before he
3924 builds a project, I felt this application was deficient in each one of those.
3925 There's a lot more work to be done and, If this moves forward with a process of communication,
3926 there's a lot of information that's not on the table yet to help stakeholders understand what is
3927 really being proposed.
3928 I had a few minor comments on picking up some of the comments were made tonight. The idea
3929 that these are luxury units, again, I see no evidence to support that. Maybe they are. But what if
3930 they aren't? What if the development costs are so high that you can't afford to make a project
3931 work? What happens?
3932 So, in the development industry, there are two terms on land. There's approved land, which
3933 means it's got entitlements, and there's improved land. So, if you have an approved project,
3934 which means you've got the zoning, that's where one of the biggest step ups in value occurs, and
3935 then the improvement helps cement those values in place.
3936 So, if you're only going to grant zoning without all the other information that goes with it, plans,
3937 maps, architectural, CC&Rs and all that, all you're doing is adding value to the land but no
3938 certainty that anything else will happen other than you've improved value.
3939 There's comments (sic) about the golf industry. Actually, the golf industry has turned around.
3940 The number of players are (sic) down, but the number of rounds are up. And the golf courses that
3941 have been closed in the country over the last few years, most of them are, 60 percent are either
3942 municipal and or nine-hole and/or less than \$40 greens fees. And that's not what Badlands is, and
3943 that's not what we're dealing with. All right. Thank you for your time.

3944

3945 **MAYOR GOODMAN**

3946 Thank you for coming forward.

3947

3948 **BRIAN GORDON**

3949 Hello, my name is Brian Gordon. I'm a partner with Applied Analysis. Address is 6385 South
3950 Rainbow Boulevard, Suite 105. Mayor Goodman and members of the Council, I appreciate the
3951 opportunity to be here today. It's already been a long day. I will keep my comments as brief as
3952 possible and wanted to just walk you through a couple of things.

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3953 I've been asked to do, conduct a review and analysis of the economic and fiscal benefits study
3954 that was prepared on behalf of the applicant. I've taken a look at that information, prepared a
3955 study. I do have copies for the Council and one for the Clerk if you want to have those at this
3956 point. I'll keep this fairly brief, though.

3957 A couple of things I just wanted to point out as part of that review and then I'll mention a couple
3958 of other things we noted as we went through the process. But just as a point of reference, the
3959 developer cited impacts are stated as maximum amounts. So, these would be the most in terms of
3960 the economic and fiscal benefits that the project could potentially generate. They also considered
3961 the benefits in terms of gross impacts and don't account for costs and other offsetting factors. I
3962 think that comment was made earlier.

3963 We did look in detail at a couple of the fiscal related impacts, because those are important for the
3964 City and other local jurisdictions. The forecasted sales and use tax benefits associated with the
3965 building materials for the project seem to be overstated. In the larger scope of the project, the
3966 2,600 plus units seem to be overstated by about \$23 million or about 70 percent. We haven't seen
3967 a study specific to the 720.

3968 We also looked at property tax revenues. So the information provided by the applicant also
3969 assumed that 100 percent of the building costs would be subject to real property taxes here in
3970 Southern Nevada. Working with your staff over the years, we've determined on average large
3971 scale projects about 55 percent or more of the overall development costs actually translates into
3972 taxable value and then ultimately into assessed value. So, we saw some overstatements there to
3973 the tune of about \$50 million over the 20-year time horizon that was presented.

3974 Property tax revenue impacts also do not consider the impacts associated with any declines in
3975 valuation on existing real estate in the area, the remaining Queensridge properties that are within
3976 the community. The conversion or extraction of the Badlands Golf Club has the real potential to
3977 put downward pressure on housing valuations. You'll see in the study we modeled a number of
3978 scenarios, a range of scenarios, and those could extend beyond somewhere in the 44 to \$65
3979 million range in terms of the downward pressure on property values with the removal of the
3980 Badlands Golf Course.

3981 And again, the prior speaker did hit on a couple of these concepts, so I won't dwell on these. But
3982 at the end of the day, the overall economic and fiscal benefits cited by the applicant assume that

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3983 the proposed development is feasible. And when we think about feasibility, we think about
3984 market feasibility. Will the market support the price points that are being contemplated as part of
3985 this development? And then from a financial standpoint, do those price points make sense
3986 relative to the overall development costs that will generate a sufficient return for the developer?
3987 So, those are some elements that we just haven't seen, but that becomes a key question to
3988 consider.

3989 And a final note, you now, we look at what's happening in the surrounding area. There have been
3990 high-density, multi-family projects proposed in the immediate area, actually adjacent to the 720
3991 at the Queensridge, One Queensridge Place location. There's about an 8.2 acre parcel you've seen
3992 there that sits vacant today. They had announced high-density residential on that site about a
3993 decade or more ago, and that site still sits vacant today. At the same time, high-density
3994 residential development was programmed on the Tivoli Village property. And again, those units
3995 have not moved forward either.

3996 So you have a couple of additional properties in the immediate area that have the potential for
3997 high-density development, the market or other reasons have not dictated that those projects move
3998 forward to this point. Those were the comments I had. I'm happy to answer any questions you
3999 might have.

4000

4001 **MAYOR GOODMAN**

4002 Thank you very much for this very nice report.

4003

4004 **COUNCILMAN COFFIN**

4005 Your Honor?

4006

4007 **MAYOR GOODMAN**

4008 Yes?

4009

4010 **COUNCILMAN COFFIN**

4011 Thank you. May I ask a question?

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4012 **MAYOR GOODMAN**

4013 Please.

4014

4015 **COUNCILMAN COFFIN**

4016 I'm sorry. Your name again is?

4017

4018 **BRIAN GORDON**

4019 Brian Gordon.

4020

4021 **COUNCILMAN COFFIN**

4022 Thank you, Brian.

4023

4024 **BRIAN GORDON**

4025 Yeah.

4026

4027 **COUNCILMAN COFFIN**

4028 Did you, I know we've heard a lot of stories from people who have homes there. Do you validate
4029 the claims that property values have dropped 15, 20, 25 percent in your analysis of what's gone
4030 on?

4031

4032 **BRIAN GORDON**

4033 Given the limited number of sales transactions that have taken place, we haven't seen a
4034 significant number of transactions to validate that claim specifically. We have seen availability
4035 skyrocket in that particular area, the number of units available for sale and the effective months
4036 of inventory has increased pretty significantly.
4037 At some point, if you have a pronounced supply, demand and balance, the next expectation
4038 would be that the release valve may be pricing. Certainly there's been some discussion, and I
4039 think we've seen this in the data that some folks have been forced to lower the asking prices on
4040 those homes that are listed. But in terms of the closing volume and sales prices, I don't know that
4041 that's translated into lower values as of yet.

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4042 Again, we don't have a lot of examples where in Southern Nevada and enough of sort of a history
4043 to say, here's what happens when, once the golf course is actually removed. So, we don't have a
4044 sufficient sample set in that regard either. But there are some of those adjustments that are taking
4045 place in within the Queensridge area in terms of availability and inventory, and we've
4046 documented some of that in the report for you.

4047

4048 **COUNCILMAN COFFIN**

4049 Uh-huh. I appreciate that. I don't know if you were asked really to do that as opposed to look at
4050 the golf course activity itself. Just, my own anecdotal information, from people who have
4051 worked there as professionals and who have played there, is that the golf course did not lose
4052 money. It didn't make a lot of money and probably that's a low return on investment, which could
4053 be, you know, equally considered to be a negative thing by – many people. But I don't think you
4054 look at a golf course like this for, totally from an ROI purpose. It's kind of ancillary to what else
4055 is going on there.

4056

4057 **BRIAN GORDON**

4058 Fair enough, Councilman. We did not evaluate the operations of the golf course itself.

4059

4060 **COUNCILMAN COFFIN**

4061 Okay. Well, thank you. Thank you, Mayor.

4062

4063 **MAYOR GOODMAN**

4064 Thank you. Thank you.

4065

4066 **BRIAN GORDON**

4067 Thank you.

4068

4069 **MAYOR GOODMAN**

4070 Tell your boss the continuing good work from Applied Analysis.

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4071 **RICHARD SCOTT DUGAN**

4072 Good evening, Mayor and Council members, my name is Richard Scott Dugan. I'm a certified
4073 general appraiser, and I've been appraising in Las Vegas since 1969. I'm the Chairman of the
4074 Las, Chairman of the Clark County Board of Equalization, and I've been on that Board since
4075 1993. I'd just like to read a couple pages into the record here regarding what's going on in
4076 Queensridge.

4077 This is a complex proposal, one that carries with it a great deal of uncertainty and a lack of
4078 specific guarantees, financial and otherwise, as to the future of Queensridge. While the proposal
4079 may seem to have merit to someone outside of Queensridge, it's important to note that should the
4080 City approve this concept, the City is forcing Queensridge property owners to become unwilling
4081 partners with the developer. If approved, the City is forcing property owners to risk investment
4082 in their homes, without their consent, on the developer's concepts, plans, and unknown ability to
4083 complete the project.

4084 It is well-documented that open space areas and golf courses within a Master Planned
4085 Community substantially contribute to the values of residential properties in those same
4086 communities. For example, a golf course view generally will contribute from five percent, for a
4087 limited view, to 25 percent open space for a multi-fairway and/or city view combination of the
4088 home's value. Even homes off the course can get a value boost from several percent to as much
4089 as five percent just for being in a luxury home community with a golf course and open space
4090 element.

4091 There is nothing in the proposal that will mitigate the property value losses when this course is
4092 closed. It's been stated that someone estimated the residential properties in Queensridge have a
4093 combined real estate value of approximately 600 to \$800 million. If the golf course and open
4094 space amenities' average contribution to value of the housing is between five to 10 percent,
4095 eliminating this amenity will have a negative impact of \$30 million to \$80 million on the
4096 community.

4097 Queensridge is an established community that is nearly 100 percent built out. The size and scope
4098 of the proposal, loss of the golf course and open space, along with the decades it will take to
4099 fully develop the proposed housing will have a very negative impact on Queensridge. Seven

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4100 thousand trees and high-density residential will not mitigate this loss of value and marketability
4101 of the existing homes.

4102 While not yet approved, we are beginning to see the effects of the potential loss of the golf
4103 course open space and the uncertainty of the proposed redevelopment of Queensridge.

4104 From 2012 to mid-2015, values in Queensridge were generally following the sales patterns and
4105 trends of similar luxury home communities as they recovered from the housing crisis. Since mid-
4106 2015, we are seeing market resistance to home sales along with a softening of the market prices
4107 and demand for many of the homes, especially those along the course. If this redevelopment is
4108 approved, the financial consequences to the residential properties within Queensridge will be
4109 severe and long term.

4110 Here it's not just the developer who is taking the risk if the City approves this. The City will also
4111 be forcing Queensridge residents and property owners to share that risk with the developer
4112 without their consent and without their consideration of the impact this proposal could have on
4113 them.

4114 Developers of Peccole Ranch and Queensridge had a vision, and that vision exists today in the
4115 way they intended it to be and within the Development Guidelines they proposed and the City
4116 approved. There is no reason to change that vision. The City should not change the quality of life
4117 that residents have already invested their life savings in no more than the City should allow a
4118 tavern to replace a church or an adult-oriented business to replace a daycare. Thank you.

4119

4120 **MAYOR GOODMAN**

4121 Thank you.

4122

4123 **RICHARD SCOTT DUGAN**

4124 Any questions?

4125

4126 **FRANK SCHRECK**

4127 Mayor and members of the City Council, Frank Schreck, 9824 Winter Palace. I'm going to keep
4128 mine brief, and I'm kind of the end of our formal presentation. But I thought it was important to
4129 bring up the current situation that will exemplify the reason why the Queensridge residents have

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4130 great concern with respect to this developer and with respect to the way we're dealt with by the
4131 City.

4132 Earlier, you heard in the give and take with respect to whether these four applications should be
4133 dismissed with cause or without cause, there was a lot of discussion about the fact. Well, you
4134 know, maybe the developer at some time may come up with another application, and maybe
4135 there might be some type of other proposals coming forward, things might be piecemealed.
4136 Everybody danced around this question, including the City Attorney and the applicant. They
4137 know, your staff knows that four weeks before the PLANNING, two, three, four weeks before
4138 the last Planning Commission, there was a preliminary application, I'll introduce this for the
4139 record, that was filed with the City, this will be one of them, that was a pre-application to
4140 develop, And if you can take, where's the monitor?

4141

4142 **LUANN D. HOLMES**

4143 Right here, sir.

4144

4145 **FRANK SCHRECK**

4146 Oh, here it is. This was filed to develop on the 184 acres, which have been represented as being
4147 the Preserve, which will have at first it was one to five acres, then the next vision was a half-acre
4148 to five acres. It was described as, in the first vision, as low-ultra, ultra-low density conservation
4149 estates that will be permanently reserved, 120 acres, as Mr. Kaempfer said, of open space with at
4150 least 7,000 trees and lots from one to five acres in size.

4151 This has been systematically reduced. The last vision document that was provided to the
4152 Planning Commission, just on October 6th, changed the one acre to point five, but said that it
4153 was the most densely landscaped large estate lot community in Las Vegas.

4154 Now we know that four weeks before that Planning Commission, a pre-application was filed, it
4155 has now been currently filed with you, that will change the Alta and Hualapai, 35 acres to 61
4156 units, 40 of which are quarter to one-third acres as opposed to half or acres, and the other 21 will
4157 be average about eight-tenths of an acre.

4158 This was never discussed with you when everybody was talking about what's happening. This
4159 application, if it's not filed now, will be filed. We understand, from the developer, that it will be

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4160 filed before the 24th of November so it can be on January agendas. So, they're already starting to
4161 cut up the golf course into things other than what was represented in all of these vision projects
4162 of an acre to five acres or half-acre to five acres.

4163 And we were also advised, Shauna was advised by the developer, that this is just the first of a
4164 series of these developments that are going to go around, which eliminates conservatory areas.
4165 There's (sic) no trees. There's no open space. There's none of the things that are depicted in those
4166 pictures that you see in the new vision. That's what's in store for this golf course. It isn't this great
4167 open space. It's not these beautiful lots. It's not these beautiful houses.

4168 This is the first rendering of lots, and this is the developer's lots. This is the first outline of
4169 specific lots for our golf course, which is on this 35 acres, and there they are, one-quarter to one-
4170 third acres for 40 of the 61.

4171

4172 **MAYOR GOODMAN**

4173 But this is the piece that's been withdrawn, as you know today. That' subject to —

4174

4175 **FRANK SCHRECK**

4176 No, but that's what their application, but that doesn't stop them from filing their application and
4177 going forward on a January agenda.

4178

4179 **MAYOR GOODMAN**

4180 No, it doesn't.

4181

4182 **FRANK SCHRECK**

4183 It would have if you had withdrawn it with prejudice, because then they would have been stuck
4184 with one-half acre because that's what those other applications were. That's one of the major
4185 reasons why they didn't want this withdrawn with prejudice. Without prejudice means they can
4186 go forward with this and you will see this. It's going to be filed, we've been told, if it hasn't
4187 already been filed, and your staff knows and everybody knows, yet nobody spoke up.

4188 As you know, I've represented clients in front of the Nevada Gaming Commission, the Gaming
4189 Control Board for more than 40 years. If I stood in front of them knowing full well what was

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4190 going to go on, you know, in a week from now or two weeks from now and not disclose that to
4191 this body, my application would have been denied, and I probably would not be allowed to
4192 appear before them again.

4193 This failure to disclose is the reason why many of us in our community have had problems. It's
4194 been bait and switch, bait and switch. The luxury townhouses and condominiums have now been
4195 switched to apartments. Everything that we've done has changed as it's gone along, and it's
4196 changed because it's economically feasible for the developer, regardless of the impact that it has
4197 on our community. So, I want you know that –

4198

4199 **MAYOR GOODMAN**

4200 Well, you've made your record.

4201

4202 **FRANK SCHRECK**

4203 – at least this is what's happening to our golf course, not the Preserve. This is reality.

4204

4205 **MAYOR GOODMAN**

4206 Okay. And you've made the record on it.

4207

4208 **FRANK SCHRECK**

4209 And this is what we face. Thank you.

4210

4211 **MAYOR GOODMAN**

4212 So, thank you, Mr. Schreck. Thank you.

4213

4214 **FRANK SCHRECK**

4215 And I'd like to introduce these so we have them for the record.

4216

4217 **AUDIENCE**

4218 (Applause)

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4219 **MAYOR GOODMAN**

4220 Now, are there others now with formal presentations as well, or no?

4221

4222 **FRANK SCHRECK**

4223 No.

4224

4225 **MAYOR GOODMAN**

4226 Okay. Now, so two minutes, if you would, do the two-minute, everybody.

4227

4228 **COUNCILWOMAN TARKANIAN**

4229 Could I ask a question, Mayor? Mr. Schreck?

4230

4231 **FRANK SCHRECK**

4232 Yes?

4233

4234 **COUNCILWOMAN TARKANIAN**

4235 Are you positive that our staff was aware of this?

4236

4237 **FRANK SCHRECK**

4238 Yes, they had a pre-application about three weeks before the Planning Commission, on October

4239 6th because that's a copy of it I turned in.

4240

4241 **COUNCILWOMAN TARKANIAN**

4242 Can I ask —

4243

4244 **FRANK SCHRECK**

4245 We were given it from, the City Attorney's Office gave that to us.

4246

4247 **COUNCILWOMAN TARKANIAN**

4248 Can I ask Planning, were you aware of that?

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4249 **PETER LOWENSTEIN**

4250 Through you, Madam Mayor, on September 29th, 2016, there was a pre-application conference
4251 held regarding a potential 61-acre, 61-lot subdivision. No formal applications have been
4252 submitted to the City. So, at this point, there is (sic) actually no applications before, in the City
4253 circuit.

4254

4255 **COUNCILWOMAN TARKANIAN**

4256 But it was discussed? Or what did you say at the beginning, it was discussed?

4257

4258 **BRAD JERBIC**

4259 Councilwoman, if I could jump in here real quick. Let me say what Mr. Schreck has said is
4260 correct. There was a submission of this plan as a pre-pre-app, for want of a better way to put it.
4261 This was an alternative to the developer agreement that the developer brought to our attention at
4262 one point in time, and it's no secret.

4263 About several months ago, maybe four or five months ago, the developer had indicated that there
4264 might be, well, a change of plan. He was going to abandon the development agreement and go
4265 with individual zoning on individual products, starting with the 720 units which is before the
4266 Council tonight, followed by the 61 units that Mr. Schreck indicated.

4267

4268 **FRANK SCHRECK**

4269 And isn't it true that that's going to be filed before the 24th of this month? It's intended to be
4270 filed?

4271

4272 **BRAD JERBIC**

4273 I don't know, but I do believe that the developer's intent, if he doesn't do the development
4274 agreement, and they can shake their head yes or no if I'm wrong, is to go forward with the 61 if
4275 there is no, maybe. Maybe if there's no development agreement, they'll go with the –

4276

4277 **FRANK SCHRECK**

4278 There is no development agreement.

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4279 **BRAD JERBIC**

4280 No, what I'm saying, well, that remains to be seen based on this negotiation and the time that the
4281 Council has given. But if you're asking is it going to simultaneously track, it could well happen.
4282 It could well simultaneously track. But it is, as I stated earlier, if that happens —

4283

4284 **FRANK SCHRECK**

4285 Just look for a filing by November, because they have to file it in November to be on the January
4286 agenda.

4287

4288 **BRAD JERBIC**

4289 I stated earlier, if that happens, if there is a new approach to development that is contrary to
4290 what's in the development agreement, and Mr. Schreck is correct, the 61 units on that area is
4291 contrary to what we have contemplated in the development agreement today, that will
4292 completely change staff's recommendation on the development agreement. So, one pushes
4293 against the other.

4294

4295 **COUNCILWOMAN TARKANIAN**

4296 All right. I just want to say, as an elected Councilperson who's trying to represent people
4297 appropriately, it would help when I meet with people from various departments and I'm trying to
4298 get information, well, what might happen here, or what might happen there." it would have been
4299 nice to know that somebody would tell me that that was something being discussed. And I don't
4300 think I'm the only Councilperson –

4301

4302 **AUDIENCE**

4303 (Applause)

4304

4305 **COUNCILWOMAN TARKANIAN**

4306 – I don't think I'm the only Councilperson who feels that way. We need to know these things,
4307 because as one person is saying, oh, they're going to do this or they're going to do that. Our own

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4308 staff should be letting us know what they are talking about doing. And I feel really badly about
4309 that. Thank you.

4310

4311 **FRANK SCHRECK**

4312 Thank you.

4313

4314 **MAYOR GOODMAN**

4315 Thank you.

4316

4317 **BOB PECCOLE**

4318 I'm Bob Peccole. I live at 9740 Verlaine Court in the Queensridge Master Planned Golf
4319 Community. I am the nephew of Bill Peccole and Wanda Peccole, who developed Queensridge. I
4320 can tell you right here that I walked almost all that property in the early '90s with Bill Peccole.

4321 He pointed out where the golf course was going to be, and he made it clear that it was never
4322 going to be anything but a golf course.

4323 And in 1993, he entered into a 90-year lease on the 18-hole golf course. He never intended that it
4324 be anything residential, and it was always to be a golf course. It made money on rentals, and he
4325 got to put that into their family trust. I know that because I've seen it, and I've talked to him
4326 about it.

4327 Now, some of the other things that we – should really take a look at, because there are some
4328 representations that have not only been made all the way along, but here tonight. One is the golf
4329 course never made money. Well, when Mr. Lowie bought Fore Stars, who was the landlord on
4330 the golf course, Par 4 was the tenant. They had in place a five-year lease with a five-year option.
4331 It was in its fourth year, and the rents progressed over each individual year. On the fourth year,
4332 the rent was at 255,000 a year. Now, that was just mailbox money. The Peccoles didn't have to
4333 do anything for that, and that rent was never in default by Par 4.

4334 So, then what happened? Fourth year, they locked the rent in at 255,000. Still had a year to go on
4335 the original lease and a five-year option. Mr. Lowie came in to negotiate trying to buy this golf
4336 course. He knew that the lease was in place and that it was making money. But he made the

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4337 representation, oh, well I thought the golf course would be a championship golf course. And he
4338 paid \$15 million for it.

4339 Now, stop and think for a minute. You heard all the reports about golf courses and how badly
4340 they're doing. They're not selling for over 6 million. That was in the business news here in Las
4341 Vegas.

4342 So, what are you doing? You're paying 15 million, you know, that it makes 255,000, and then he
4343 turns around and says, well, it wasn't making money, so now I'm going to do all this destruction
4344 of the course and everybody else's life that lives there.

4345 Now, the other part of it is Mr. Lowie made it a point that, I am not signing this agreement until
4346 the lease with Par 4 goes by way of Sandusky. And it certainly went by way of Sandusky
4347 because he –

4348

4349 **MAYOR GOODMAN**

4350 And Mr. Peccole, if you'll wrap it up for us so we can get to everybody.

4351

4352 **BOB PECCOLE**

4353 Well, I would like to address the CC&Rs, and I'm part of the professional team.

4354

4355 **MAYOR GOODMAN**

4356 Okay. I can give you the rest of the minute.

4357

4358 **BOB PECCOLE**

4359 Okay.

4360

4361 **MAYOR GOODMAN**

4362 But we have a lot of people to hear from.

4363

4364 **BOB PECCOLE**

4365 This is what I'll address, and that will be it. Okay. Mr. Kaempfer has made all these comments
4366 about the CC&Rs. You asked him for the copy of CC&Rs he has. I ask you to take a look at that,

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4367 and there were two CC&Rs involved. One was the original, which was 1996. The other was the
4368 2001 he talks about. You may have the 2001. The 1996 did not eliminate the new additional nine
4369 holes. It didn't say, no part of. My deed does not eliminate the nine-hole. Anybody that has a
4370 deed 2000 and before are not eliminated. They did not have the nine holes eliminated.
4371 So, what happens now is I have a lawsuit. The courts have already told me I have to wait till we
4372 get through all administrative proceedings, and then I'm coming right back in and saying, you
4373 violated the CC&R. Okay. Now, let's talk about this.

4374

4375 **MAYOR GOODMAN**

4376 If you could wrap it up, I really would appreciate it. You've got a long line behind you.

4377

4378 **BOB PECCOLE**

4379 I will. But I just want to get to the ones that are important. CC&R, okay, they do not allow the
4380 change of the flood zone, and the reason is 'cause it reads very specifically if it's been approved
4381 by the Regional Flood, EPA, FEMA and the City, it can never be changed, and that's in the
4382 CC&Rs 1996.

4383 All right. The other part that's in the 1996 is that they could not file for a re-subdivision or a
4384 rezoning, couldn't even file an application. The other part was they could not re-subdivide or
4385 rezone. They had to get approval.

4386 Now, the approval to just file these applications required that they have approval of the
4387 Homeowners Association. Originally, it was the declarant, but the declarant is gone. So, you
4388 have the Homeowners Association saying that it has to be approved by them.

4389 The other part is, they threw out, Mr. Kaempfer threw out a whole bunch of things, blocking
4390 views, you wrote off all these other things, your protected Badlands Golf Course development,
4391 all these things he listed out, he forgot to tell you only the declarant could enforce those, and they
4392 don't have the standing to even raise them. And I will walk into a courtroom –

4393

4394 **MAYOR GOODMAN**

4395 Make sure that you give a copy, I'm sure he has them, but Mr. Jerbic, make sure he has those.

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4396 **BOB PECCOLE**

4397 I would like to submit these. These, this is synopsis –

4398

4399 **MAYOR GOODMAN**

4400 Okay. If our Clerk, will you give to those to Mr. Jerbic, please. Thank you.

4401

4402 **BOB PECCOLE**

4403 – of why the R-PD7 does not apply. I will argue that with Mr. Beers, who goes public on that,

4404 and also Mr. Jerbic, the City Attorney –

4405

4406 **MAYOR GOODMAN**

4407 Jerbic, if you will give those to Mr. Jerbic.

4408

4409 **BOB PECCOLE**

4410 – any day.

4411

4412 **MAYOR GOODMAN**

4413 Okay. Thank you.

4414

4415 **COUNCILMAN COFFIN**

4416 I had a question for Mr. Peccole.

4417

4418 **COUNCILMAN BARLOW**

4419 Mr. Peccole, he's asking you a question.

4420

4421 **COUNCILMAN COFFIN**

4422 I have a question for you. Thank you. Thanks, Mayor. This issue about making money at the golf

4423 course, it's usually not arguable. Usually, they don't make a whole lot of money. We know that. I

4424 mean, some of the smartest business guys have gotten out of the business or tried to because of

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4425 what I think probably is a temporary lull in the business. It's a tough golf course, Badlands. It's
4426 not for beginners, and so, you know, sometimes people forget about that.
4427 But I wanted to know what you know about the play. Somebody, a witness earlier said play is,
4428 not play is down, play is up, but the number, the type of people, the number of people who play.
4429 So those who play are playing more often. What do you observe from where you are?

4430

4431 **BOB PECCOLE**

4432 It's about the same from what I observe. But my understanding is that they don't go out and
4433 hustle customers and that. The best operated golf course in this town have the best operators. Par
4434 4 has stayed on, but they're not out hustling people in the hotels. There are two hotels right
4435 across the street. If you were out really hustling your business, probably pump it all the way up.
4436 But I wouldn't make a point. I have read the articles on the seven-hole or the nine-hole executive
4437 golf courses and that is the thing. That's where the money is made.

4438

4439 **COUNCILMAN COFFIN**

4440 I have a question about the –

4441

4442 **MAYOR GOODMAN**

4443 Okay. Can you have a private conversation on this? We've got at least 12 people waiting.

4444

4445 **COUNCILMAN COFFIN**

4446 Your Honor, he's an expert witness, for God's sakes.

4447

4448 **MAYOR GOODMAN**

4449 I know, but I would —

4450

4451 **COUNCILMAN COFFIN**

4452 He knows this stuff.

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4453 **MAYOR GOODMAN**

4454 He's made his comments.

4455

4456 **COUNCILMAN COFFIN**

4457 He's the only one that knows some of these answers.

4458

4459 **MAYOR GOODMAN**

4460 Well, you're talking about a golf course operation at this point. Those are issues for later on that
4461 we have back.

4462

4463 **COUNCILMAN COFFIN**

4464 Well, this is going to take out a third of the golf course. So it is relevant, I think. Really, I do. For
4465 example, now, when you all laid out this golf course or you watched laid out, was it Johnny
4466 Miller, was he the architect?

4467

4468 **BOB PECCOLE**

4469 Yes, he was. You're right.

4470

4471 **COUNCILMAN COFFIN**

4472 Okay. Was attention paid by your uncle, Bill, to the wildlife that lived there and the other fauna
4473 and flora that populated the area?

4474

4475 **BOB PECCOLE**

4476 Bill was always a conservationist. Bill was a good guy, I'm telling you.

4477

4478 **COUNCILMAN COFFIN**

4479 Yeah, I know. I knew him.

4480

4481 **BOB PECCOLE**

4482 That's why the CC&Rs are drafted to protect us.

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4483 **COUNCILMAN COFFIN**

4484 I knew him. I just couldn't afford to live there. Thank you very much, Bob.

4485

4486 **MAYOR GOODMAN**

4487 Okay. So we are going to stick to the two minutes, please. When the buzzer goes off, know that
4488 you're wrapping up.

4489

4490 **STEVE CARRION**

4491 Mayor Goodman, Council members, I'll try to rush it, and (inaudible) –

4492

4493 **MAYOR GOODMAN**

4494 No, you don't have to rush. Just do your poignant parts.

4495

4496 **STEVE CARRION**

4497 Well, I have to because I have more than two minutes of information in here.

4498

4499 **MAYOR GOODMAN**

4500 Two minutes. And your name please, sir?

4501

4502 **STEVE CARRION**

4503 Yeah, Steve Carrion, 9101 Alta Avenue.

4504

4505 **MAYOR GOODMAN**

4506 No, we don't need an address, just name.

4507

4508 **STEVE CARRION**

4509 Okay. Yes. I have a petition here with approximately 100 signed names from One Queensridge
4510 Place in total opposition of this particular proposal. I have email that Mr. Coffin would not have
4511 gotten because he doesn't look at his business emails. And then I'd also like to read just a couple
4512 of bits of information here.

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4513 The first one is that Mr. Jerbic came to a meeting that was attended by One Queensridge Place
4514 members or unit owners, and at that meeting, he said, we always believe the state did not usurp
4515 our local authority, and so we do not believe we were preempted and continued to do it our way
4516 and we have from the beginning of time. And that has to do with zoning. I have a record of this
4517 and can provide it. I have a transition or a transcription of the entire meeting that we had. So if
4518 you'd like to have that, I'll make it available to you.

4519 In addition, Mr. Turner was up here, and Mr. Turner made the comment that in terms of
4520 correcting Councilman Beers on what was said. And I would like to add to that, because at that
4521 same meeting, I said to Mr. Beers that he should recuse himself from participating in the hearing
4522 and voting on the EHB application before the City Council because he has continually exhibited
4523 actual bias and prejudice in favor of EHB.

4524 A fair hearing is a basic requirement of due process. Fairness requires an absence of actual bias.
4525 Councilman Beers has publicly and privately stated his actual bias in favor of EHB for more than
4526 a year. Councilman Beers has gone far beyond EHB's applications, supporting them. He has been
4527 an open advocate of EHB throughout the application process, to the extent that he has
4528 misrepresented significant legal issues to Queensridge homeowners in writing, on public radio,
4529 and on Access City Council.

4530 In addition, he has publicly attacked Queensridge homeowners who oppose EHB applications by
4531 making false accusations on Facebook and his website, of which I have copies of some of that
4532 material.

4533

4534 **MAYOR GOODMAN**

4535 Okay. I want to thank you, and I want to make sure that we all try to stay on issues for 1-0-5, 1-
4536 0-6 and 1-0-7, please. The rest has been abeyed.

4537

4538 **STEVE CARRION**

4539 Okay. These are related, because I'm asking him to recuse himself. One example of Councilman
4540 Beers is an email to a Queensridge homeowner as early as April, 2016, that stated: Thanks for
4541 writing about Badlands. I too am extremely disappointed to learn the golf course is entitled to

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4542 build a bit more than seven single-family homes on each of the 250 acres that compose
4543 Badlands. It goes on and it talks about inverse condemnation.

4544

4545 **MAYOR GOODMAN**

4546 Thank you. Thank you.

4547

4548 **STEVE CARRION**

4549 He's got a note in here.

4550

4551 **COUNCILMAN ROSS**

4552 Excuse me, sir.

4553

4554 **STEVE CARRION**

4555 He's representing the facts that –

4556

4557 **C OUNCILMAN ROSS**

4558 Excuse me, sir, through the Mayor, of course.

4559

4560 **MAYOR GOODMAN**

4561 Please.

4562

4563 **STEVE CARRION**

4564 Huh?

4565

4566 **COUNCILAN ROSS**

4567 Two minutes, you're done. Thank you.

4568

4569 **STEVE CARRION**

4570 Yeah, yeah. Okay.

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4571 **MAYOR GOODMAN**

4572 Thank you.

4573

4574 **BRAD JERBIC**

4575 If I could, Your Honor –

4576

4577 **MAYOR GOODMAN**

4578 Yes.

4579

4580 **BRAD JERBIC**

4581 – just to interject for a moment. Nobody knows more than I because I've been to many, many
4582 meetings with Mr. Perrigo and City staff with the neighbors, with the applicant and others. And
4583 we all know that emotions run very, very high on this issue, and there are a great many people
4584 who want to make a comment about the project that was just held or is not going to be heard on
4585 this agenda, but those first four items were withdrawn.

4586 As a result, under the open meeting law, we are really only talking about the 720. To the extent
4587 that drainage and other things pertain to it, that's perfectly fine. But keep in mind your comments
4588 on the whole project are not going to be made part of the record if the whole project comes back
4589 in the future. So, you are really better served to keep those comments, if they don't relate to the
4590 720 in some way, for that future meeting when that project comes back. That's all I have to say.

4591

4592 **MAYOR GOODMAN**

4593 Thank you. I really think that says what I've been trying, but I guess not so eloquently. Stay on
4594 these issues, 1-0-5, 1-0-6, 1-0-7 or something that affects it, please. There will be time in the
4595 future for you to come back on other issues. Please, two minutes, go for it. And your name is?

4596

4597 **DAVID MASON**

4598 My name is David Mason. I've been here 54 years in town. I'd like to say 40 of those years I was
4599 a developer. I was never afforded the luxuries that this project has been afforded, having public
4600 staff out promoting the project, making a hundred changes, having two applications on the same

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4601 thing. I think we should all be treated fairly as it relates to the City Council and the City in the
4602 future.

4603 I'm here to speak about the fair dealing with those who have given so much to this community,
4604 specifically even in Las Vegas. We're talking about the people in the Queensridge area, have
4605 provided hundreds of millions of dollars to help this city. These are the givers that live over
4606 there.

4607

4608 **MAYOR GOODMAN**

4609 Without question.

4610

4611 **DAVID MASON**

4612 They're the people who put money towards the medical school, scholarships towards the medical
4613 school –

4614

4615 **MAYOR GOODMAN**

4616 Right.

4617

4618 **DAVID MASON**

4619 – children's programs, Smith Center, Ruvo Center, and supported all of the people they thought
4620 were important to be here. My big point in this would be don't piecemeal this, please. At least
4621 look at this as one whole program. Don't approve 42 units an acre –

4622

4623 **MAYOR GOODMAN**

4624 We've already moved those on.

4625

4626 **DAVID MASON**

4627 – next to us.

4628

4629 **MAYOR GOODMAN**

4630 Well, we're on to these three units right here, these three issues.

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4631 **DAVID MASON**

4632 Well, that's 720 units.

4633

4634 **MAYOR GOODMAN**

4635 Yes.

4636

4637 **DAVID MASON**

4638 That's what I'm talking about.

4639

4640 **MAYOR GOODMAN**

4641 Yeah.

4642

4643 **DAVID MASON**

4644 Okay. That's all.

4645

4646 **MAYOR GOODMAN**

4647 Thank you.

4648

4649 **DAVID MASON**

4650 Okay. And then the other thing I'd like to address to Councilman Beers. You have been

4651 indicating, like you said on the radio, you represent us over there that, and this is a quote: If

4652 Queensridge gets their way, the City will have to pay.

4653 Here is the document from the hearing that I asked Brad directly if he agreed with the fact that

4654 there's 30 to \$50 million to \$100 million that might have to paid by the City to purchase this

4655 property if this is turned down. He said he was not in agreement with that. Neither is anybody

4656 else. So, if you'd please refrain from making statements that distort what's going on.

4657

4658 **MAYOR GOODMAN**

4659 Thank you. Thank you very much.

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4660 **DAVID MASON**

4661 Thank you.

4662

4663 **MAYOR GOODMAN**

4664 Please.

4665

4666 **TOM LOVE**

4667 Does somebody want this?

4668

4669 **LUANN D. HOLMES**

4670 Do you want me to take it?

4671

4672 **TOM LOVE**

4673 Yeah. Hi, Mayor. How are you?

4674

4675 **MAYOR GOODMAN**

4676 Hi.

4677

4678 **TOM LOVE**

4679 Mayor Pro Tem, Councilwoman and Councilmen, Tom Love, 9828 Winter Palace. I have two

4680 minutes I want to interject that I was told the same thing by Mr. Beers at Beers with Beers at

4681 Steiner's Pub and, I asked him why he was so pro-developer, and he told me the same thing.

4682 When I mentioned Mr. Jerbic had said that that inverse condemnation was really not in play, he

4683 really pressed me and said, well, it's not in play because we're going to give the developer what

4684 he wants.

4685 As a native here, I see you're rolling your eyes, and I'm disappointed in the way that there's been

4686 a lack of respect for the 800 homeowners that live in Queensridge. We have spent a lot of time

4687 and money living in that community and what you guys are failing to take into consideration,

4688 this is not a normal development. This is a development within a community that's already done,

4689 and it's been done for some time.

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4690 You guys talk back and forth, and it seems to discount a lot of what we've been saying, which
4691 leads me to believe that maybe Yohan was correct when he told us this was a done deal. That
4692 reflects poorly on you folks if he says it's a done deal and it appears to be a done deal.
4693 I would ask you to reject the 720 and include it in the abeyance earlier on the other items and let
4694 us work this out. But it won't be worked out if Yohan and the developer thinks that it's a done
4695 deal, and that's part of the problem why we haven't got anywhere.

4696

4697 **MAYOR GOODMAN**

4698 That is a misconception, I can assure you. That's why we're having this meeting. That's why we
4699 have abeyed those other items.

4700

4701 **TOM LOVE**

4702 What about the 720, Mayor?

4703

4704 **MAYOR GOODMAN**

4705 The 720 is what we're discussing. We're trying to get information on both sides, and this entire
4706 Council is very sensitive to the homeowners. We also want to see it worked out, where the
4707 homeowners and the developers can come to a resolve that works for both. If that can't happen, it
4708 doesn't happen.

4709

4710 **TOM LOVE**

4711 Well, I'll go on the record that I'm not objecting to some development, but I am objecting to the
4712 lack of what has been conveyed to us being truthful And I'm confused, as an expert in the
4713 industry selling real estate for almost 30 years, over \$600 million in real estate, what actually is
4714 going to take place, because it has changed time and time and time again.

4715

4716 **MAYOR GOODMAN**

4717 We know that.

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4718 **TOM LOVE**

4719 I've been here just like you guys for several hours, and I'd rather be at home with my family or at
4720 work. I want you, the Council, to protect the 800 homeowners in there and listen to us before you
4721 make a decision.

4722

4723 **MAYOR GOODMAN**

4724 And please work –

4725

4726 **TOM LOVE**

4727 There's not a rush to make this decision tonight.

4728

4729 **MAYOR GOODMAN**

4730 – and work with Mrs. Hughes, please, as we're trying to bring accord.

4731

4732 **TOM LOVE**

4733 I'm willing to work on them, but I want you to know on record I had a meeting personally with
4734 Yohan and I like him and, everything that he told me in this meeting at his office has been
4735 changed, not once but twice and three times and, at that meeting, he showed zero flexibility.
4736 Why would he if he says it's a done deal?

4737

4738 **MAYOR GOODMAN**

4739 We are (inaudible) –

4740

4741 **TOM LOVE**

4742 Think about that when you make your vote, what you're telling all the people in Las Vegas. And
4743 I've already reached out to a lot of my investors saying if you approve this, they better go start
4744 buying every golf course in town, because it is going to be a golf course gold rush because you
4745 will have set a precedent.

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4746 **MAYOR GOODMAN**

4747 Thank you. Thank you very much.

4748

4749 **COUNCILMAN ROSS**

4750 Sir, could you state, can you state your name one more time for the record?

4751

4752 **MAYOR GOODMAN**

4753 He did. He did state his name.

4754

4755 **COUNCILMAN ROSS**

4756 The City Clerk didn't get it.

4757

4758 **MAYOR GOODMAN**

4759 Tom Love?

4760

4761 **TOM LOVE**

4762 I stated it, Tom Love, 9828 Winter Palace.

4763

4764 **COUNCILMAN ROSS**

4765 Thank you. She just didn't get it. Thank you.

4766

4767 **TOM LOVE**

4768 Thanks.

4769

4770 **MAYOR GOODMAN**

4771 Thank you.

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4772 **ELAINE WENGER-ROESNER**

4773 Good evening. My name is Elaine Wenger-Roesner. I'm the President of the HOA at
4774 Queensridge and, I have identified 10 people in the audience, and they said they would give me
4775 their two minutes, but I actually only need about four and a half to five minutes.

4776

4777 **MAYOR GOODMAN**

4778 Fine, you've got it.

4779

4780 **ELAINE WENGER-ROESNER**

4781 Okay. Please note that those opposed to this development are not a select few. After compiling
4782 the results of two community-wide surveys, 80 percent of the survey respondents are opposed to
4783 this proposed development. This certainly represents more than a select few, and subsequent to
4784 these findings, the HOA Board unanimously voted to adopt a resolution recognizing the voice of
4785 the majority of our community. And for the record, I have a copy of that resolution. Put that right
4786 there.

4787 Our concerns include, but are not limited to the high-density of Phase One of the 70, which is the
4788 720 apartments that you're looking at tonight. That's on 17.49 acres. You've heard it's 41 units
4789 per acre and, it is not harmonious and compatible with our neighborhood.

4790 Chris Kaempfer earlier referred to planning principles, and it's my understanding that this is also
4791 a planning principle to have developments be harmonious and compatible. The Queensridge
4792 Towers are at 19 units an acre, and the Tudor Park is at 16 units an acre.

4793 Secondly, the location of ingress and egress on Rampart would only allow for southbound traffic
4794 to enter or exit this development.

4795 Third, the piecemeal application creates confusion, uncertainty, and frustration within our
4796 community.

4797 Fourth, the protracted length of this development destroys our quality of life.

4798 Fifth, the residents of Queensridge want their quiet enjoyment of open space respected in
4799 accordance with the 1990 Master Plan Development.

4800 People buy in to planned communities for a degree of protection, and we are not feeling very
4801 protected or respected in this process. Sadly, I have grave concerns that our community has been

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4802 misrepresented by our elected official, Bob Beers. On November 15th, 2016, Mr. Beers posted
4803 the following ad online, and I have copies for all the Council members and also one for the
4804 Clerk. I'll put those there. It's a total of six pages.

4805 And I just refer you to Page number four, where Bob Beers puts, being forced by a select few
4806 homeowners to protect their golf course views will take an estimated 30 million of tax money
4807 that could be spent on needed services. This claim is simply not true. Queensridge homeowners
4808 are not asking the City to buy the golf course. This is not about a view of a golf course. It's about
4809 a desire that we have to have our quiet enjoyment of open space protected and respected.

4810 Just yesterday Mr. Beers put in an email to a Queensridge resident, he misrepresented our
4811 survey. He stated and I quote: The HOA found 80 percent support for keeping the golf course.

4812 This is not true. The surveys directly ask residents if they supported or opposed this project.

4813 They did not ask whether they supported keeping the golf course. I find it very alarming that not
4814 only have our concerns not been heard, but we have also been misrepresented in this process.

4815 Today you will hear from many Queensridge residents, and I respectfully ask you to hear the
4816 majority's voices and deny the developer's applications. And at this time, I would like to ask
4817 those in the audience that agree with this, that are opposed to this development to please stand
4818 up. I'm happy this is being taped because I certainly would like Mayor Goodman to see this
4819 response.

4820 Please note that many more residents wanted to be here, but they were unable to attend because
4821 of their workday schedule, and I think many residents didn't think that they needed to come
4822 down at 8:30.

4823 Before you vote, please press pause and consider how would you feel if your community was
4824 presented with such an ill-conceived, ill-defined and evolving project with so many remaining
4825 unknowns.

4826

4827 **COUNCILMAN ROSS**

4828 Thank you.

4829

4830 **ELAINE WENGER-ROESNER**

4831 Thank you.

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4832 **COUNCILMAN ROSS**

4833 Please try to keep it to two minutes and if you're saying the same thing over and over again, have
4834 a different message if you would please. Thank you. Yes, sir. State your name for the record.

4835

4836 **HERMAN AHLERS**

4837 I'll try to say something a little different.

4838

4839 **COUNCILMAN ROSS**

4840 Okay. State your name for the record, please.

4841

4842 **HERMAN AHLERS**

4843 Herman Ahlers.

4844

4845 **COUNCILMAN ROSS**

4846 Thank you, Mr. Ahlers.

4847

4848 **HERMAN AHLERS**

4849 I live at 9731 Orient Express Court. I bought a home there 16 years ago and been living there. I
4850 have a private tennis court that's right along the aurora (sic). All of the custom home lots around
4851 the aurora (sic), there's about 60 of them, drain, the back of them drain into the aurora (sic) and, I
4852 attended a couple meetings and, there is an inference, when you go to the meeting, that one of
4853 the first things I asked was, are you open to suggestions? And they said, well, the Planning
4854 Commission has already approved this. They have already approved this. The already approved
4855 the traffic. They already approved, it's pretty much of a done deal, but what do you have in
4856 mind? I ask them one thing to have in mind. I said, why didn't you and why didn't the Planning
4857 Commission demand a complete environmental impact report, especially on the aurora (sic)?
4858 This would solve a lot of problems. The aurora (sic) is a huge, beautiful natural development
4859 with 60 custom homes. There are 5,000 feet to 22,000 feet on the aurora (sic), okay, that will
4860 affect what they do with it. I asked them, what do you want to do with the aurora (sic)? He says,

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4861 well, we don't know how we're going to concrete it, but we're going to have to use it as drainage.
4862 We're going to use it for access. We may even build some homes down in there.
4863 So anyway, the environmental impact report is going to show that if any modification is done on
4864 this natural aurora (sic), like Mr. Coffin mentioned, you are going to kill off all of the vegetation
4865 that has grown there over 100 years. You're going to kill off all the animals, and the caliche rock
4866 formations are beautiful. They're unbelievable. There's no, you would devastate doing anything
4867 to aurora (sic).

4868 So, what you do with your apartments to bring in 700 renters and put them in front of our
4869 project, on our block, that doesn't make any sense to me.

4870

4871 **COUNCILMAN ROSS**

4872 Thank you.

4873

4874 **HERMAN AHLERS**

4875 I'm not, I'm more concerned about the environmental and the aurora (sic).

4876

4877 **COUNCILMAN ROSS**

4878 Thank you very much for your comments.

4879

4880 **HERMAN AHLERS**

4881 You're welcome.

4882 **COUNCILMAN ROSS**

4883 Appreciate you being here and spending so much time with us. Please state your name for the
4884 record.

4885

4886 **ANTHONY CASABIANCA**

4887 Anthony Casabianca, Mayor, Council and lawyer counsel. Yes. I'm not from that area, but I'm
4888 from the Councilman Coffin's area, Huntridge area, but I oppose against that because I can't
4889 afford to live there. I'm going through a crisis now. I'm not going to, I'm going to keep it brief,
4890 right. I have to move into this apartment and it's only four. If it was up higher, maybe meeting,

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4891 say the Sunset Tower, maybe two, maybe three towers, yeah, then I can maybe afford it with a
4892 couple of other people to come in on it. But it's ridiculous.

4893 And that's all I have to say. So, I'm going through the trouble now. They say it will be there in
4894 the morning, hopefully, because we already went to court and fighting these landlords are just
4895 terrible. Development should come to some kind of agreement. It's got to be done. I mean, it's
4896 terrible. It's not, you know, it's nothing for the poor people and then you're going to have
4897 homeless. You're going to have more crime than what you don't, which we don't even have any
4898 crime, but you're going to see it.

4899

4900 **COUNCILMAN ROSS**

4901 Thank you.

4902

4903 **ANTHONY CASABIANCA**

4904 Believe me, you will see it. And out like that, who's going to go there? Nobody has money. But
4905 rich people, right? That's all I'm saying. Thank you.

4906

4907 **MAYOR GOODMAN**

4908 Thank you.

4909

4910 **ANTHONY CASABIANCA**

4911 Have a good night.

4912

4913 **MAYOR GOODMAN**

4914 Good night.

4915

4916 **LEONARD SCHWIMMER**

4917 Mayor, Councilmen, I live at, my name is Leonard Schwimmer and I live 9301 Alta Drive,
4918 Apartment 1502. Yohan's attorney said what a wonderful builder he is. He did a magnificent job
4919 on the outside of Queensridge Towers. But he neglected to say he has a \$102 million lawsuit or

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4920 the insurance company does for defects in the building, and that's only the beginning. The
4921 interior, there are more defects than you can count.

4922 And it's definitely, if they build this project he's got, I know it's just what you're talking about the
4923 acres, but he's got 36 years to develop that golf course with a rock crushing machine that's a
4924 disaster if you ever lived by one or knew of them. It's just horrible. The value has gone down.
4925 There's no other place where the value has gone up, and only in Queensridge it's gone down, and
4926 nobody would buy there if they knew what they've got to look forward to. And – it really is a
4927 disaster.

4928 And he's proposing to be at a certain level in front of Queensridge, because he's going to dig
4929 down two stories. I doubt seriously that the Corps of Engineers or FEMA is going to allow him
4930 to do that in that flood area. And he's going to go back and ask for raising it, because he didn't
4931 know, and if he gets R-2 or R-4, whichever it is now, where there's any density he wants, this is
4932 only the beginning because he's going to come back and back and back and keep building and
4933 doing what he wants, and he could put up high rises and do whatever he wants. Thank you.

4934

4935 **MAYOR GOODMAN**

4936 Thank you. Thank you. Next, please. Oh, you're representing five people. That's 10 whole
4937 minutes.

4938

4939 **ANNE SMITH**

4940 Thank you. We're called the seven. My name is Anne Smith, and I and all my neighbors here
4941 have lived on Ravel Court in Queensridge for up to 18 years. Our street is one of the most
4942 affected by the proposed development, and we are adamantly opposed to it for the following
4943 reasons.

4944 Number one, we're right up to and abutting the Development Area Three, which I know you're
4945 not doing tonight, but what you are voting on tonight will set a precedent for that area. So, if you
4946 approve the zoning, it enables the developer to come back for the next piece in this piecemeal
4947 approach with the same rezoning, and it will be closer and closer to our home. So, it's an
4948 incremental thing. And, it's also coming in with the R-4 zoning without a development

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4949 agreement, which sets the limitations on heights and setbacks, which are not compatible nor
4950 harmonious in any way with any of our homes, which are single-family homes.

4951 The second thing that we want to say is you just approved the withdrawal without prejudice of
4952 four key applications affecting the Master Plan and the open space. So regardless of the I do's
4953 that you had everybody do just a few minutes or hours ago, it still allows the developer to come
4954 back in at any time with piecemeal proposals. We've put up this for 14 months already, trying to
4955 fight it, and there's been no end in sight here. And it's really like a death by 1,000 cuts here the
4956 way we have to deal with this.

4957 The third thing is the applications keep changing and are a moving target. We are all confused
4958 and have no idea what the developer is actually planning to build. Our best guess, and based on
4959 what Frank Schreck said tonight, is that his intention is to completely build out the golf course
4960 piece by piece just as he actually threatened to do at the Planning Commission meeting.

4961 And closing the golf course has always been a red herring as far as we can all see here. The real
4962 issue is preserving the environment and dedicated open space for everyone in our Master
4963 Planned Community. In fact, Eva or one of my neighbors here presented at the Planning
4964 Commission hundreds of photos of golfers playing on that golf course, which she took over four
4965 months every day and there were tournaments. We see them all the time. They're on the driving
4966 range. This is a viable golf course.

4967 You know, we also have had no meaningful discussions with the developer. I mean, we as a
4968 group, we actually got together and we asked for a meeting with Yohan and some of the others in
4969 the company. And during that meeting, he promised us all kinds of things, whether it's mitigation
4970 on the landscaping, and he promised that he'd show us detailed drawings. That was in February.

4971 We have not seen anything since and, we've followed up multiple times with emails to say, when
4972 are we going to get something too, so we were willing to actually negotiate with him, and he
4973 didn't respond. It was just like his other 48 meetings, which were just dog and pony shows.

4974 So, and the other thing is we're quite frankly surprised and a little disappointed or a lot
4975 disappointed with the lack of or a negative response when we've reached out to the City with
4976 emails and petitions after not getting any response at all, and maybe it's because we didn't have
4977 Councilman Coffin's email, but however –

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4978 **COUNCILMAN COFFIN**

4979 I got the mail. I just couldn't respond to it.

4980

4981 **ANNE SMITH**

4982 Oh, okay. Well, then it just went into a big black hole as far as we were concerned. So, but the
4983 implied message that we got was that this development is a done deal and that we shouldn't be
4984 looking to the City for any remedy.

4985 So, what we're doing tonight is we would like to urge you to deny the applications before you, on
4986 this, even on the 720, because it sets a precedent, and ask you to actually wait until the
4987 negotiations that you've asked for tonight proceed so that a plan for the entire development be
4988 submitted and acted upon.

4989 And I brought tonight a copy of the petition that we did submit and because we don't know if
4990 everybody got it, I'd like to submit it again, which is signed by over, about 100 people from our
4991 development. They're opposing the original applications and the ones that are proposed to be
4992 heard tonight. Thank you. Thank you very much.

4993

4994 **MAYOR GOODMAN**

4995 Thank you. And I would like to mention to you that while we all, I mean we have multiple
4996 issues, we probably get a couple of hundred, 300 or so emails a day. I know from my office, I
4997 possibly have hit 75 percent, at least just thanking for your caring and sending an email and
4998 voicing opinions, because we really do care and what we're trying to do is mediate this so
4999 everybody wins.

5000 So, we thank you for the time. We thank you for your interest, your efforts, your calmness, and
5001 encourage you still to work through Shauna Hughes and Mr. Pankratz as we go forward to try
5002 and fix this to the best that's possible. And if it's not fixable, it's not, but then you will be dealing
5003 with something else as homeowners. We can see further and are hopeful that this will work out
5004 as a discussion and what you've asked for in the past, we too hope it will come to be.

5005 So thank you very much for taking the time and for those of you who gave up your space, I'm
5006 going to watch you carefully to make sure you gave her your two minutes. So thank you.

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5007 **ANNE SMITH**

5008 Yes, thank you. We are willing, and we did not receive but two responses as a thank you for
5009 writing. So that was it.

5010

5011 **MAYOR GOODMAN**

5012 Thank you.

5013

5014 **ANNE SMITH**

5015 Thank you.

5016

5017 **COUNCILMAN COFFIN**

5018 Your Honor, I think it's important for people to know when they write us that frequently we don't
5019 get, we don't respond to email. We cannot respond. If they're forwarded, as mine are to my
5020 business email, there is no email address for me to respond to. It's just that's the way that works,
5021 which I'm sorry is a defect in the IT, but LVCouncilman@Hotmail.com is it. Thank you. Then I
5022 can respond.

5023

5024 **CLYDE SPITZE**

5025 Good evening, Mayor and Councilmen. Excuse my voice. My name is Clyde Spitze. I live at
5026 1008 Greystoke Acres. I bought that home in 1989. I've worked with Mr. and Mrs. Peccole since
5027 1972. He called me at my office and asked me to come out and visit him, and I did it at Cashman
5028 Drive and spent some time with his family in his kitchen as we discussed the 2,000 plus acres
5029 that he bought. And since that time, I have been the one who has been overseeing all of the work
5030 that has been done on Peccole Ranch, at least in Queensridge and Phase Two.

5031 I have a document I'd like to give you. It is called "My History of Queensridge." I also have in
5032 that the original development booklet by Peccole Nevada Corporation and also my experience
5033 résumé for my life's work in this business.

5034 I want to assure you that Bill and Wanda Peccole were aware that the development had far less
5035 density than that given to them by the City to use. I also want to assure you and everyone that

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5036 they were totally satisfied with the development when it was completed. Their main desire was
5037 quality and not quantity.

5038 The total time that they developed Queensridge, the open space was very important for one, the
5039 open space for the development. Two, to ensure adequate drainage throughout the area that no
5040 one got hurt and no damage was done.

5041

5042 **MAYOR GOODMAN**

5043 Thank you. Thank you very much.

5044

5045 **CLYDE SPITZE**

5046 And that's why those were left that way and I worked entirely in that.

5047

5048 **MAYOR GOODMAN**

5049 Okay. I think your issues have been brought to us before, but please give our City Clerk any of
5050 the materials you wish for us to have. We do have about the drainage and traffic. Thank you.

5051

5052 **CLYDE SPITZE**

5053 All of the plans that you showed tonight, I've had my hands in on those –

5054

5055 **MAYOR GOODMAN**

5056 Good. Thank you.

5057

5058 **CLYDE SPITZE**

5059 – with the 40-some years that I've worked with him.

5060

5061 **MAYOR GOODMAN**

5062 Thank you. We appreciate it. Next, if you would please. Thank you so much.

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5063 **CLYDE SPITZE**

5064 And I definitely want to say that the hundred-year storm is not what we have to worry about. It's
5065 the 110-year storm and how many people are going to get killed. Hildale, Utah, 12 people were
5066 killed, a little 13-year old girl they never did find, and we don't want that on your records or on
5067 my memories.

5068

5069 **MAYOR GOODMAN**

5070 Thank you.

5071

5072 **CLYDE SPITZE**

5073 Thank you.

5074

5075 **MAYOR GOODMAN**

5076 Thank you.

5077

5078 **ELISE CANONICO**

5079 Good evening, Mayor and Council. My name is Elise Canonico. Do you see this picture?

5080

5081 **MAYOR GOODMAN**

5082 Not yet.

5083

5084 **ELISE CANONICO**

5085 They told me to put it, oh, there it is.

5086

5087 **MAYOR GOODMAN**

5088 Yes.

5089

5090 **ELISE CANONICO**

5091 Oh, okay.

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5092 **MAYOR GOODMAN**

5093 Oh, that's pretty.

5094

5095 **ELISE CANONICO**

5096 Come this May, it will be 20 years that I have lived in Queensridge. I live for the scenic open
5097 space in my backyard in which I paid a lot premium of 100,000. Tell me, where do I go from
5098 here?

5099 I cannot sell my home and move out because my home is upside down. My house is worth half
5100 of what I paid. I am tired of listening to Bob Beers insisting that this project will bring our
5101 property values up. He has contradicted the homeowners by stating in person and on the internet
5102 that property values in Queensridge are going up. Bob Beers is comparing house prices today to
5103 the foreclosure and the short sales from several years ago.

5104 Bob Beers has been misrepresenting us since day one regarding this project. Example, a resident
5105 on Tudor Park Place came home from the April meeting hosted by Bob Beers at the Suncoast
5106 Hotel and said, I can't take this anymore and immediately put his house up for sale. That man
5107 paid 668,000 for his home in 2007, and on May 1st, 2016, he sold it for \$332,000.

5108 The developer and his team have been insulting our intelligence since the first meeting they held
5109 at Queensridge office in August and then at the Badlands Clubhouse in September of 2005.

5110

5111 **MAYOR GOODMAN**

5112 Can you stay on the 1-0-5, six and seven or get to that, 'cause you're going to run out of time on
5113 your comments as to how you feel on the issues 1-0-5, six and seven.

5114

5115 **ELISE CANONICO**

5116 Well, I don't want no high-density.

5117

5118 **MAYOR GOODMAN**

5119 Okay.

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5120 **ELISE CANONICO**

5121 Is that what you're asking?

5122

5123 **MAYOR GOODMAN**

5124 I'm wanting to address that.

5125

5126 **ELISE CANONICO**

5127 Well, I'm addressing the values in Queensridge. Somebody had asked that earlier.

5128

5129 **MAYOR GOODMAN**

5130 Well, and, of course too, the recession has been devastating to us all –

5131

5132 **ELISE CANONICO**

5133 Well, I'm addressing the (inaudible).

5134

5135 **MAYOR GOODMAN**

5136 – which hit us from eight to 13, 14.

5137

5138 **ELISE CANONICO**

5139 Okay.

5140

5141 **MAYOR GOODMAN**

5142 But I appreciate your coming down and any papers you want to leave with our City Clerk to be
5143 given to us, we'd appreciate that.

5144

5145 **ELISE CANONICO**

5146 I'll mail it to you. Thank you.

5147

5148 **MAYOR GOODMAN**

5149 Thank you.

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5150 **SUMMER DAVIES**

5151 Hi. My name is Summer Davies, and I'm a resident/owner in the Queensridge Towers. What I
5152 have to say about this is that I don't think that we can't help progress. I was born and raised here,
5153 and I've watched this city evolve over the last 31 years. There's even a Costco now where I used
5154 to ride my horse as a kid.

5155 So, I understand how painful it is to watch the wildlife and the land around you get turned into
5156 something different. But even though it's painful to let go of that land, I think it's essential for us
5157 to focus our efforts on Red Rock conservation, protection of the wildlife where we can, but also
5158 protect the right of the people that live in the city. We need to continue to grow and innovate so
5159 that we as a community are not left behind.

5160 We still live in a city, for instance, where, with the exception of a kidney, if you need an organ
5161 transplant, you have to pack up your family, uproot your life and move out of this city. And for
5162 us to attract young, innovative, well-educated not only physicians but other people in this
5163 community, we have to continue to develop the land with high quality real estate and entice these
5164 talented, educated individuals to move into our city and make the place we call home their home.
5165 And that will improve not only our schools and our healthcare system, but the current residents'
5166 quality of life. A barren, broke golf course doesn't improve anyone's quality of life.

5167 I think this project should be supported, and we should encourage the developers, who are also
5168 personally invested with millions of dollars of their own property on this land and feeling the
5169 effects of the recession and changing property values, they should be the ones that are allowed to
5170 build on this land, because they're more invested than any other developer that's going to come in
5171 from outside Las Vegas.

5172 And on a final note, as a young person in this city, this meeting was incredibly discouraging to
5173 see people that do have money and resources to make a difference sit in the crowd and attack not
5174 only the Councilman, but then attack and heckle –

5175

5176 **MAYOR GOODMAN**

5177 Thank you.

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5178 **SUMMER DAVIES**

5179 – the people that are up here expressing their values.

5180

5181 **MAYOR GOODMAN**

5182 Thank you.

5183

5184 **SUMMER DAVIES**

5185 If I have to listen to Councilman Coffin's anecdotal stories about his personal feelings on the golf

5186 course, then I think that Councilman Beers is entitled to his opinion as well.

5187

5188 **MAYOR GOODMAN**

5189 Thank you. I want to ask one question of you. You said you were born and raised here.

5190

5191 **SUMMER DAVIES**

5192 Yes.

5193

5194 **MAYOR GOODMAN**

5195 Which high school?

5196

5197 **SUMMER DAVIES**

5198 Faith Lutheran.

5199

5200 **MAYOR GOODMAN**

5201 You have had a very good education. I mean, you are very articulate.

5202

5203 **SUMMER DAVIES**

5204 Thank you.

5205

5206 **MAYOR GOODMAN**

5207 I saw you were using your iPhone, so you've written it all down.

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5208 **SUMMER DAVIES**

5209 Yes.

5210

5211 **MAYOR GOODMAN**

5212 But you were very clear in your delivery and I appreciate it.

5213

5214 **SUMMER DAVIES**

5215 Thanks to my parents.

5216

5217 **MAYOR GOODMAN**

5218 Thank you. Tell your parents thank you for your education.

5219

5220 **SUMMER DAVIES**

5221 Thank you.

5222

5223 **MAYOR GOODMAN**

5224 Appreciate it. Next.

5225

5226 **JUSTIN DAVIES**

5227 I'm definitely not as good at this as she was.

5228

5229 **MAYOR GOODMAN**

5230 Okay. Well, so then you didn't go to Faith Lutheran.

5231

5232 **JUSTIN DAVIES**

5233 I did not. No. I went to Vo Tech. So, I'm a tech guy.

5234

5235 **MAYOR GOODMAN**

5236 Well, that's good too. That's good too. But you are now going to show us how good —

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5237 **JUSTIN DAVIES**

5238 Yeah, I'm going to read off of this. But first I had a comment also about Councilman Coffin. It's
5239 a good thing you're not running for presidency, because I think that they would have an issue
5240 with your Hotmail account. So, just, if we look at the history of email servers. So, just take that
5241 as a consideration.

5242

5243 **MAYOR GOODMAN**

5244 Okay. You're starting your two minutes now.

5245

5246 **JUSTIN DAVIES**

5247 Okay.

5248

5249 **MAYOR GOODMAN**

5250 You got a little grace from our City Clerk there. She was mesmerized.

5251

5252 **JUSTIN DAVIES**

5253 I wanted to start with a famous saying that I'm sure everyone here has heard.

5254

5255 **LUANN D. HOLMES**

5256 I'm sorry. We need your name.

5257

5258 **JUSTIN DAVIES**

5259 Sorry. Justin Davies.

5260

5261 **MAYOR GOODMAN**

5262 Were you related to the lady before you?

5263

5264 **JUSTIN DAVIES**

5265 Yeah, Summer is my wife.

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5266 **MAYOR GOODMAN**

5267 You married high. Good. All right.

5268

5269 **JUSTIN DAVIES**

5270 I agree.

5271

5272 **MAYOR GOODMAN**

5273 Wait, start him all over again. I took his time there. Wow, you better work hard to keep up with
5274 her. Okay.

5275

5276 **JUSTIN DAVIES**

5277 I'm just happy she likes bald men. All right. So, I'm sure everybody has heard some version of
5278 this, but if you aren't growing, you're dying. I find it depressing to sit here and listen to people on
5279 all sides of me hold up a project that will bring young vibrance (sic) to our community and
5280 prevent our community from going stale.

5281 It's – frustrating to sit here and see the rich and wealthy, the one-percenters throw their money
5282 around to press plans to benefit our up and coming generations, aka the greater good of our
5283 community and your sons, daughters, and grandkids.

5284 I am a new dad to a beautiful baby girl and an active member in the Las Vegas technology
5285 community. I believe by creating a new and vibrant urban environment, we will be able to foster
5286 the young talent that is leading our beautiful city to cities like Austin, Texas, Seattle, San
5287 Francisco, and even Phoenix. As a young person, it is really discouraging witnessing how
5288 meetings like this are conducted. It is easy to see why our youth shows little engagement when
5289 decisions are based off of sentiment and long-winded stories that have no connection with the
5290 topics at hand.

5291 Thank you, Mayor, for doing your best to keeping both sides focused and hearing both sides, and
5292 I'd just like to ask for everyone else that, you know, it's easy to be selfish and it's hard to think
5293 long term, but let's all come together and think about our loved ones' futures and not just about
5294 ourselves. Thank you.

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5295 **MAYOR GOODMAN**

5296 Thank you. We're proud of our youth.

5297

5298 **COUNCILWOMAN TARKANIAN**

5299 Madam Mayor, I just have to say something. I'm sorry. And I really respect you and I respect

5300 what you're doing, but there are some citizens who live in that area that you're regarding just as

5301 rich. I've known they started with probably less than you had. They worked their way up and

5302 they worked very hard. They attained financial or above even security, and they have given it so

5303 you could have the Smith Center, so you could have a good UNLV. So please, please don't be,

5304 you know, negative about these people just as they, by the way –

5305

5306 **JUSTIN DAVIES**

5307 I'm not being negative. I'm just showing another, I'm showing another point of view. We've got

5308 to think about our future growth in this community –

5309

5310 **COUNCILWOMAN TARKANIAN**

5311 I just want to add, just as they are not (inaudible).

5312

5313 **JUSTIN DAVIES**

5314 – is not just about the people that are living in those communities. It's also about the people that

5315 are up and coming and that are working in tech industries and that are looking for opportunities

5316 to grow in these industries that are not the same industries that these other individuals grew up

5317 in.

5318

5319 **COUNCILWOMAN TARKANIAN**

5320 I think there are many of us here, sir, on this Council that realize that, because we have done that

5321 and voted for that on this Council.

5322

5323 **MAYOR GOODMAN**

5324 Thank you. Thank you, Mr. Davies.

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5325 **COUNCILWOMAN TARKANIAN**

5326 I just wanted to say as we also respect you. I mean just respect them as we also respect you.
5327 When I hear someone, I'm sorry, Mayor, I have to say it, when I hear someone walking along the
5328 street, a young person, such as yourself, who says, we are the most compassionate generation
5329 ever in the United States, I say you never saw World War II kids, you never saw kids that were
5330 16, 17, and 18 who had to be so scared as they went up Iwo Jima or they went across the other. I
5331 just don't care for the audacity sometimes of thinking, this is so much better, just as I don't care
5332 for the audacity of them to say they're so much better than you.

5333

5334 **JUSTIN DAVIES**

5335 I just want to point out that this has nothing to do with my point of view of what I said. Mine was
5336 about the growth of our future and the tech industry and also as a community. It has nothing to
5337 do with the war, and it has nothing to do with the point of views that you just pointed out.

5338

5339 **MAYOR GOODMAN**

5340 Okay. Thank you, Mr. Davies.

5341

5342 **COUNCILWOMAN TARKANIAN**

5343 I think it did. I'm sorry, but I think it did.

5344

5345 **MAYOR GOODMAN**

5346 Congratulations on your baby. We wish you will, and take care of your wife. I think I saw your
5347 baby come in. I thought you were going to drop it, actually. Next, please. Your name, please.

5348

5349 **TRESSA STEVENS-HADDOCK**

5350 Yes, my name is Tressa Stephens-Haddock. I live in —

5351

5352 **MAYOR GOODMAN**

5353 I'm so sorry. I couldn't hear your first name.

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5354 **TRESSA STEVENS-HADDOCK**

5355 Tressa.

5356

5357 **MAYOR GOODMAN**

5358 Tressa?

5359

5360 **TRESSA STEVENS-HADDOCK**

5361 Yes.

5362

5363 **MAYOR GOODMAN**

5364 Thank you.

5365

5366 **TRESSA STEVENS-HADDOCK**

5367 I live in Tudor Park, which has been mentioned probably once or twice. But for the young couple
5368 that was just here, it's not just about the one-percent or whatever that he says is rich, because
5369 Tudor Park, I bought in there in May, 2015, not knowing of Badlands going away. I paid three-
5370 something for my home.

5371 Once I've been to a couple of these meetings, I tried to put it back up the market to leave,
5372 because I didn't want to deal with this due to my illness, and I can't sell it without taking a loss.
5373 So I'm not one of the rich or the rich and famous. I'm a hard-working, middle class person that
5374 invested in there. I moved there as a complete community, because I have Lupus, and I was told
5375 to get somewhere where there's not a lot of dust, there's not a lot of construction, and I purchased
5376 in that development.

5377 And since then, I've been to probably four or five of these meetings, and I feel like I understand
5378 that there needs to be growth, but where you're talking about the 720 units, that road, which is
5379 Clubhouse, that they did not make a big deal out of, is actually outside of my gate, the entrance
5380 to Tudor Park. So, they would use that as the in and out of their construction that they designated
5381 it to, which forces me to have to move due to the Lupus that I have and my sinus issues. So I am
5382 at a –

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5383 **MAYOR GOODMAN**

5384 So you're on a construction entry?

5385

5386 **TRESSA STEVENS-HADDOCK**

5387 Yes, where they said that they would use Clubhouse Road, which is just west of the two towers
5388 and just south of Suncoast.

5389

5390 **MAYOR GOODMAN**

5391 Okay.

5392

5393 **TRESSA STEVENS-HADDOCK**

5394 That is where they propose to come in and out.

5395

5396 **MAYOR GOODMAN**

5397 For construction?

5398

5399 **TRESSA STEVENS-HADDOCK**

5400 For construction. So, if this is a phase project, what is in it for me?

5401

5402 **MAYOR GOODMAN**

5403 Okay.

5404

5405 **TRESSA STEVENS-HADDOCK**

5406 And I just feel like it's not just me. I can't turn around, and I appreciate Councilman Coffin
5407 asking about half homes go down. And I think it's important that I will submit something to your
5408 office to show. You, I cannot turn around and sell my home right now without taking a loss.

5409

5410 **MAYOR GOODMAN**

5411 Thank you. Thank you very much. I wish you would do that, ma'am. Yes, ma'am?

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5412 **KRIS ENGELSTAD**

5413 Good evening.

5414

5415 **MAYOR GOODMAN**

5416 Why do I know you?

5417

5418 **KRIS ENGELSTAD**

5419 Can you hear me? Because I'm Kris Engelstad of McGarry High.

5420

5421 **MAYOR GOODMAN**

5422 That's why I know you.

5423

5424 **KRIS ENGELSTAD**

5425 That's why you know me. We're not opposed to development. We're opposed to this
5426 development. It's a broad brush to say that we don't want things to grow. There has been –

5427

5428 **MAYOR GOODMAN**

5429 She always has new hair.

5430

5431 **KRIS ENGELSTAD**

5432 – a history of a moving target and things not always being represented as they should be and
5433 certainly not any transparency. When we're talking about the 720 and you're talking about four-
5434 level building, I'd actually like Mr. Lowie to go on record tonight. I would like to know if that
5435 happens. Because if the question you're asking, Mr. Coffin, is that the water is going to be a
5436 restriction, then he's going to have to go up. How far does he go up? What is the limit on that?
5437 How long does my 84-year old mother, who also lives there, listen to demolition and
5438 construction?

5439 And just last, 'cause I'm going to wrap this up, we're all tired, if Mr. Beers believes that we are
5440 the elite and we are the one-percent and we are the people here who take and take and take, I will
5441 tell you that we may not be building a billion dollars' worth of houses, but we are people who

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5442 have put hundreds and millions of dollars into the infrastructure of this city and to social
5443 services. So, I would urge you, please, to oppose this, to deny it, and at the very least, please
5444 listen to the mediation you have coming in and then we can have another discussion. Thank you.

5445

5446 **MAYOR GOODMAN**

5447 Thank you.

5448

5449 **PAULA QUAGLIANA**

5450 Good evening. I'm Paula Quagliana. I live at 9621 Orient Express. My husband and I wrote a
5451 letter dated November 14th, 2016, to the City Council members. It was hand-delivered and
5452 mailed. In accordance with this letter, we have three questions for the Council this evening. Why
5453 this developer is not required to submit a full set of final plans so everyone can see what he's
5454 going to build everywhere, including the golf course. I have to say this. How can two lawyers get
5455 together and discuss anything if they don't know what they're discussing?

5456 Every person just about who's come up here has said, what is it that we're talking about? Please
5457 make this developer give you a final set of plans. I'm sick and tired, like they are, of looking at
5458 plan after plan after plan.

5459 The second thing, why you believe you can authorize a project knowing that this contractor or
5460 developer can tear some of our walls down. Where the golf course is, his intention is to tear the
5461 walls down. Well, for 20 years, we've paid to maintain all of these walls, streets, landscaping. I
5462 think that we have an interest in those, a legal interest. So, let me say I don't know why we're
5463 doing this.

5464 And last about the questions, why you believe the golf course is zoned R-PD7 when no taxes
5465 have been paid on this property for two decades. Now taxes are paid starting in 2015. Was the
5466 land rezoned without notice to the adjoining homeowners? How did they end up with these taxes
5467 suddenly being paid?

5468 I want to read the exact words from the documents given to us from the developer when we
5469 closed our property. It says right in our documents: As it was in the past, so it is today. Bill and
5470 Wanda Peccole envisioned communities where you could raise a family, build a dream home and
5471 secure haven for retirement, a renaissance of privacy, ensure the privacy and security of each

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5472 resident. Access to Queensridge will be limited to one guard-gated entrance/exit that will be
5473 manned 24 hours a day. They're going to put their own streets and their own guard gates up.
5474 How so? This is what we were promised. Hear the word, promised, over and over.

5475

5476 **MAYOR GOODMAN**

5477 Thank you.

5478

5479 **PAULA QUAGLIANA**

5480 Entering Queensridge —

5481

5482 **MAYOR GOODMAN**

5483 Thank you.

5484

5485 **PAULA QUAGLIANA**

5486 Okay. I want to just say one more thing.

5487

5488 **MAYOR GOODMAN**

5489 Thank you.

5490

5491 **PAULA QUAGLIANA**

5492 Okay. Here's the championship golf course. We never signed anything that said that we weren't
5493 going to have a golf course. Did we do that Joe? No.

5494

5495 **DR. JOSEPH QUAGLIANA**

5496 We never did.

5497

5498 **PAULA QUAGLIANA**

5499 No. Here's what it says.

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5500 **MAYOR GOODMAN**

5501 Okay. Thank you. Thank you.

5502

5503 **PAULA QUAGLIANA**

5504 Interwoven throughout the community are incredible views of the championship Badlands Golf

5505 Course.

5506

5507 **MAYOR GOODMAN**

5508 Thank you.

5509

5510 **PAULA QUAGLIANA**

5511 Private golf cart paths, easy access to Badlands Country Club.

5512

5513 **MAYOR GOODMAN**

5514 Thank you. Thank you.

5515

5516 **PAULA QUAGLIANA**

5517 This is what we were promised. Vote against this. We know what we were promised. We know

5518 what we paid. We know what they want. They want to make millions of dollars while we're

5519 going to end up just like these other people told you, nowhere, nowhere at all. Thank you very

5520 much.

5521

5522 **MAYOR GOODMAN**

5523 Thank you. Thank you.

5524

5525 **PAULA QUAGLIANA**

5526 Oh, excuse me. I want to submit this for the record.

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5527 **DR. JOSEPH QUAGLIANA**

5528 My name is Dr. Joseph Quagliana. I live at 921 Orient Express Court. And I wanted to state that
5529 I strongly object to this project because it will totally destroy Queensridge as I know it and
5530 because of serious health projects, health problems that it can create.

5531 I didn't plan on speaking tonight, but I felt that I had an obligation to come up here at the last
5532 minute. And the reason I'm doing that is because I'm from the old school. I still use paper and, I
5533 wanted to let the people know that, first of all, I live on a very exclusive street, but I grew up in
5534 Upstate New York. My father and mother were Italian immigrants. My dad was a butcher.
5535 I worked my way through school. I worked in the grocery store with my father. I shined shoes
5536 every day after school. I played every night as a musician. I was a professional musician. I got
5537 scholarships to go through school. I went to medical school and got through college in three
5538 years, went to medical school, graduated with honors, became an oncologist, and I worked in this
5539 town for 40 years as the first oncologist in this city. And I worked hard to get what I've got on
5540 Orient Express. Believe me, I really struggled to get it.

5541 Now, I would mention to you that I'm now 82 years of age, and I had to retire as a physician
5542 because I have medical problems. I didn't attend that Planning Commission (sic) meeting at the
5543 Suncoast, on October the 7th, because I was in UCLA having a cardiac shock to get me out of
5544 atrial fibrillation and heart failure. But I did it and I will –

5545

5546 **UNIDENTIFIED MALE SPEAKER**

5547 You okay?

5548

5549 **DR. JOSEPH QUAGLIANA**

5550 – just a minute.

5551

5552 **PAULA QUAGLIANA**

5553 And this is what's happening to our life because of all of this.

5554

5555 **MAYOR GOODMAN**

5556 Joe, please, that's enough. Joe, would you please go home?

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5557 **DR. JOSEPH QUAGLIANA**

5558 We're under a lot of stress, and I think my machine –

5559

5560 **MAYOR GOODMAN**

5561 Joe, it's not worth it.

5562

5563 **DR. JOSEPH QUAGLIANA**

5564 – my defibrillator just defibrillated my fibrillation.

5565

5566 **MAYOR GOODMAN**

5567 No, no, no, no.

5568

5569 **DINO REYNOSA**

5570 My name is Dino Reynosa. I represent Steven Maksin. He is the CEO of Moonbeam Capital

5571 Investments. We own over 14 million square feet of commercial, retail, and luxury properties.

5572 We are also the eighth largest indoor mall owners in the U.S. Mr. Maksin owns two suites or two

5573 residences at One Queensridge Place, 9101, 1801, Crown Jewel Penthouse and 9103, 204. Mr.

5574 Maksin is fully in support of this project. He asked that for your approval. We stand by EHB

5575 Development's side and this project and any other projects that they are involved with. We are

5576 confident that EHB Development will continue to develop this community and the lifestyle he is

5577 honored and proud to be a part of. Thank you.

5578

5579 **MAYOR GOODMAN**

5580 Thank you very much. Ma'am.

5581

5582 **KIMBERLY TOBERGTE**

5583 Good evening. My name is Kimberly Tobergte, and I've got a bit of a different viewpoint. I

5584 actually represent Silverstone Golf Course, up in the northwest in Ward 6. So, thank you to the

5585 Board and thank you –

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5586 **MAYOR GOODMAN**

5587 Excuse me, which was the golf course you represent?

5588

5589 **KIMBERLY TOBERGTE**

5590 Silverstone Ranch. I'm a resident and owner at Silverstone Ranch.

5591

5592 **MAYOR GOODMAN**

5593 Silverstone Ranch. Okay.

5594

5595 **KIMBERLY TOBERGTE**

5596 Up in Ward 6 with Mayor Pro Tem Ross. I just want to say that I'm scared. I'm scared that this is
5597 going to set a precedent for the whole valley. I worry that we're going to be developed to death in
5598 this valley.

5599 I'm really impacted by this. My whole family is. I feel so sorry for these people. I feel
5600 desperately sorry for these people and, I'm scared about what's happening. So, I'm asking the
5601 Council, I beg you, please disallow the development of Badlands. It sets a bad precedent.
5602 My husband and I own a house on the golf course at Silverstone, and on September the 1st,
5603 2015, our lives were changed irreparably. Overnight, they closed down our golf course. They
5604 shuttered it. They fenced it. The employees arrived for work that day and had no jobs. They had
5605 no way to support their families 'cause they had no job to go to. The people that showed up for
5606 their tee times that morning, no tee times, no ability to get their equipment, nothing. So, I beg
5607 you to please really consider disallowing the development of Badlands.

5608

5609 **MAYOR GOODMAN**

5610 Thank you for your comments. Next.

5611

5612 **DARRYL ROESNER**

5613 Hello. My name is Darryl Roesner, 9811 Orient Express. A couple of things I would like to clear
5614 up some things that Mr. Kaempfer said earlier. When he talked about our covenants and
5615 conditions, where we signed away our rights, when we bought, the Peccoles, one of the son-in-

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5616 laws sold us our house, he happens, Greg Gorgia, I think, he works for the developer now, but he
5617 gave us brochures, talked about golf course views front and back and also the same document
5618 that Mrs. Quagliani (sic) just referred to. And they were talking about golf course access with
5619 carts. It was clear there was no discussions whatsoever about the golf course ever going away,
5620 and it was totally represented otherwise. So, I want to make that point and at least, from my side,
5621 bring it up.

5622 Additionally, he brought up the Onsite Improvements Agreement. I think you probably have a
5623 copy of it, but within that agreement, the residents, or maybe not all the residents, but we're the
5624 successors to the Peccoles as the owner. So we're a party to the Agreement, the City is a party to
5625 the Agreement, and now EHB is a successor party to the Agreement.

5626 And I read that a little differently. He says, well, the golf course, when we take out the drainage,
5627 then it was always anticipated that the golf course was going to be taken out because the
5628 drainage was going to be taken out. When I read this, I assumed that if the – drainage had to be
5629 removed or changed for any reason, they had enduring responsibilities. This Agreement is in
5630 effect as long as this drainage exists.

5631 And so, additionally, the developer has certain responsibilities to us, such as providing insurance
5632 and indemnifications as owners. And I would hope that if the City is working on our behalf or
5633 changing the potential terms to this Agreement, that we're given consideration in any
5634 modifications that you might make that would affect our rights under this Agreement.

5635

5636 **MAYOR GOODMAN**

5637 Thank you very much.

5638 **DARRYL ROESNER**

5639 And then one –

5640

5641 **MAYOR GOODMAN**

5642 Are those your comments there in hand? Part of them.

5643

5644 **DARRYL ROESNER**

5645 No, I actually had a bunch of other comments, but they were already gone over, so –

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5646 **MAYOR GOODMAN**

5647 Okay. Thank you. Thank you very much. Appreciate your comments.

5648

5649 **DARRYL ROESNER**

5650 I do have a list of the 35 open items where it says that the – flood study was not approved, and

5651 I'd like to turn in the 35 items –

5652

5653 **MAYOR GOODMAN**

5654 Okay. Would you turn that in to our Clerk, please?

5655

5656 **DARRYL ROESNER**

5657 – that are left undone, that need to be done.

5658

5659 **MAYOR GOODMAN**

5660 Fine.

5661

5662 **DARRYL ROESNER**

5663 And finally, I just am asking that you do not approve these applications tonight. There's too

5664 many open-ended issues. And I think everybody needs to set (sic) back and allow your process to

5665 work before we start giving all these approvals out.

5666

5667 **MAYOR GOODMAN**

5668 Okay. Thank you.

5669

5670 **DARRYL ROESNER**

5671 Thank you.

5672

5673 **MAYOR GOODMAN**

5674 Thank you. Good report. Yes, sir?

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5675 **TOM BLINKINSOP**

5676 Good evening. My name is Tom Blinkinsop, 242 Deer Springs in Henderson, Nevada. I've
5677 actually been in the golf business for 24 years, and I can tell you that the golf business is really
5678 rough. It is tough and the numbers they're showing are correct. I know of eight golf courses in
5679 the Valley that are public golf courses that lose money every year, and that's a lot of times before
5680 even the note.

5681 Due to the water rights, you know, the water prices going up, labor prices going up, insurance,
5682 and everything else that's going on top of it, it hurts. And golfers, somebody said that golf rounds
5683 have gone up, they may have gone up a little bit, but the problem is the average rates went down.
5684 So, every year, even though they're going up a little bit, the average rate is going down due to
5685 this market being oversaturated with golf courses.

5686 There's (sic) 49 golf courses in this Valley. It takes 85,000 people to maintain a golf course is
5687 what the bar says, and there's 35,000 P's per golf course. So not only do you see this golf course
5688 maybe close, but you're going to see some in the future also unless something changes with
5689 water or labor, unfortunately, because I don't think the golf market is going to turn around in the
5690 next 10 years. So, that's really all I have to say. Thank you.

5691

5692 **MAYOR GOODMAN**

5693 Thank you for your comments. Appreciate it.

5694

5695 **DUNCAN LEE**

5696 Duncan Lee, for the record. Mayor Goodman, Councilmen and Councilwoman. I had a prepared
5697 text, but I think that everything got covered. But I think with the wisdom I saw with the City
5698 Council was the idea of abeying the four items that was (sic) withdrawn and that to have
5699 Mr. Pankratz and Ms. Hughes to come back and negotiate after a period of time.

5700 Well, I think one of the things that I'd like to emphasize also in the negotiation is that we
5701 negotiate as equal. Until the other side believes that we can negotiate on equal footing, then it is
5702 also a waste of time, because we've been at this for the last year and a half, and we haven't made
5703 any progress.

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5704 So, what I would like the City Council to consider is for this particular application to abey for
5705 four months or five months so that we can really negotiate on equal footing, so we can really
5706 make some substantial progress versus coming back and forcing you guys to make a decision,
5707 because I don't envy, you know, your seats to have to make these tough decision. So, that's what
5708 I would suggest that we abey this decision for four or five months and let Mr. Pankratz and
5709 Ms. Hughes try to negotiate as equal. Thank you.

5710

5711 **MAYOR GOODMAN**

5712 Thank you very much for your comment.

5713

5714 **MICHELLE KOMO**

5715 Good evening. My name is Michelle Komo, and I'm an original owner in Queensridge. I'm here
5716 not to talk about me, but some neighbors of mine that would like to be here tonight. They're
5717 elderly. They're retired. They're not one of the select rich folks that you've been talking about.
5718 They're on a fixed income.

5719 Now, we've heard a lot about this new development bringing a lot of economic benefit, economic
5720 activity to the community and sensitivity to retailers. Let me tell you what's going on, my street
5721 right now with these retired folks. They need to get themselves into some assisted living, and
5722 they can't sell their homes. It just breaks my heart. One home, one woman went in, the home was
5723 on the market for a year. Finally, they had to let it go at \$300,000 less than what it was worth.
5724 Another woman, who's on the golf course, she really should be in a retirement home. It scares
5725 me.

5726 What's happening right now on the golf course is they're not securing it in the evening, which
5727 means we're getting a lot of break-ins. And she's sitting there. She's already had a window
5728 broken into, a neighbor that was ransacked because it's not being secured. There's no security on
5729 the golf course.

5730 When you talk about the economic benefits, keep in mind the economic tragedies that are
5731 happening as a result of this. And I just hope that you say no to this. Thank you.

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5732 **MAYOR GOODMAN**

5733 Thank you for your comment. Next?

5734

5735 **LUCILLE MONGELLI**

5736 Lucille Mongelli, 9103 Alta Drive, Unit 1202, Las Vegas, Nevada, and also 5 Golf Lane,
5737 Huntington, New York. I am here to object to the 720 development. I'd have to ask this Council
5738 how could anyone even consider putting 720 units in a flood zone? I'm not very familiar with the
5739 area.

5740 Would you approve of putting units on a fault where there could be earthquakes? I find it just
5741 rather, it's a very simple question. How can you permit building to be done in a flood zone? It's a
5742 really simple question. Would you permit building to be done in a swamp where houses would
5743 collapse? I think the City and even Mr. Yohan is exposing himself to litigation if people's homes,
5744 property, properties are damaged by floods, if people have mold issues as a result of water. I
5745 think it's really rather ridiculous.

5746 And as far as the honeymoon that you're looking to send Mr. Pankratz and Ms. Hughes on, I
5747 think that's a little simplistic. I'd be happy to donate a bottle of champagne, because I guarantee
5748 you that they're going to need a lot of champagne to attempt to come to some form of agreement,
5749 because I don't think that's going to happen. And a lot of times when people go on honeymoons,
5750 guess what? They come back divorced because they can't come to an agreement, and I don't
5751 think they will do so as well. I object to it.

5752

5753 **MAYOR GOODMAN**

5754 I hope that's not true. I hope that we try.

5755

5756 **LUCILLE MONGELLI**

5757 We invested in a lot of money in the property at the towers. And so, the idea of hearing chopping
5758 and banging of the earth below, for a year on of our neighbors on the floor did construction in
5759 their apartment and it was lovely. I'm happy for them. But we listened to that across the hallway
5760 and across an elevator. I can only imagine what would go on for years by the time that
5761 development is completed.

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5762 So, I urge you to, once again, not permit this to happen and really consider what this
5763 development is going to happen, going to affect the jewel of Queensridge. If I had \$15 million, I
5764 certainly wouldn't invest it to destroy what is the jewel. It looks like there's a lot of open space in
5765 Las Vegas. Take that money and develop other areas and not destroy the jewel that it is. Thank
5766 you.

5767

5768 **MAYOR GOODMAN**

5769 I hope it works out is all I can say.

5770

5771 **FRANK PONTO**

5772 Hi, Frank Ponto. I live in the Queensridge Towers. Mayor Goodman, you have a lot of patience,
5773 God bless you. And I would like for you to know that I think we all should be treated fairly in
5774 this 720 development. I don't think we have been.

5775 I had the pleasure of sitting with Attorney Jerbic one evening over at the Suncoast. Much to his
5776 credit, he was very upfront. He told me that he spent a lot of time, way into the night and into the
5777 evening talking to people on the phone, visiting their houses. But I don't think they were
5778 members of the HOA community that he was visiting. So, I don't think that's really being treated
5779 fairly.

5780 The other thing I want you to know that in the Queensridge Towers, we do have a water problem
5781 in the basement. My garage has been leaked into for the last three years, causing damage to my
5782 cars. The HOA did fix it.

5783 Another thing I wanted to address was the traffic. Across the street from the Queensridge homes,
5784 there are properties that are going to be developed, and that's going to be more traffic on Alta
5785 Drive. Now, if you add that to at least 700 or 1,000 cars that are going to be in the 720
5786 development, that's an awful lot of traffic on Alta Drive and Rampart that is not there now and, If
5787 you add that to the casino, that's quite a bit to go on.

5788 Last, but not least, we've tried to sell our home since this problem started. We've had to drop our
5789 home price by \$300,000. We still haven't had any visitors over. That's the way it is.

5790 And last but not least, I want you to know, and my Italian is up right now, I am the son of Italian
5791 immigrants that came to this country, who could not read nor write English, who sweated to

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5792 spend \$4 a month to send me to a parochial school to get an education. From there, I was raised
5793 by nuns, Irish Christian brothers and Jesuits. They gave me an education second to none. I went
5794 out, made a success of myself. I own a mail company, a printing company. I can afford to do
5795 whatever I want to do, only because my parents instilled in me that work ethic to become an
5796 American, to integrate into this community. I was raised in Harlem, with blacks, Hispanics, and
5797 we never had a problem.

5798 So, I don't know where these two suburbanites from Los Angeles who came here and spoke
5799 about this Utopia of which we need here, what we need is for people to go to work and work
5800 hard, just like my parents taught me to do.

5801

5802 **MAYOR GOODMAN**

5803 Thank you.

5804

5805 **FRANK PONTO**

5806 And Ms. Tarkanian, God bless you too. Thank you.

5807

5808 **CAROL JIMMERSON**

5809 Good evening. My name is Carol Jimmerson. I live at 9101 West Alta Drive, Unit 1704. Me and
5810 my husband have been residents of the Queensridge community for 15 years. We bought two
5811 homes that EHB had built for us and our homes were lovely. We support the project that they are
5812 doing right now.

5813 I do want to say that the second home that they had built for us and we sold it four years, four
5814 and a half years ago, we lost two million on it. It had nothing to do with the project that they
5815 were doing, 'cause they hadn't even bought the land yet. So, I do agree that a lot has got to do
5816 with the economy; we can't blame it all on what this project is going on. But anyway, I support
5817 the project. I hope you do too. Thank you.

5818

5819 **MAYOR GOODMAN**

5820 Thank you very much. Hello.

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5821 **SIGAL CHATTAH**

5822 Good evening, Mayor. Sigal Chattah, Chattah Law Group, 5875 South Rainbow Boulevard. I
5823 represent three unit owners at the Queensridge Towers. Most of what I wanted to say has been
5824 brought up tonight. There's (sic) a few points that I do want to touch on.

5825 The first point, and it's sad to say that I haven't seen any difference from what we saw at the
5826 Planning Commission hearing, and that is the constant disparagement of the developer and these
5827 allegations of collusion with the Councilmembers, that we saw the same thing with the staff and
5828 City Attorney with the Planning Commission and, I think it's disturbing on so many levels. I
5829 think all those allegations are meritless. There is nothing behind it. And again, nothing has been
5830 proven.

5831 The second thing I wanted to touch on, somebody just brought this up, is that the golf course
5832 seems to be the jewel of the project. In discussing this jewel, nobody has brought up how run
5833 down this jewel is, how this jewel has been a breeding ground for break-ins and as, not only as
5834 an individual that has rented in Queensridge, once a month we would get at least, there would be
5835 break-ins, and a lot of the break-ins occurred because of the golf course and because it has been
5836 rundown. So, there is really no, there is no accountability, no supervision on that golf course.

5837 The third thing that I wanted to say is what I urge this Council to look at is the precedent of the
5838 developer. It was touched on by Mr. Kaempfer and, one of the issues that, I believe, is not given
5839 enough credit tonight is the development that these developers have provided. One is obviously
5840 Tivoli. The second one is the Queensridge Towers, Queensridge Place, and the third one, as an
5841 attorney, to us that is the crown jewel is the Supreme Court Building. And with that, again, I
5842 request your approval tonight.

5843

5844 **MAYOR GOODMAN**

5845 Thank you.

5846

5847 **SIGAL CHATTAH**

5848 Thank you.

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5849 **MAYOR GOODMAN**

5850 Thank you. Sir?

5851

5852 **SHAWN KING**

5853 Good evening, Madam Mayor, Council. Thank you for your time serving tonight. I just want –

5854

5855 **MAYOR GOODMAN**

5856 Your name?

5857

5858 **SHAWN KING**

5859 My name is Shawn King. I'm with The Equity Group, 6018 South Durango Drive. I manage

5860 Boca Park Fashion Village, which is immediately adjacent to the property on the east side of

5861 Rampart Boulevard. It includes some of the tenants which was the former Great Indoors,

5862 Cheesecake Factory, the Kona Grill.

5863

5864 **MAYOR GOODMAN**

5865 Sorry, that's gone.

5866

5867 **SHAWN KING**

5868 Anyways, I'm here in support of the development as I think the additional residents immediately

5869 adjacent to this property will improve the pedestrian experience within Boca Park, and it will add

5870 to some of the, it will help some of the issues some of the smaller tenants have felt over in that

5871 area. And I think by having this approved, it will help the community and the businesses in that

5872 area. Thank you.

5873

5874 **MAYOR GOODMAN**

5875 Thank you very much.

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5876 **KEVIN BLAIR**

5877 Good evening. Kevin Blair, I represent the property owner at 801 South Rampart. That's the
5878 traffic light that's right in front of the Kona Grill. I've kinda of got a unique perspective of the
5879 traffic that's there and with the 720 units that's going into this development, that's going to be
5880 over 1,000 cars in and out every day.

5881 And the way that I understand from the Public Works Director is that there's a double left-hand
5882 turn lane that's going to be required there in front of Kona Grill and, I've seen the traffic out
5883 there. I've been working in this building for 13 years and, I negotiate that right turn probably 20
5884 to 25 times a week and about a third of those times, I'm almost hit. It's a speedway.

5885 If you've seen the many maps that have been shown here, that Rampart is a very dangerous
5886 street; it's a rounded street. There's (sic) numerous corners and, I invite anybody on the City
5887 Council to sit in that left-hand turn lane, turning into our building, and watch the traffic behind
5888 you get close, because that's that turn right there.

5889 Putting more cars on this street from this development, the only exit they have is Rampart. So,
5890 that's the only way they can go. And in order to get to that left-hand turn lane, they've got to
5891 negotiate three lanes of traffic across that way in a very short distance. That is a very dangerous
5892 perspective.

5893 So, I've got a letter here that is in opposition to this development. We have talked to the
5894 developer about having access to our property. We have told him, no, we are not interested in it,
5895 again because of the number of cars that would come within 20 feet of our building. It's just not
5896 going to happen for us.

5897

5898 **MAYOR GOODMAN**

5899 Thank you very much. That was Kevin Blair. Is that Mr. Blair?

5900

5901 **KEVIN BLAIR**

5902 Yes.

5903

5904 **MAYOR GOODMAN**

5905 Right. Thank you. Yes, sir.

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5906 **TERRY HOLDEN**

5907 Hi. My name is Terry Holden. I strongly oppose the 720 development. We've talked about a lot
5908 of issues tonight. We've heard a lot of issues. I've focused my thoughts on two.
5909 One is the density, the 41 units to the acre. Mr. Kaempfer kind of downplayed it wasn't that bad,
5910 it's compatible. I don't believe that. I've been a real estate developer/owner of multi-family for 35
5911 years. I know density, and 41 units to the acre is very, very dense, and all the related traffic
5912 problems, school problems, issues we're still debating about are going to be huge.
5913 Beyond that, I don't know how you can approve tonight the 720 with the R-4, with the zoning on
5914 that, because once you pass the R-4 zoning, you're locked in. The developer, the deal may not
5915 work. There's (sic) a lot of flaws. I see a lot of problems. If it goes by the wayside, it can't get the
5916 financing, you can't do this, can't do that, we've got R-4, and you've locked in and set a
5917 precedent. And I just think that's dangerous and would be bad judgment. Thank you.

5918

5919 **MAYOR GOODMAN**

5920 Thank you.

5921

5922 **ROBERT MARSHALL**

5923 Good evening, Mayor Goodman and members of the Council, Robert Marshall. I live at 9744
5924 Verlaine Court. I'm a native of this Valley. I've known the Goodman family forever.
5925 I'd like to say some words that haven't been said, because that's what I've been asked to say by
5926 the Mayor. So I say these words, please don't start cutting on this baby. Please don't subject
5927 myself, my neighbors, my friends to a 30-year construction deal. I will probably be dead by the
5928 time this project is done, as will most of the people in the room. We have been told many times
5929 that this is a done deal. That is why there are so many people here in opposition to this. Please
5930 say no to this. I thank you.

5931

5932 **MAYOR GOODMAN**

5933 Thank you.

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5934 **COUNCILMAN ROSS**

5935 Where are they getting that done deal?

5936

5937 **MAYOR GOODMAN**

5938 I don't know. Yes, sir?

5939

5940 **NOEL GAGE**

5941 Good evening. My name is Noel Gage. I'm fortunate enough to live in Tower Two. I remember
5942 the naysayers that wanted to prevent the construction of the Queensridge Towers. I remember the
5943 naysayers that wanted to prevent Tivoli Village. They remind me of the inebriate who leans
5944 against the lamp post seeking support, but who doesn't see the light. The light in this
5945 circumstance is the quality that you have in what Yohan Lowie has built. That's where I'm
5946 coming from. You should approve this project. Thank you.

5947

5948 **MAYOR GOODMAN**

5949 Thank you.

5950

5951 **RICK KOSS**

5952 Hello. My name is Rick Koss, 9813 Queen Charlotte. I'll start by saying obviously I'm opposed
5953 to this project. They talk about the quality of some of these projects that the company has built,
5954 that Yohan has built. They talk about the towers, but there's a big lot beside it that nothing has
5955 been done for a long time. We look at Tivoli, the first phase, second phase is barely getting
5956 finished now, a long period of time.

5957 The lot across the street, which is Renaissance, that they have the signs on, is where they've held
5958 every fair, Italian and Halloween thing for 15 years because nothing has been built.

5959 If you start this project, there's no guarantee that nothing will be done. That's part of the problem
5960 here is, there's no phase. We have no guarantees that nothing will be. Now, there's no guarantees
5961 in life, but everything he has started, he has not completed. There's lots sitting empty that he
5962 owns because it's not economically feasible.

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5963 At what point happens, this happen to us again? Why should we sit with barren land in the
5964 process? Obviously, the issues on the golf course are one thing. But this golf course is unique. It
5965 has its own water rights. That's why it's a profitable course. It's unique to the City. That's why
5966 other courses don't make money. So, the problem is, everything he started is still there, and we're
5967 still waiting. Thank you.

5968

5969 **MAYOR GOODMAN**

5970 Thank you very much. Anybody else? Well, any comments you want to make back? I'm going to
5971 close public hearing, and then we'll have questions, comments from Council. Thank you, staff,
5972 for staying with us and helping us through.

5973

5974 **CHRIS KAEMPFER**

5975 Thank you. Thank you very much, Your Honor, members of the Council. Chris Kaempfer again,
5976 Stephanie Allen. I have just a few brief comments, and I know Mr. Jimmerson has some
5977 comments to make.

5978 First of all, words have to mean something. Words mean something when you write them down,
5979 when you say them, they mean something. So, when the Peccole Ranch Plan that I have in front
5980 of me, it says: The proposed plan is conceptual in nature to allow detailed planning at the time of
5981 development.

5982 I also read to you all of those comments and – disclaimers and – lack of warranties, if you will,
5983 that went in all of those documents. So you can stand up here and say, oh, he never intended,
5984 they never intended to have this property developed. Then you don't need language that says we
5985 have the right to develop the adjacent property. You can say what you want about the CC&Rs,
5986 but if in reality in those CC&Rs you put words like it's not part of Queensridge and can never
5987 become part of Queensridge, that says something.

5988 So, you know, we can talk about what's intended. This golf course is (sic) always intended to be
5989 developed. It was just a question as to when. And I wish that weren't the case.

5990 And then the other thing I want to say quickly is, I'm not going to get to people who said things
5991 specifically, but you get the idea from listening to people that Mr. Jerbic doesn't know what he's
5992 talking about. Tom Perrigo doesn't know what he's talking about, Bart doesn't know what he's

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5993 talking about, nobody here knows how to do a development agreement. Nobody knows how to
5994 give legal advice. Nobody knows how to handle a drainage study. Nobody knows how to do
5995 anything.

5996 The reality is there is nobody more qualified than the people that you have working with you.
5997 And the fact that Mr. Jerbic says the property can be developed, the fact that he says 278A does
5998 not apply, the fact that he has his own opinions on those things doesn't mean he's colluding with
5999 anybody. It means those are his opinions based on his research. And I wouldn't be standing here
6000 taking the position that I'm taking if I didn't believe that what he was saying was accurate, if I
6001 didn't believe what Mr. Perrigo said was accurate. And I'm afraid, I'm afraid of the fact that if we
6002 keep acting like they cannot develop that golf course, that we're going to end up with something
6003 a lot worse.

6004 And by the way, I need to address Councilwoman Tarkanian, 'cause she was concerned about
6005 this plan. What this plan was, was to show what could be done if the plan we really want to have
6006 adopted didn't come in to play. If we really intended to file something different, why would we
6007 have stood up here and argued for a withdrawal without prejudice so we could continue to meet
6008 to talk about the very plan we want approved?

6009 The plan I want approved has 75 homes on 183 acres. That's what I want. I want a plan that has a
6010 half-acre lot at least behind my home. And when we talk about the differences that they see in
6011 plans, that's because that's what you want us to do. It went from 60 homes on 183 acres and
6012 3,080 units down to, up to 75 homes on 183 acres, but down to 2,400 units and 200 possibly
6013 assisted. Those are the changes that are made.

6014 We added, yeah, did we add no developed zones around Tudor Park and Fairway Point? Yes. We
6015 did all of that because we tried to come up with something that was better.

6016 Now, is there misunderstanding on both sides? Yeah. I'm hoping like heck that Frank and Shauna
6017 can get together and do some great things, and I really wish that for all of us. But in order to
6018 make that happen, we're going to have to realize that some development is going to go there.

6019 Now, quickly, traffic and schools. You want to impact traffic and schools? You know better than
6020 anybody. You build single-family homes at seven and a half units an acre. That's where your
6021 traffic comes. That's where your kids come, not from luxury apartments. In order to have a one-

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6022 bedroom apartment, you've got to pay \$1,000 or more a month. If I'm a family and I have three
6023 kids and I want a house, I go rent a house for \$1,000.

6024 So, these are not designed to impact, except positively this community. I do have to say, you
6025 know, I was not going to say anything about these comments about Mr. Lowie. There is nothing
6026 more iconic, nothing better than those towers. I wish I could afford to live in them. But the point
6027 is – to suggest that this man doesn't do what he says he's going to do, when you have right there
6028 the most beautiful development, I think, in the whole area, I think is very unfair to him. And, so,
6029 anyway, that's all I have to say and, I know we have a couple comments here.

6030

6031 **STEPHANIE ALLEN**

6032 Just real briefly, Stephanie Allen, 1980 Festival Plaza, again on behalf of the applicant. I was just
6033 going to quickly address the drainage. We've had lots of discussions with staff over the months
6034 and months that part of this property, yes, is in fact within the FEMA flood zone. The developer
6035 is aware of that. He, they dealt with the issue at Tivoli and very much know how to deal with the
6036 drainage. They dealt with it downstream and understand that it will be a big investment in this
6037 property to deal with the drainage.

6038 They currently are in the process and have a consultant name Newfields that's dealing with the
6039 404 Army Corps of Engineer permits, which includes environmental analysis and environmental
6040 mitigation requirements. So, the Army Corps of Engineers is not going to let them come in and
6041 do those drainage improvements without some mitigation. So, they're working on that. They're in
6042 the process of getting the jurisdictional determination done now, and then we'll go into the
6043 design phase should this project be approved. So, I just wanted to make sure that was a part of
6044 the record.

6045

6046 **MAYOR GOODMAN**

6047 And the issues on the traffic on Rampart, that was addressed a few times. The further traffic
6048 studies, I know with the submission of plans and asking for our Planning Commission's
6049 approval, they have, they've been submitted, but they haven't been approved as finalized. What
6050 about the traffic studies?

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6051 **STEPHANIE ALLEN**

6052 My understanding is the traffic study has been submitted and approved. And the mitigation
6053 specific to this project would be an additional right turn lane on Rampart to alleviate the traffic
6054 impact related to the 720. I know there's discussion about a light as well right there at Boca Park,
6055 but that would only be if it's warranted at some point in the future. It's not yet warranted. So, but
6056 my understanding is that that traffic study has been approved.

6057

6058 **MAYOR GOODMAN**

6059 I'm going to ask, I'm going to come back to you when Mr. Jimmerson is through and ask for your
6060 report, if we can have it, please. Thank you.

6061

6062 **JIM JIMMERSON**

6063 Thank you. Good evening, Jim Jimmerson. My address is 9101 Alta Drive. I'm a resident of
6064 Queensridge, and I've been a resident of Queensridge for about 16 years. I also have the privilege
6065 of representing the applicant, Seventy Acres, LLC, the owner of this 17-acre parcel.

6066 I want to say first thank you all. Thank everyone in the audience, but thank you members of the
6067 Commission and Council, as well as all your staff. We've been here now, if you look at our
6068 watches, about six hours plus. The applicant made a presentation for about an hour and a half
6069 after we had an hour and a half discussion or an hour discussion with regard to withdrawing the
6070 first issues and the first applications.

6071 And the opponents have spoken for about three to three and a half hours. So, you've given
6072 everybody a lot of time. There was a suggestion by one speaker that you've cut them down.

6073 You've cut nobody down, and you've been very fair to everyone. You've listened to everyone,
6074 and everyone has, you've demonstrated incredible bladders. That's all I've got to tell you. You've
6075 got incredible bladders.

6076 I wanted to debunk a few points. One is, that some of the opponents use the term, done deal. At
6077 least on behalf of the applicant, that is a term that is not in our vocabulary and has not been used
6078 by Ms. DeHart or Mr. Lowie or any of the entities. We don't consider this a done deal at all. As a
6079 matter of fact, we're fighting for our lives, for our development lives here before you today and
6080 before the Planning Commission before. You should recognize, and I know you do, that of the

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6081 seven applications, four were denied or recommended for denial on a four-to-three vote and the
6082 three before you were recommended for approval on a five-to-two vote.

6083 So, we're here on matters that we believe are appropriate and are justified and warranted by the
6084 facts. I think that you've heard a lot of information, a lot of words, but not a lot of facts. I'd like
6085 to speak to a few of those, just covering some simple points.

6086 You heard from Mr. Schreck, who was yelling at you from the audience, he says, we're doing
6087 this for judicial review. What we need to do is make a clear record that the developer, the
6088 applicant here has a clear record and right to develop this property. And one of the things I want
6089 to echo Mr. Kaempfer's words is, you have to trust your own staff. You have to trust your own
6090 intellect.

6091 You have been lobbied by both sides to this. You have granted individuals a lot of time before
6092 today to discuss this matter. I mean, you have been beset by both sides, and you have, you know,
6093 graciously given of yourselves and your time to listen to both sides. And in doing so, I would
6094 hope that you would come away with the conviction, the understanding that this applicant has the
6095 right to develop this property, and not withstanding what I heard were five or six paid
6096 consultants on behalf of the plaintiffs in this lawsuit, they haven't done their homework. They
6097 haven't looked at the documents.

6098 So, let's just begin, number one, with the fact that not only is this not a done deal, that Yohan
6099 Lowie and Vickie DeHart or none of the principals here have ever made that comment. What's
6100 happened is that we have asked your request. We have public notice. We have public hearings.
6101 We expose ourselves to being ridiculed and attacked, heckling from the background.

6102 I mean, this is not professional. This is not civil. This is not appropriate, not in a setting like this
6103 and not over a matter that is rather important, certainly important to our clients. And if the
6104 people, you know, who oppose this are being sincere and I think many or most of them are
6105 sincere, it should be important to them. It certainly is worthy of consideration and not of
6106 heckling, of yelling and everything, a term of Judas against Mr. Kaempfer. It's just totally
6107 inappropriate and disrespectful to this Council. You deserve better, and they deserve to act
6108 better.

6109 We start with the fact that after Mr. Lowie and Mr. DeHart and this group sought support from
6110 the Homeowners Association to discuss this matter, they were attacked. They were defamed.

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6111 They were accused of bribing you, you know. There's actual language in certain emails that
6112 suggests you have a cozy relationship, the kind of inappropriate, unfounded, unwarranted,
6113 scurrilous allegations. And guess what, Judge Doug Smith has found them to be scurrilous
6114 allegations and has thrown out the Peccole lawsuit against the City of Las Vegas through an
6115 Order of Dismissal.

6116 So, let's begin with the fact that there's a right to develop, and I'm just going to hand you a
6117 booklet. It's not a thick booklet. If Ms. Clerk, you could come, are you Ms. Holmes?

6118

6119 **LAUANN D. HOLMES**

6120 I'm Ms. Holmes.

6121

6122 **JIM JIMMERSON**

6123 Hi, Ms. Holmes. Thank you. Nice meeting you in person. Thank you. I just like to, whoever is
6124 there, I want to give the document that is called Defendants Fore Stars, 180 and the Seventy
6125 Acres, LLC's Opposition to Motion for Preliminary Injunction. In that are the documents that
6126 demonstrate our ability and right to develop this property.

6127 One of the things that you know from this is that none of the folks who live on the golf course or
6128 in the Queensridge community have paid a penny in the last 15 years towards the operation and
6129 maintenance of this golf course. There's a reason why it's called the Badlands Golf Course and
6130 not the Queensridge golf course, because it never was part of the Queensridge. So, matter
6131 (inaudible).

6132 You had a spokesperson from Silverstone who talked about that situation. There's a covenant in
6133 those CC&Rs that requires that golf course to be part of those homes. That's not present here.

6134 We hear from the paid experts, Mr. Garcia and others, about the intent of Mr. Bill Peccole. Well,
6135 Bill Peccole's first action in this matter, in 1990, was to make this a zoning of R-PD7, zoning to
6136 build residential on this golf course came before the golf course. It came before the declaration
6137 of CC&Rs and the creation of the Queensridge community.

6138 It is unique in that regard. You don't have to worry that it's going to set a precedent with other
6139 golf courses. It's a very unique situation, because he first reserved to himself the right to develop
6140 all his land up to 7.49 units per acre before he ever started writing plans or recording the CC&Rs

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6141 with regard to this Queensridge community. That's why it's unique. That's why you have a
6142 competent City Attorney who has unquestionably and without qualification advised you of this
6143 right to develop, and it's contained in these exhibits.

6144 Number two. Mr. Jerbic spoke at the Planning Commission about the right to develop. Here's the
6145 thumb drive of that speech. I'd like to ask the Clerk to mark that as another exhibit on behalf of
6146 the applicant.

6147 Number three. I have an order, I have a set of orders from the Robert Peccole and Nancy Peccole
6148 litigation versus Fore Stars and the like. I'd like to present those orders, which include the denial
6149 of Peccole's request to enjoin your right to have this hearing today and also dismissing the case
6150 against the City of Las Vegas as being inappropriate at this time.

6151 And within those orders is a specific statement of findings that the allegations of a claimed cozy
6152 relationship between this applicant and the City of Las Vegas City Council or its Planning
6153 Commission or its staff were scurrilous and completely unsupported. In that case, so rudely
6154 Mr. Peccole, who spoke here earlier against this project, sued the City of Las Vegas, claiming
6155 that his relatives had defrauded him. He later voluntarily, on his own dismissed his relatives, and
6156 of course the fraud claim went right out the window.

6157 But I just want you to understand when you get to the facts, when you look at this stuff, you are
6158 having the right to exercise at your discretion tonight however you rule, in our favor, against
6159 you, but you have that right, and our client has the right to ask you to make that ruling. We have
6160 the right to develop the property. Thank you.

6161 Number two, it's been argued by opposing counsel, Mr. Bice, to begin with, Mr. Schreck,
6162 Mr. Buckley, the three lawyers retained or on behalf of the opponents here, that somehow NRS
6163 278A applies to this, that somehow those provisions need to be complied with. And so you
6164 understand the granum of that, they're trying to suggest that, under 278A, an individual
6165 homeowner has a right to bring a lawsuit against the City of Las Vegas or the applicant who's
6166 trying to build this.

6167 Well, let's start with the fact that 278A.080, and if I can have this overview so that everyone in
6168 the audience can read along with me. Tell me when it's there. Okay. Thank you. It says: Exercise
6169 of powers by city or county. So, this is the, one of the fundamental first provisions of 278A: The

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6170 powers granted under the provisions of this chapter may be exercised by any city or county
6171 which enacts an ordinance conforming to the provisions of this Chapter, end of quote.
6172 The City of Las Vegas never enacted this ordinance. I have the affidavit declaration of LuAnn
6173 Holmes, your City Clerk. I'd like to show that to the audience and to yourselves. This affidavit
6174 makes it explicit, as indicated at, stating her position at Paragraph Five: I am informed to believe
6175 that the provisions of the United Developers (sic) Code and the City Ordinances for the City of
6176 Las Vegas concerning planned developments do not contain provisions adopted pursuant to
6177 NRS 278A.

6178 It's these fundamental points that allows Mr. Jerbic and all of your City Attorney staff and your
6179 staff, Mr. Perrigo and others, to tell you that there is the right to develop, to tell you that 278 does
6180 not apply, to tell you what does apply. And one of the reasons 278 doesn't apply is because if you
6181 look at the history of it, the City of Las Vegas City Council was the first one to develop a
6182 development plan long before that statute was enacted. You were ahead of your time, and that
6183 was through the leadership of Mr. Jerbic and others before him with regard to developing
6184 residential units.

6185 Number three. I'm just going to ask that these documents be admitted, Ms. Holmes, at the
6186 appropriate time.

6187 Next, Mr. Beers asked one of the consultants for the opponents, it may have been Mr. Garcia,
6188 isn't this, the Queensridge community, a NRS 116 common interest community? Remember that
6189 question. And the answer after he had to prod a little bit, the answer was yes. It's real simple.
6190 Page one of the CC&Rs I've shown you here, Paragraph B says so.

6191 It says specifically, it may be a little bit hard to read, I don't know how large it is. Declarant
6192 intends without obligation, to develop the Property, and the property is the capital P property,
6193 and the annexable property, which is property to be added to it, in one or more phases as a
6194 planned, mixed-use, common interest community pursuant to Chapter 116 of the Nevada
6195 Revised Statutes, which shall contain non-residential areas and residential areas which may but is
6196 not required to include planned communities and condominiums, as such quoted terms are used
6197 and defined in NRS Chapter 116.

6198 So, yes, Mr. Beers, yes, Councilman, yes, Mrs. Mayor, to all of you, the Queensridge community
6199 is a common interest community organized and enacted pursuant to NRS 116. Why is that

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6200 important? Because when you turn to NRS 116 and you look to the second page of that
6201 document, Subsection four, you'll find this: Applicability, Number four. The provisions of
6202 Chapters 117 and 278A of NRS do not apply to common interest communities."
6203 Yet, you heard six paid consultants come here on behalf of the opponents and tell you that
6204 somehow 278 applies. You don't have to be a lawyer to recognize the plain language of these
6205 words. What does that mean? That means that you'd look to the CC&Rs to understand what it's
6206 covered and what it doesn't.

6207 Madam Mayor, would you agree that your home is not governed by the Queensridge Community
6208 CC&Rs? Yes, I would. Why would that be? Well, I would look to my deed. I would see if the
6209 CC&Rs are ruled as an exception to my home. I might have a mortgage, and, I might, but I don't
6210 see any reference to Queensridge CC&Rs.

6211 How would any of us in this room know whether or not the Queensridge CC&Rs affected us?
6212 We would look at our title report. We would look at the deeds. We would look at matters of
6213 record. There is nothing here that would affect Seventy Acres, LLC's right to develop, nothing in
6214 its deed that suggests that the Queensridge Homeowners Association CC&Rs apply, and indeed
6215 you will find that that does not exist and the CC&Rs don't apply.

6216 So, when you hear from Mr. Schreck or Mr. Peccole or Mr. Buckley, where they're reading from
6217 the CC&Rs, they're referring to the property that's within the CC&Rs, within the Queensridge
6218 community. They're certainly not referring to property across the fence not owned by them.

6219 And when you listen to some of these consultants, I shake my head because I'm saying to myself,
6220 don't turn this hearing into a circus. How in the world do you have such arrogance and ego to
6221 say, I can tell you, the adjoining land owner, how to use your land? And that's what a lot of this
6222 has been about, and it's unfortunate. And if you don't think that attitude and that arrogance
6223 doesn't impede the ability to negotiate something that we very much welcome, you're mistaken.

6224 After we had met with the Queensridge Homeowners Association committee leaders and golf
6225 committee, we were then, you know, advised by Mr. Schreck and by others that he wanted 100
6226 acres conveyed over to him, including water rights.

6227

6228 **MAYOR GOODMAN**

6229 Four minutes.

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6230 **JIM JIMMERSON**

6231 How much are you willing to pay for it? Not a penny. In that environment, with those
6232 allegations, it chills any type of communication. And I do welcome you, Madam Mayor, and all
6233 of you, to say as you did, today starts a new effort. Today starts a new chapter of communication
6234 and cooperation and a requirement on the part of seven of you to talk and negotiate and act in
6235 good faith.

6236 And you wanna know another chilling factor? How about being sued? Claiming you have the
6237 right to maintain the golf course in perpetuity. That's what they claimed, claiming that they had
6238 the right to interfere with the development's property. That's what they claimed.

6239 So, when the question was asked, are you willing to dismiss your lawsuits as a (sic) evidence of
6240 good faith with regard to going forward with these negotiations, I didn't hear anybody volunteer
6241 to do that on behalf of the opponents, and it's a legitimate question, because it has a chilling
6242 effect with regard to trying to negotiate this matter.

6243 So, I guarantee you that Mr. Lowie and Ms. DeHart and our group will commit their efforts,
6244 sincere efforts to resolve this matter in good faith, but please appreciate that it requires two
6245 people acting in good faith to make a meaningful effort to reach a resolution, and it can't be done
6246 by one person.

6247 I heard about the claimed unwillingness on the part of ourselves to compromise. Not true. But
6248 we're not willing to give away our land for nothing. We're not willing to give away our water
6249 rights for nothing. And we're not willing to be sued and not defend ourselves for nothing. We
6250 have an obligation and a right to develop our land with your permission and your consent.

6251 Now, let's turn to the merits of this. Of all the good folks who spoke even in opposition to this
6252 and for it, there was very little information that attacked or criticized the application before you.
6253 You heard hardly anything with regard to the merits or the demerits of this application. There are
6254 certain concerns that I heard that I think are very reasonable. I live there. I would like to know
6255 the impact of traffic. I live there. I'd like to know, you know, how the construction is going to be
6256 handled and whether or not there's going to be disruption. I live there and I want to make sure
6257 that the drainage took place. But all you have to do is look 100 yards away, Councilman Coffin,
6258 to know how they handled the drainage at Tivoli with massive development and cost to the

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6259 developer that solved this plan and would prepare for a 100-year plan or 100-year flood, and God
6260 forbid that were to happen.

6261 But that's something your staff is responsible for. That's something your staff is trained for. The
6262 opponents to this want you to jettison your confidence in your own team. Unless you subscribe
6263 to this allegation of being cozy or bribed or somehow committed improperly to the applicant, I
6264 would be insulted in your shoes. You should be feeling that way, put off by that type of attack.
6265 You try to do your job. It's a thankless job. Certainly working tonight to 10:00 o'clock at night
6266 can be very thankless. But it's something that you have every right to expect to be respected for
6267 and complimented for, regardless if you vote for our clients or you vote against our client. We're
6268 very appreciative of your time, every one of you.

6269 I did want to correct one comment. Mr. Coffin, you indicated that one of the nice things about
6270 this golf course is it doesn't use very much water. You'd be surprised to know, sir, that it uses
6271 953 million gallons a year, almost three-quarters of a million gallons per day. That's a lot of
6272 water.

6273

6274 **AUDIENCE MEMBER**

6275 May I ask what everybody else does?

6276

6277 **JIM JIMMERSON**

6278 Well, maybe so. But I want you to know that none of the folks who have sat to oppose have
6279 offered a penny to maintain this golf course. So, the losses would be that of the property owner,
6280 and the right to develop is also the right of the property owner.

6281 I wanted to also introduce a series of emails and communications. Where's that memo? No, the
6282 three ring binder.

6283

6284 **MAYOR GOODMAN**

6285 So are we nearing, 'cause I would like to be able to –

6286

6287 **JIM JIMMERSON**

6288 Yeah. I have three minutes left.

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6289 **MAYOR GOODMAN**

6290 Okay.

6291

6292 **JIM JIMMERSON**

6293 I have three minutes left.

6294

6295 **MAYOR GOODMAN**

6296 Okay. And I would like to give Mr. Schreck five minutes, but five minutes.

6297

6298 **JIM JIMMERSON**

6299 Three minutes left.

6300

6301 **MAYOR GOODMAN**

6302 And then I would like to turn this over to our Planning Department who really hasn't had their
6303 opportunity to speak yet.

6304

6305 **JIM JIMMERSON**

6306 I have here a compilation of communications that our clients in good faith have extended to
6307 everyone in the community. You should know that while there was many thousands of
6308 invitations, only about seven or eight percent responded to any type of objection whatsoever.
6309 But one of the things that came out just two weeks ago, and I know you'll be disappointed to hear
6310 this, on November 2, an email exchange occurred following the Planning Commission's hearing.
6311 I need that email, please. And on November 2, Mr. Schreck wrote to Mr. West these words: We
6312 knew from the beginning that the Mayor, Beers, and Perengo (sic) Perrigo had the deck stacked
6313 against us. That is why we have always said we would win this in court. However, we have done
6314 a pretty good job of prolonging the developer's agony from September 2015 to now. We now
6315 look forward to the depositions of Perengo (sic) and Lowenstein, which have been noticed for
6316 this month, end of quote.
6317 And that's the environment you're asking us to negotiate in. I simply will say to you you'll have
6318 that commitment, but please appreciate what – insults that this developer has suffered through

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6319 trying to develop his property and his right to develop this property, and it is, I think, unusual, in
6320 all the applications you see day to day, you can decide for yourself, you see it more, of course,
6321 than I do, as to whether this is a typical way to do business or unusual. I think it's unusual, and
6322 I've been practicing law for 40 years here. But I will tell you it is of no credit to those who would
6323 write in this manner. I'd like to give this book of communications to the Clerk.

6324 Finally, I wanted to demonstrate through a document that we saw from Mr. Garcia. The plan, if I
6325 can put this here, the plan of development for this property began in 1996, with this small green
6326 insert, if you can look at it. That was the capital P Property. That's all it was. And in the four to
6327 five years the property was annexed. In other words, the developer, as demand would go on,
6328 would add to this property. So, the capital P Property was the green, and then depending upon
6329 when it occurred, you'll see the numbers, the numbers are when it was annexed in time.

6330 And so, eventually, all of this was annexed, and this is annexed and this is annexed, but the white
6331 is the golf course. The white was never annexed. And I think you'll find this helpful if you have
6332 not seen this before. I found it helpful, learning my case before I had to respond to different court
6333 actions, to understand that for purposes of the understanding of what Bill Peccole's and his
6334 family's intent really was in 1990 and 1991, all of this was residential first. This comes in 1996,
6335 in 1998, in 2000. It was already zoned for 7.49 units per acre residential.

6336 And so what happened is, for the time being, he built off the golf course, but as you saw in the
6337 CC&Rs, it specifically excluded the 18-hole golf course, and as you'll see here, the 9-hole golf
6338 course, which is here, this area here, was never annexed, was never made part of it. And so that's
6339 why this particular property was available for development from 1990 to the present date and
6340 years and years before the development of Queensridge.

6341 That's why both the Peccoles, in 2002, 2004 and 2006, a third time tried to develop this property.
6342 They tried to develop the golf course. They even had fights between family members over it.

6343 And then that's why it was available in 2015, as part of some of the assets of a company that was
6344 purchased by Fore Stars and by certain entities that are controlled by Ms. DeHart and Mr. Lowie.

6345 But that's why we know that this property is available, and it extends over here to Rampart,
6346 which is over in this area.

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6347 **MAYOR GOODMAN**

6348 Thank you.

6349

6350 **JIM JIMMERSON**

6351 I thought that might be helpful to you to understand.

6352

6353 **MAYOR GOODMAN**

6354 Thank you.

6355

6356 **JIM JIMMERSON**

6357 And just to wrap up then, let me say that you have to appreciate the right of what's being
6358 developed here, but also look at the alternatives. I am convinced that if you look at the quality of
6359 the projects that are produced by Executive Home Builders, by the respective owners, by this
6360 applicant, by the people behind this applicant, compared to an alternative, compared to you can't
6361 develop and you've got to sell the property and you're going to have somebody new or compare it
6362 to, God forbid, the necessity of ourselves to sue the City of Las Vegas for inverse condemnation,
6363 which we certainly don't wish to do.

6364 When you look at that and you balance it and you exercise your sound discretion, you know, this
6365 is why you get the big bucks, I would kid you with, I think you should find in favor of this
6366 applicant and find the quality of the project and the facts of this project really warrant your
6367 consideration and your merit.

6368

6369 **MAYOR GOODMAN**

6370 Okay. I'm going to ask you to read your note and respond with whatever is there, and then
6371 conclude so we can hear from Mr. Schreck for five minutes.

6372

6373 **JIM JIMMERSON**

6374 All right. Thank you. I will. Thank you. I did want to introduce our Motion to Dismiss folder,
6375 which had to do with why the property is buildable and why NRS 278 does not apply. Yeah,
6376 that's fine. And that's it. I thank you so very much for your time and consideration.

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6377 **MAYOR GOODMAN**

6378 Thank you very much. What I'm going to do now is ask Mr. Schreck for your five minutes, and
6379 then I want to hear from our Planning Department. And so, are you –

6380

6381 **JIM JIMMERSON**

6382 Sorry. Thank you. I'd like to make two clarifications. Number one, Mr. Spitze spoke as an
6383 opponent. Mr. Spitze worked for the Peccoles, as he mentioned, in the 1980s and 90s. Mr. Spitze
6384 is the one that helped maintain the R-PD7 zoning in 1996. We have his letter, and I'd like to
6385 mark that as part of the exhibit.

6386 And lastly, I know this may, hopefully, have been an inadvertent matter, but you had Mr. Garcia
6387 speak about the so-called master plan, and he showed you a board. He showed you a board that
6388 was superseded by something a year later. It wasn't the final master plan. A master plan, which
6389 by the way in its own terms is conceptual in nature, is not a straightjacket according to the
6390 Nevada Supreme Court in the New Horizon case. But what I wanted to say was he didn't tell you
6391 that a year later it was superseded with a new master plan and that the golf course, that was
6392 intended, was eliminated to the south of Charleston, and it was moved to a different location to
6393 the north of Charleston so that the hard zoning that took place is what actually became the hard
6394 point. And that hard zoning started with Resolutions of Intent in 1990, continued and became an
6395 ordinance of your own ordinance in 2001, and that's why everybody who bought afterwards
6396 knew that when they bought this property, the golf course was developable under R-PD7.

6397

6398 **MAYOR GOODMAN**

6399 Thank you.

6400

6401 **JIM JIMMERSON**

6402 Thank you, Madam Mayor, members of the Council. It's always a pleasure. Good to see you all,
6403 and I'm so sorry it's under these circumstances, and thank you.

6404

6405 **MAYOR GOODMAN**

6406 Thank you.

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6407 **FRANK SCHRECK**

6408 I'll try to keep a little bit shorter. He just threw a whole bunch more things at us. First of all, you
6409 have to understand what R-PD7 is. And you had a letter that was given to the developer, who
6410 carried it around for months, put it on their website as, this is what the City said on December
6411 30th, 2014, as to why we have the rights to develop because it's R-PD7. And if you look at that
6412 letter, the letter is 100 percent correct from your staff.

6413 It says R-PD7, it says the golf course is zoned R-PD7. It was all 996 acres that was zoned R-
6414 PD7. Then the next paragraph says what an R-PD is, and an R-PD is a Planned Development
6415 Community, which gives a developer the right to innovate, to create, to move things around, and
6416 to do things. That's what it is. The numerical figure after the R-PD is seven in this one. In Los
6417 Prados, I think it's four or five. In Canyon Gate, it's 3 or 4, and that number doesn't say you've
6418 got that many on an acre. That number determines how many units you can build in your entire
6419 district. It's on the acreage, not the acre.

6420 So, the fact that it's R-PD7 doesn't mean you have a right to seven on an acre. It means you have
6421 a right to seven times whatever the size of your district is. In this case, it happened to be a little
6422 bit over 600 acres, and if you take a look at what was approved in the Master Plan, 42 hundred
6423 and 47 units were allowed. If you can do the math, you can figure it's 7 times 600 and few, and
6424 that's what the units were. There were no units in that Master Plan ever assigned to the golf
6425 course, specifically not assigned. There's never been any residential allowed through the entire
6426 development, you know, of that project.

6427 Second thing I want to say, because, you know, my name has been taken in vain a whole bunch
6428 of a times by the developer and his friends telling people that somehow at a meeting I demanded
6429 to have the golf course given to me, we wanted to steal it from them and everything else. The
6430 truth is, because we were getting nowhere in the meetings that you've already heard about, where
6431 we would go and they would tell us what they're going to do and that was the end of the
6432 conversation, it was suggested that Terry Murphy and myself go visit with Vickie DeHart and
6433 Frank Pankratz, try to see if we can get off dead center. We said fine.

6434 Saturday afternoon I went in and I said, look, before you waste each other's afternoons, let's see
6435 if we can agree on a couple concepts. The first concept is, we don't believe you can build on the
6436 184 acres because the Master Plan said there's no residential on it. That's never been changed,

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6437 and therefore, and in some of the areas it's probably not economical to do. So, we don't think you
6438 can develop on that. We think that should be given to the homeowners association. You can give
6439 it to a conservatory; anywhere you can maybe get a tax break. But we want it in a way that this
6440 development issue can never come back.

6441 I said, we also are going to need some of your water rights. I don't know what those might be.
6442 But we want to keep whatever we have left, some of it green so we can make a couple parks, we
6443 can make do, something to bring our value back up that we've lost because the announcement of
6444 this project, to make it a little bit like Summerlin, where you have walking paths and you have
6445 little green things around, to do that. I said, if we could do that, we would work with you on the
6446 70 acres, not going to be 3,000 units 'cause nobody's ever going to agree to that, but we would
6447 work with you on maybe seeing what could be built there. You're not going to make as much
6448 money as you thought you were going to make, but, you know, you can make some money. And
6449 then Vickie DeHart said, well, you mean you want us to give that to you for free? And I said, no,
6450 I don't want you to give it to us for free. Our community has already been devalued somewhere
6451 between 50 million and \$100 million. We've paid for it. You paid \$7 and a half million for that
6452 land. We've more than paid for that (sic) 184 acres. And that's what that conversation was, and
6453 it's been so distorted throughout this period of time.

6454

6455 **AUDIENCE MEMBER**

6456 (Inaudible).

6457

6458 **MAYOR GOODMAN**

6459 Please. That's not right.

6460

6461 **FRANK SCHRECK**

6462 Well, Vickie –

6463

6464 **MAYOR GOODMAN**

6465 No, no, no, no, please.

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6466 **FRANK SCHRECK**

6467 – Terry Murphy's here too.

6468

6469 **MAYOR GOODMAN**

6470 Mr. Frank, Mr. Schreck, please keep going.

6471

6472 **FRANK SCHRECK**

6473 But, you know, I think those – are the major issues. Anything else? George? Real quick because
6474 my time is running. You want to do?

6475

6476 **GEORGE GARCIA**

6477 Just real quick. Certainly PUDs, master development plans are conceptual in nature at the outset.
6478 We're way past the outset. The master developer is gone. They're no longer flexible. The plan is
6479 done. It's completed. At that point, it is a completed master plan, and this applicant is not the
6480 declarant, not the master developer. They don't get the flexibility of moving things around. The
6481 plan is locked in. Buyers have a right to reasonably rely on the completed master plan as it exists.
6482 That's a big difference, conceptual at the outset, not conceptual at the end.

6483

6484 **MAYOR GOODMAN**

6485 Okay. Thank you both.

6486

6487 **FRANK SCHRECK**

6488 Thank you.

6489

6490 **MAYOR GOODMAN**

6491 And Mr. Jerbic, any comment do, you wish to make before I turn it over to Mr. Perrigo?

6492

6493 **BRAD JERBIC**

6494 I do think that Mr., I would say this, just very briefly, with respect to the lawsuits and stuff like
6495 that, I don't want to see the Council to turn into the Eighth Judicial District Court. Mr. Schreck

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6496 has stated his case. Mr. Jimmerson stated his. I've already given our opinion that we think it's
6497 developable. I think it's to wade into something you don't need to wade into to talk about the
6498 legal issues. If I'm wrong, the court will tell us so, and if I'm right, they'll tell us so. But tonight I
6499 think you need to focus on the issue, which are the three applications before you.

6500

6501 **MAYOR GOODMAN**

6502 Okay. So, with that in mind, I'm going to turn to Mr. Perrigo on the three issues before us,
6503 please.

6504

6505 **TOM PERRIGO**

6506 Thank you, Madam Mayor. At the outset of this, these agenda items, you did ask for the report,
6507 and I did give the staff report regarding these three agenda items. I have nothing more to add
6508 regarding that, and happy to answer questions.

6509 I would like to add, though, that Mr. Lowenstein and Mr. Swanton, at the beginning when these
6510 were first submitted, spent many, many hours doing painstaking research over every single
6511 project that's been contemplated and approved anywhere involved with the Peccole Ranch area
6512 and Queensridge. And I am very confident that their recommendations, in terms of the way these
6513 sets of applications have been processed, follows every standard that we've ever followed, not
6514 only for Title 19, but for the way that other development has occurred in that area.

6515 In addition, Mr. Anderson and Mr. Paet and half a dozen other people from Public Works, Fire,
6516 other city departments, who sat in meetings for two hours every Thursday for the better part of
6517 10 months, who have done a number of development projects just like this, have been really
6518 working hard to review all the materials in painstaking detail to put together a set of applications
6519 that I think staff feels is complete and – ready for your consideration.

6520

6521 **MAYOR GOODMAN**

6522 Thank you.

6523

6524 **BRAD JERBIC**

6525 If I could, Your Honor.

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6526 **MAYOR GOODMAN**

6527 I do want to ask, and I'm going to let our Council ask questions of them, but I see you have
6528 something to add?

6529

6530 **BRAD JERBIC**

6531 Before you go and I want to verify Mr. Perrigo, I think that before you vote, you ought to know
6532 that there's going to be a change to Item number 1-0-6, which recommends a rezoning to R-4. I
6533 think staff is going to recommend that that be changed to rezoning to R-3. I discussed that with
6534 Mr. Pankratz earlier today. I don't think there's going to be an objection to it. It allows exactly
6535 what has been proposed in the SDR.

6536 I should note that we looked at apartment complexes just immediately to the south of
6537 Queensridge on Charleston, and of those apartment complexes, they aren't zoned R-4, they're
6538 zoned R-3. As it turns out, with R-3, you can do this exact project without losing anything. So, I
6539 think the staff is going to recommend that you consider 1-0-6 as a rezone to R-3.

6540 And I think the other thing that we want to add and the staff wants to add is on Item Number 1-0-
6541 7, there has been considerable discussion about whether or not, under any circumstances, the top
6542 of these new buildings, if they are approved, the 720 units would ever exceed the podium, which
6543 is the first floor of the Queensridge Towers.

6544 And so, there's going to be an additional condition recommended by staff, and I've run it by the
6545 applicant and they are in agreement with it, and it will read, and this is a new condition, so before
6546 you debate it, it will be in there, pursuant to zoning code, building heights can be up to 55 feet,
6547 notwithstanding the top of the buildings as proposed shall not exceed the finished floor elevation
6548 podium of One Queensridge Place, 27 hundred and 48 feet. And that condition would ensure,
6549 unless this Council were to ever remove it or change it, that that height of those new buildings
6550 could never exceed the podium at Queensridge One.

6551

6552 **MAYOR GOODMAN**

6553 In reference to both those items, the applicant has agreed to the R-3 on 1-0-6 and on that podium
6554 height on 1-0-7?

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6555 **STEPHANIE ALLEN**

6556 Good evening, Your Honor. Again, Stephanie Allen, 1980 Festival Plaza. Yes, we're in
6557 agreement with that added condition. I also understand that Conditions One and Number 10 were
6558 going to change as well. So, those probably need to be –
6559

6560 **MAYOR GOODMAN**

6561 But specifically in 1-0-6 to reduce zoning to R-3 rather than R-4, you agree to that?
6562

6563 **STEPHANIE ALLEN**

6564 Yes, we agree to that.
6565

6566 **MAYOR GOODMAN**

6567 And as well as the height not to go beyond the height of the podium?
6568

6569 **STEPHANIE ALLEN**

6570 Correct.
6571

6572 **BRAD JERBIC**

6573 In the exact language I read in the record.
6574

6575 **STEPHANIE ALLEN**

6576 Exact language. Yeah.
6577

6578 **MAYOR GOODMAN**

6579 You agree?
6580

6581 **STEPHANIE ALLEN**

6582 We agree.

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6583 **MAYOR GOODMAN**

6584 Okay. Thank you very much. Some assurances and I'm going to open up now to Council, and I
6585 know Councilman Anthony. But the thing that I'm very concerned about, because I keep hearing
6586 this repeatedly, the most important thing that I want to see is this come to a resolution where
6587 both sides are working together. That is what I want to see and that the homeowners feel
6588 comfortable that this is fine for them and the developers, but that is off the page at this moment.
6589 What I'm concerned about specifically and I want to get an assurance that after its submission,
6590 before its final approval, that all of these issues about flood, flooding issues, FEMA, any issues
6591 with FEMA and that the traffic studies are going to work as they are laid out, that it is not for you
6592 to do anything more, but to let you know I'm very concerned about those issues that were
6593 addressed. You said permits have been submitted, but you haven't finalized them at this point.
6594 So, at the point of finalization, I just want to make sure that, as it was suggested, and I'm not sure
6595 if it was Mr. Jimmerson or who it was, but of course, I don't think there's an engineer sitting up
6596 here. I don't think we have a lawyer sitting up here, and we have to rely on staff. And so, the fact
6597 that you are going to make sure that in a 110-year flood or whatever it's going to be, that those
6598 residents and overflow is protecting the whole area as it should and that the traffic studies, as we
6599 continue to look at them, can accommodate this, these 720 units.

6600

6601 **BART ANDERSON**

6602 Madam Mayor, Bart Anderson, Public Works. The traffic study has been submitted, and it has
6603 been approved and it has been approved with the mitigation measures that I previously
6604 discussed, the additional right turn lane and the dual left turn lane at Sir William.

6605 The mitigations are based on the standards that the engineering community has developed for
6606 this kind of development. Based on all of the engineering standards for what we would expect
6607 here, we believe that they have demonstrated, through their traffic study, that it can be
6608 accommodated. However, we do reserve the right to, if problems occur, to either make
6609 mitigations ourselves or require them to make mitigations. They have in the past expressed a
6610 desire to signalize the entry into their proposed 720 units, and we have not approved that at this
6611 time, because the RTC has identified the flow issues in the street as being a problem. If other
6612 problems came to the fore, we could reevaluate that.

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6613 So, I guess what I'm saying is, with the information they provided, with this development, not
6614 counting any other development that's coming later, we believe that they have demonstrated that
6615 it can be accommodated.

6616 The drainage study has been submitted but has not been approved. They have demonstrated that
6617 they are aware of what the issues are. I would direct your attention to Condition Number 17 of
6618 the SDR, which I think is Item 1-0-7, which clearly states the last sentence: We note that this site
6619 is within a Federal Emergency Management Agency designated flood zone and that no permits
6620 of any kind will be issued until after the Conditional Letter of Map Revision, (CLOMR), is
6621 approved by FEMA. So they, even if you approve them, if FEMA says, ain't going to work, they
6622 don't get to build anything.

6623

6624 **MAYOR GOODMAN**

6625 Okay.

6626

6627 **BART ANDERSON**

6628 So, they are, they have a strong incentive to make sure that they meet FEMA's criteria.

6629

6630 **MAYOR GOODMAN**

6631 And that, to me, is very important. And the traffic, should that prove, once it's completed, to be
6632 problematic, I mean, obviously with Tivoli Village expanding, there's going to be more traffic,
6633 with the community coming back out of the recession, we see more traffic, more everything. The
6634 question is, does that inure to them or could that in fact end up being a cost of the City? Where
6635 does that cost fall?

6636

6637 **BART ANDERSON**

6638 If –

6639

6640 **MAYOR GOODMAN**

6641 If.

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6642 **BART ANDERSON**

6643 – additional development occurs in the area and compounds the problem, it would not
6644 necessarily inure to this applicant to fix that, if the problem was caused by somebody else. You
6645 know, I would certainly stipulate that any new development is going to add traffic to the abutting
6646 streets.

6647

6648 **MAYOR GOODMAN**

6649 Yes.

6650

6651 **BART ANDERSON**

6652 What they've demonstrated in their traffic study is that the amount they're adding is not going to
6653 bring the street to overcapacity. It's not going to severely impair the flow of the streets. If
6654 problems do occur, then we would have to evaluate ways of mitigating that if those problems
6655 could be traced to this development. We could certainly say, hey, you guys have got to do
6656 something. But if the problems are more general in nature, because of development nearby, it
6657 would really be tough to predict in advance who would be responsible for fixing it.

6658

6659 **MAYOR GOODMAN**

6660 I see that. I mean, obviously if there were development on the southeast corner of the Suncoast,
6661 they of course would be involved in that extra cost. But I'm just concerned that in the traffic
6662 study that's been given to you, the City staff is comfortable that this, all the issues are mitigated.

6663

6664 **BART ANDERSON**

6665 We believe that the mitigation proposed is adequate.

6666

6667 **MAYOR GOODMAN**

6668 Okay. Thank you very much. Okay. Councilman Anthony, you had comments, questions, and
6669 then anybody else, please?

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6670 **COUNCILMAN ANTHONY**

6671 Thanks, Mayor.

6672

6673 **MAYOR GOODMAN**

6674 And I just want everybody to know, no, we didn't start at 6:00. We started at 9:00 this morning.

6675 So, thank you all for hanging in and being awake. Everybody is still awake here. Please.

6676

6677 **COUNCILMAN ANTHONY**

6678 All right. Well, this has been going on for over a year now. I've been having meetings for the last
6679 couple of months with anybody who wants to meet with me and anybody who wants to talk to
6680 me on the phone. And I've gotten stacks of emails and tried to listen to both sides and, I listened
6681 to everybody tonight and wrote some notes down here.

6682 I'm going to keep my comments and tell you how I'm going to vote as simple as possible. We got
6683 very technical tonight. We got lawyers involved. We got engineers involved. My head started to
6684 explode there for a while.

6685 But really what this, the most important thing I've learned is that this is one of the most toxic
6686 land use discussions that we've had since I've been on the City Council. I mean, we have people
6687 that don't trust each other on both sides. We have people that hate each other on both sides. We
6688 have people that are very upset on both sides. We have lawsuits that are occurring. This – has
6689 really not been, for me it's not been a very productive year going through this process.

6690 So, I'm trying to put my, myself in the shoes of the residents that live in Queensridge. And so,
6691 you're looking for a place to live in Las Vegas, and you hear about Queensridge and you go to
6692 Queensridge and you drive inside and you're looking around and you find out it's a master plan
6693 community and it's all built out and you have some assurances that this is where everything is
6694 going to be and this is what it's going to look like and based on and you like the master plan. And
6695 based on that you decide which house you're going to buy, and you feel like you have assurances
6696 that this is where your house is going to be located and what you're going to be able to see and
6697 what the community is going to look like. And you feel like it's going to be like that forever. And
6698 then somebody comes in and wants to build apartments.

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6699 And if I lived in there, I'd be asking myself, well, how can they do that? This is a master planned
6700 community. How can you build apartments in there? This is a golf course. How can you take out
6701 the golf course and put in houses? How can you do that? That's not the, I don't want to say
6702 contract by legal terms, but this is kind of the contract I had when I bought this house in here and
6703 paid a premium that I was going to live in this master plan community and it was not supposed to
6704 change. So, I would be very upset, and from what I've heard, about 80 percent of the people in
6705 Queensridge are very upset about this, and I completely understand that.

6706 Then I put my shoes in, my – feet in the developer's shoes. I know Yohan and I know Frank, and
6707 the – interactions I've had with them is these are solid individuals. These are very good people.
6708 They're good developers, and they bought this piece of property in order to develop it. And from
6709 listening to Brad Jerbic, our City Attorney, he says, and I have to respect his opinion, that they
6710 have the right to develop that property. They bought it. This is America. They have the right to
6711 develop it, and I have to respect that. Now, there are some court cases out there that may change
6712 that, I don't know, but maybe that may change in the future, but that's what I'm hearing from the
6713 developer.

6714 The Planning Commission, I have a great respect for the Planning Commission. These guys and
6715 gals took a really hard stab at this thing. They had lots of meetings. They had their 10-hour
6716 meeting just like we did, and they were split on what to do. It was not a unanimous decision. One
6717 way or the other, they really couldn't decide, as a Commission, what exactly should happen as far
6718 as this development is concerned.

6719 So, based on all that, what I think should happen and since we're talking about golf courses here,
6720 I think we need to use a mulligan on this whole thing. And I need, I think we need to start
6721 completely over and maybe the last year has been a waste of time, but maybe the last year has
6722 allowed everybody to kind of voice their concerns. But I think we need to start this whole thing
6723 from square one, whether it's the – withdrawals we had this morning as well as these items here.
6724 And we really, I mean, you all need to work under the premise, the residents need to work under
6725 the premise that, unless somebody says different, they have the right to develop this property.
6726 The developer has to work under the premise that you've got to listen to the residents. You have
6727 to get their input. You have to allow them some say in what's going to happen in their
6728 community. And I am hoping that you work all that out and bring something to the City Council

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6729 that's unanimously approved by the Planning Commission and that we can unanimously approve.
6730 Now, how long is that going to take? I have no idea. That's why I initially voted to against
6731 withdrawing without prejudice, 'cause I think this may take another year.
6732 So, based on that, I am not going to support the agenda items tonight, because I can't, I mean, I
6733 can't support them. I – think this needs to be started over again and everybody try to – at least try
6734 to take the opinion that what can we do that's best for Queensridge based on what people's rights
6735 are. So, I will not be, if there is a motion to support these, I'm not going to support them.

6736

6737 **MAYOR GOODMAN**

6738 Thank you.

6739

6740 **COUNCILMAN ANTHONY**

6741 Thanks.

6742

6743 **MAYOR GOODMAN**

6744 Okay. Councilman, any comments, questions you have of staff, anybody? Councilman Coffin?

6745

6746 **COUNCILMAN COFFIN**

6747 Thank you, Mayor. The, I enjoyed this discussion today and debate. It's actually the first time,
6748 well, yesterday in briefing was the first time I'd actually heard from staff about this. There were
6749 moments today that I really appreciate, because this is the only way you find agreement is to
6750 have disagreement because that way you kind of sort it out. And when we get to hear contentious
6751 discussion, I think that's the best thing.

6752 So, it's helped me, some of the words that have been said, have helped me decide what to do,
6753 temporarily anyway, because I think this is going to be going on for years, and I think we'll have
6754 plenty of opportunities to add to and or modify these three measures.

6755 I really feel that it has been a bit, I'm a little worried that people disregard the love and attention
6756 that was paid to the creation of this golf course, despite the young lady's feeling like you don't
6757 talk about golf, but it's a game. It's a passion, and it is a big thing in the City of Las Vegas. And
6758 to say that someone creates a golf course with attention to Mother Nature and that is in the use of

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6759 water as well as in the care of the creatures that inhabit the desert before you develop, I think that
6760 says a lot about Mr. Peccole. I knew all of them. I knew Bob's uncle, and I knew Bob's dad and
6761 all of the guys that were in that clan. And I think that it's a disservice to talk about them that way,
6762 because that's why people bought in there.

6763 And water usage is a big thing with me. I'm on the Water Authority, so, I know what golf
6764 courses use. You know, on the day that this was built 20-some years ago, a million gallons a day
6765 was a common number. It's less than that now. But people like the Peccoles broke ground in
6766 developing a less water use golf course, which means you can still have that sport or game here
6767 in Las Vegas, which means you can attract tourists, which means the industry here, which we
6768 rely upon, can continue to import dollars or essentially export tourist dollars.

6769 So, we find ourselves blessed by people who are progressive in these areas of the environment.
6770 So, to hear that those are disregarded and somewhat scoffed at, I feel you've got to watch out
6771 'cause it can bite you. So, the people who live there understand they weren't buying a golf course
6772 like a Shadow Creek. They weren't buying for lush, garden-like atmospheres. They were buying
6773 in a place that respected the desert and respected the resources that are available and that were in
6774 the desert before we lived here.

6775 So, I'm going to vote no with, again, the caveat that I could change my mind later on, and there
6776 will be many, many votes on this issue as time goes by. And to that reason, I wish them well, and
6777 I really do want to hear and participate in discussions to see if people really are talking to each
6778 other, not over each other or at each other. That's the only way I'll be able to really make up my
6779 mind is to be able to participate and watch and listen to the parties. The Council has to take these
6780 moves to take it out of their hands, otherwise it will never go anywhere. Thank you.

6781

6782 **MAYOR GOODMAN**

6783 Okay. Councilman Barlow?

6784

6785 **COUNCILMAN BARLOW**

6786 Thank you, Mayor. I, like a number of you all in the audience, am exhausted., and, but this really
6787 goes to show that this community is very passionate about the city in which we live in, and a
6788 number of things have been said tonight that was very educational. Although we receive very

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6789 detailed briefings, there's still information that was shared on both sides, those for and against the
6790 project, that was very educational, that brought new content and context to the conversation.
6791 Specifically, as it relates to the CC&Rs, I had a question in regards to that coming into the
6792 meeting today, and just by sitting back and observing and listening very attentively, I received
6793 the answers regarding my questions pertaining to CC&Rs.

6794 The density is an area that I have major concern for. The compatibility, that question came up
6795 that I had, but it was answered as well, as far as the compatibility, I believe that the compatibility
6796 most definitely is in place. The open space is in place. The question came up as it relates to the
6797 illegal spot zoning, which was clarified accordingly. And as far as the discretion of the Council
6798 and the breadth and reach of how in fact we utilize the discretion, I guess that will be played out
6799 momentarily once this item comes to a vote one way or another.

6800 The traffic study was answered tonight, but not necessarily to my liking, because there were
6801 some additional contexts to the conversation that came forward that prompted more questions as
6802 well. But one thing that came out also from Public Works was the fact of the response from
6803 FEMA. That's very important in regards to the drainage, and Bart, you nailed it when, in fact,
6804 you stated that nothing can be built unless it passes FEMA's litmus test. And so, for that, I'm
6805 comfortable, which is very difficult at the same time, but I'm comfortable moving forward,
6806 prepared to vote on this item tonight, Mayor. Thank you.

6807

6808 **MAYOR GOODMAN**

6809 Thank you. Councilwoman, do you want to address or just wait?

6810

6811 **COUNCILWOMAN TARKANIAN**

6812 Yes, please. I tried to follow your direction, Mayor, and look at this as a separate item, not part
6813 of the whole. And I feel that the applicant has a right to request to use the land as he sees fit. I
6814 think that's important, and he does have that right. I do not feel that our staff was colluding. I
6815 think sometimes our staff makes mistakes, which I think every one of us up here makes mistakes.
6816 And sometimes, particularly with traffic, I have found that we might not be in agreement.
6817 But I don't think, I think our staff works hard and they try to do their best and they try to be
6818 impartial, and I've checked with what they've done, and it seemed to me that they did it correctly.

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6819 I did have some people say, well, how come they controlled the meetings all the time, how come
6820 they ran the meetings instead of the applicant, which is usually the case. And, I have no answer
6821 for why that was done, but rather they ran it or somebody else ran it, they were there or they gave
6822 the information, so I didn't find that that was a critical matter.

6823 You know, sometimes when the people here, when Jimmerson says you should, you know, have
6824 the faith in your specialists, I have the faith in the specialists, but sometimes my own experience
6825 has shown that perhaps they're not as accurate as some of the experience and information I've
6826 had. But I do respect staff, and I don't think you colluded, and I – know we have some very fine
6827 specialists.

6828 Thirdly, I wanted to say the brilliance of the lawyers here kept me awake. I mean I did not fall
6829 asleep one single time up here. It was mesmerizing. I really got to see what great lawyers do, and
6830 I appreciated that. And, you know, we have both sides believing in what you're talking about, I
6831 mean one side that's for and one side that's against, you believed, and you did a great job in
6832 presenting that in which you believe. However, I did,. and Yohan, I wanted to say I know you
6833 have excellent projects and they're beautiful. I don't know why you won't put one in Ward 1, but
6834 in that case, I'll go along with just saying how beautiful they are and – certainly he has done a
6835 good job in that.

6836 I tried to look at this as I've looked at others, not looking at it as part of this big thing. And those
6837 of you who have seen me vote before know that I have a question as far as traffic and, I've had
6838 this with other entities that I have viewed. I have a question as far as the density, which I've had
6839 in many others. I don't, I think the density is going to be a problem. I think your traffic is going
6840 to be a problem. I don't see that it's going to work with right in and right out only and then
6841 making a U-turn as you hit Charleston. I follow Charleston quite well, and eventually we will
6842 probably get light rail there, but that's not going to be for a while. And so, I have a concern there.
6843 I have a concern about the schools being overcrowded.

6844 And I expect this will pass tonight, but I will have to say, with as much respect I have, I do have
6845 great respect for those who represented the side that wants to build the entity, but because I have
6846 concerns about traffic, density, schools, and I do not feel it's harmonizing with the neighborhood,
6847 I disagree with staff on that. I don't think that you can take 41 units per acre and match it with the
6848 other units per acre you have surrounding it. I just, I think it's too big a leap, and so I don't think

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6849 it's harmonizing. So, I will be voting no on this, but I respect what everybody has done here and
6850 presented. You've done a great job, both sides.

6851

6852 **MAYOR GOODMAN**

6853 Okay. Thank you, Councilwoman. Thank you, Councilmen, both of you. And before we go any
6854 further, I want to echo that the concerns that I have heard just now from our Councilmembers are
6855 real. I think all of us want to see a harmonious result. I do rely on staff because I know your
6856 expertise and I know your due diligence. I know how hard you work, the many meetings, the
6857 many hours, to say nothing of tonight, but over this whole year. And certainly legal counsel, I
6858 just trust you inordinately to advise us on the appropriate issues.

6859 And my one remaining question, separating out those first four items, I think, is critical, but I am
6860 concerned with zoning or anything that we do to numbers on this particular corner that no
6861 precedent is set by our doing that, which automatically applies to the rest of the acreage, the rest
6862 of the 232 acres. I want to be assured that, as those come back, we can vote with confidence on
6863 each item or if they bring two items or three items to us, we can look at them as we see fit, not
6864 concerned that a vote in the affirmative for the applicant has bound us to setting precedent that is
6865 irreversible.

6866

6867 **BRAD JERBIC**

6868 I am not quite sure how to answer that, but let me take a stab at it. One, you are not obligated to
6869 vote on anything based on tonight's vote. And so, if something else comes forward in the future,
6870 whether it's a development agreement, you can vote for or against it. Were it the separate project,
6871 61 homes on the northwest corner or whatever might come up, you're not obligated to vote for
6872 anything based on tonight's vote.

6873 But does tonight's vote have an impact on a development agreement or on anything else, the
6874 answer is yes. And sometimes it's in very subtle ways. For example, R-PD7, as we've discussed
6875 many, many times, gives you a maximum of 7.49 units per acre, but you would never put that
6876 next to an acre. It would not be compatible with that kind of existing development. But if you
6877 approve a higher density and somebody comes in with 7.49 next to this, it's going to look a lot
6878 more compatible. So, this is going to influence what goes next door to it. I'll let Tom address that

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6879 more directly. What it – could also influence, as we said before, this was anticipated as Phase
6880 One of a development project. It's being considered now as a discrete piece, not as part of a
6881 development project.

6882 And so, I don't know exactly how to answer the question how will influence a development
6883 project or development agreement in the future, but I'll let Tom jump in here, because I think that
6884 if this progresses into several components that are not just this one component, it is definitely
6885 going to influence staff's recommendation on the existing development agreement, and it will
6886 influence what that agreement may look like in the future. So, I'll let Tom jump in.

6887

6888 **MAYOR GOODMAN**

6889 I mean, to me, this is a huge piece of this.

6890

6891 **TOM PERRIGO**

6892 Thank you, Your Honor. I agree with Mr. Jerbic. It will have an impact, and – from the
6893 perspective of the Planning Department, as projects would come forward and at the risk of
6894 speculating what might or might not happen in the future if this particular project were approved.
6895 For example, R-3 adjacent to a major arterial and intense commercial development, while that
6896 may serve as an adequate buffer between that kind of development and less intense residential
6897 development, the next development in, as it gets closer to lower density residential, would be
6898 expected to serve somewhat as a buffer between the R-3 and the lower density, and that is that it
6899 would probably sort of signal towards a less intense development for sure.

6900 And that, in the absence of any sort of a development agreement or a master plan, I can't
6901 imagine, and again, it would depend on the acreage and the configuration and all that, but as you
6902 get closer to lower density, you absolutely step down the density. And that's been very standard
6903 in everything we've looked at that's come to the Planning Department.

6904

6905 **MAYOR GOODMAN**

6906 So, if in fact we have reduced the zoning to R-3 from R-4, to go out and make the entire
6907 development work financially, we are affecting, should they continue to make application for
6908 other parcels, we are, by the statement on this corner, then, affecting the rest of the development?

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6909 **TOM PERRIGO**

6910 I wouldn't go so far as to say that. I mean, it's kind of a slippery slope in speculating what might
6911 or might not happen next. Right? I mean, the configuration, the lot size, the distance from
6912 existing development on other sides, it's difficult to answer that question. But certainly this
6913 project, if approved, would be taken into consideration, particularly when it comes to looking at
6914 traffic impacts and drainage impacts and other things, because it's an existing entitled project and
6915 that's taken into consider action. It would also be taken into consideration looking at potential
6916 future land use applications. But beyond that, I don't know exactly how it would affect that not
6917 knowing what kind of application might come forward.

6918

6919 **COUNCILMAN BEERS**

6920 Your Honor, (inaudible).

6921

6922 **MAYOR GOODMAN**

6923 Yes. Please, please.

6924

6925 **COUNCILMAN BEERS**

6926 Thank you, Your Honor. So the land that would be adjacent to the 720, that is currently golf
6927 course would remain –

6928

6929 **COUNCILWOMAN TARKANIAN**

6930 Could I just say one thing before we get to that? I just wanted to say, Mayor, I made these notes
6931 and I forgot to say that I wish that the Mayor's marriage of the two opposing lawyers works and
6932 that we all can work together, because we're good people, all can work together and come up
6933 with something good. I wanted to say that before I was totally through. Thank you, Bob.

6934

6935 **COUNCILMAN BEERS**

6936 Yeah. So, my question is, there's going to be R-PD7 zoned land adjacent to this project if this
6937 project moves forward. On that immediately adjacent property, there's no inherent right, because

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6938 of what we would do in approving that project that makes the high end of the R-PD7 existing
6939 zoning. It's still seven and a half acres. Or I'm sorry, seven and a half units an acre.

6940

6941 **TOM PERRIGO**

6942 Yes, that's correct. The existing zoning on the adjacent parcel is R-PD7, which allows up to 7.49
6943 units per acre. That wouldn't change as a result of anything that happens tonight.

6944

6945 **COUNCILMAN BEERS**

6946 Okay. That is my question. And therefore, the concept that if we approve this, we're setting
6947 ourselves up for some sort of obligation to approve a, I don't know, 20 units an acre proposal for
6948 the immediately adjacent land, we're under no obligation to try to do that. We don't have any
6949 negative impacts on the City or on taxpayers by saying no to that.

6950

6951 **TOM PERRIGO**

6952 That's absolutely true. Each individual, discrete project that would come forward would be
6953 evaluated on its own merits, and Council absolutely has the discretion to, just like with any
6954 approval, approve or deny it.

6955

6956 **MAYOR GOODMAN**

6957 If in fact the Council were to approve this and the flood issues are not mitigated, that stops
6958 everything, correct?

6959

6960 **TOM PERRIGO**

6961 That's correct. It's – very clear in the condition that nothing, there's they would not be able to
6962 pull a building permit and construct anything until that's addressed.

6963

6964 **MAYOR GOODMAN**

6965 Okay. Thank you. Any other questions, comments? And staff recommendation on this, on these,
6966 1-0-5, 1-0-6, 1-0-7, considering all this here, remains for approval on this.

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6967 **TOM PERRIGO**

6968 Well, Your Honor, let me clarify that if I could or at least try to. As I stated in the report, staff,
6969 when they evaluated this project and weighed it on its merits, independent of the entire
6970 development project, felt that it did fit there and did recommend approval. However, we had all
6971 along requested that there be a development agreement and a major modification so that the
6972 entire 250 acres could be understood and evaluated together.
6973 Once separated, I think staff was comfortable with the project on its own, but following the
6974 conversation on the withdrawal and the desire to continue working on the master plan and that
6975 that's still hanging out there and that this is a component of that, it kind of puts staff in a bit of an
6976 awkward position, whereas we feel like it's on its own merits it's okay. But as part of this larger
6977 discussion, I sort of withheld my recommendation at this time.

6978

6979 **MAYOR GOODMAN**

6980 Okay. Thank you. It's been a long day. Okay. Any other comments up here?

6981

6982 **TOM PERRIGO**

6983 Your Honor, I do have to read in two amended conditions, given that the other items were
6984 withdrawn. On the Site Plan Review, SDR-62393, amended Condition Number One, approval of
6985 a General Plan Amendment, GPA-62387 and rezoning, ZON-62392, shall be required if
6986 approved. Amended Condition Number 10, all City Code requirements and design standards of
6987 all City departments must be satisfied except as modified herein.

6988

6989 **MAYOR GOODMAN**

6990 Okay. Thank you.

6991

6992 **COUNCILMAN ROSS**

6993 It makes sense, though, because it's going to be part of a bigger plan.

6994

6995 **MAYOR GOODMAN**

6996 Yeah.

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6997 **COUNCILMAN BEERS**

6998 Thanks, Your Honor. I would, I guess, start my comments. Under the open meeting law, we are
6999 only allowed to speak with two other members, and early on and continually ever since, I have
7000 fairly regularly sought out the advice of you, Your Honor. And, so, I would like to thank you
7001 very much for letting me come park in your office and get your advice. You've been very
7002 helpful, and I thank you for that. The delays and the changes in plans, I think, have almost all
7003 been requested by the City. Do you think that's true Tom?

7004

7005 **TOM PERRIGO**

7006 I, for the most part, yes. I believe there was one abeyance at the request of the applicant.
7007 Mr. Lowenstein, do you have those? But for the most part, yes.

7008

7009 **COUNCILMAN BEERS**

7010 And the changes were pretty much precipitated at the City's request, from the first initial version
7011 of the application to what was under consideration this morning.

7012

7013 **TOM PERRIGO**

7014 I would say that's true. Yes.

7015

7016 **COUNCILMAN BEERS**

7017 Okay. The, what's, Tom or Peter, the density of the tower, I think we saw a number on a map
7018 from the opponents of 19, but I thought someone had said 24. I'm wondering if the difference
7019 might be that there's more acres now because the third tower is not yet built.

7020

7021 **TOM PERRIGO**

7022 Well, Mr. Lowenstein and Mr. Swanton are clicking away to get that answer. I believe it's 21,
7023 but I'll let them make sure there's an official calculation.

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7024 **COUNCILMAN BEERS**

7025 And where that thought is going is that the human impact of 21, roughly 4,000 square-foot units
7026 an acre, I think from a planner's perspective is very similar to the human impact of, let's say it's
7027 21, 42 units an acre of half-size. The units being proposed today are about half-size compared to
7028 the tower. And so, the human impact between the density level is pretty equivalent, because the
7029 units proposed tonight are half-size compared to the tower? So, is there a corollary in human
7030 impact?

7031 So, I guess what I'm asking, as this world around us changes and we read in planning magazines
7032 about the popularity of smaller living spaces filled with amenities as an alternative life, is it
7033 reasonable to look at this in terms of livable square feet per acre? And under that scenario, this is
7034 about equivalent livable square feet per acre as the tower is.

7035

7036 **TOM PERRIGO**

7037 I think so, Councilman. One of the exercises that staff went through when they were evaluating
7038 the density was to look at some of the multi-family complexes south of Charleston, immediately
7039 adjacent to Queensridge, and some of those projects, one for example has over 500 units,
7040 predominately two and three bedroom. When you look at the number of rooms per acre
7041 generating that human activity, it's roughly equivalent to the 40 units per acre that are
7042 predominantly single one-bedroom and efficiency units. And so, that's sort of the exercise they
7043 went through as they evaluated the project.

7044

7045 **COUNCILMAN BEERS**

7046 Okay. Thank you. I – requested and still haven't gotten clarity from the school district why
7047 Piggott Elementary, which is actually closer to kids in Queensridge, is not the school that
7048 Queensridge is zoned for, noting particularly that this year it was converted to a magnet school
7049 due to falling enrollment. And I still haven't got that answer yet. But I guess that's part of the
7050 bigger picture that we may or may not take up down the road.

7051 I would recommend on flood control I found it quite interesting to go to the regional Flood
7052 Control District website where they have maps of the areas that washes drain, and with one fairly
7053 limited exception, the washes that run through Badlands are all draining water that falls inside

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7054 the 215. That is water that falls outside the 215 goes elsewhere. And I don't know if that is a, if
7055 the 215 changed the original hydrology of that area or exactly what. But I did find that
7056 interesting. I would recommend that people go through that exercise to try to understand this.
7057 You know, on the inverse condemnation issue, I'm glad that Mr. Schreck showed that map.
7058 Planning has told me that that's very similar to what the existing entitlement looks like. And it is
7059 that existing entitlement that we could not say no to without risking an inverse condemnation
7060 action. So, all along there's been an attempt to portray this as, if we say no to this application, we
7061 get to keep the golf course. It's not a choice between the golf course and the application. I wish it
7062 was 'cause that's actually pretty easy for all of us; the golf course would win.
7063 The problem is that it's the existing entitlement that is the threat of taxpayers shelling out money
7064 for an inverse condemnation suit. And so the choice isn't, or the choice is the existing
7065 entitlement, which Mr. Schreck showed a picture of, every homeowner on the golf course should
7066 expect a lot the same size of theirs and a house the same size as theirs right behind their house
7067 where there is golf course today, under that existing entitlement of R-PD-3. Not, there's no
7068 inherent right to exceed seven and a half units an acre. But there's also an obligation on the City
7069 to approve, absolutely approve the minimum that could be built under that R-PD7. And that
7070 appears to be what's around you, what's adjacent to you.
7071 So, the choice isn't the golf course or the application. It's the existing entitlement or the
7072 application. And to me, the – seminal question is, which of those two development plans is going
7073 to result in the greatest value for the most people, not just the owners of the golf course, but the
7074 people who today live adjacent to the golf course. What's gonna present them, what's going to
7075 save them the most view premium that they're now, apparently, losing, which of those two
7076 paths?
7077 So, that's too bad, but the only legal way for the City to prevent development under the existing
7078 entitlement would be for the City to purchase the land under this inverse condemnation process,
7079 and that would be at current market value for what could be developed there. And that would be
7080 very, very expensive, and I don't think it would be fair to the other taxpayers in the City.
7081 So, for clarification, if somebody thought I said that turning this plan down would risk an inverse
7082 condemnation action, I don't believe I ever said that. It's the follow on existing entitlement,
7083 which we got a glimpse of with this pre-application. That is where we would have that problem.

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7084 But it's a very real problem if we said no to that existing entitlement. The applicant has come and
7085 said, we'll move some stuff around, and have ultra-low density over here and high-density up
7086 there. What do you think? And that's kind of the decision that we're going to apparently
7087 eventually face, hopefully eventually face, 'cause, to me, it seems clear that of those two
7088 alternatives, having three to five-acre lots in your backyard is going to preserve more of that
7089 open space view value than having an immediate copy of your lot and your house right behind
7090 you.

7091 So, Your Honor, with that, I do believe that the project is architecturally compatible with the
7092 existing development in the northeast quadrant of Queensridge. After review of the impact
7093 studies, we've talked about them, traffic, flood, fire wasn't talked about much, but they had a
7094 great deal to do with the examination of the application, staff has found that the project does not
7095 adversely impact the area. I agree. The applicant understands he is responsible for fixing and
7096 mitigating these issues, or he cannot build and that is the end of that story. Do you want to take
7097 three items together or one at a time?

7098

7099 **MAYOR GOODMAN**

7100 One at a time.

7101

7102 **COUNCILMAN BEERS**

7103 One at a time. Okay. So, on Item Number 1-0-5, I would move for approval subject to all
7104 conditions as amended and discussed.

7105

7106 **MAYOR GOODMAN**

7107 And I will not allow, because there's no reason, there's no abstention. It's either a yea or a nay on
7108 the vote.

7109

7110 **COUNCILWOMAN TARKANIAN**

7111 How do you know we don't have any (inaudible) –

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7112 **MAYOR GOODMAN**

7113 You're not allowed, well, that might make the difference, but on this, I want to say that listening
7114 to staff, and if I may interject this, I really believe in the ability of this project to move forward. I
7115 think it's a beautiful project. But listening to staff's final comment that they are caught on the
7116 ropes because there is no continuity with the greater plan, that bothers me a great deal. And my
7117 hope is going forward that every single effort will be made to work together, that all negativity
7118 that's out there will be put aside with a fresh start to work towards the common goal of a
7119 beautiful facility on the entire project of Queensridge and the Badlands, what that will become.
7120 And so, while I was not thinking this way, but listening to staff, I have to go ahead and say I
7121 have to wait and make that decision, waiting for the bigger plan, which was what was the stall,
7122 right from day one, which really kept us in this movement for an entire year. And my hope is that
7123 as you go forward in this honest and positive negotiation to try to resolve the issues you move
7124 quickly and come back here.

7125 I believe this corner project is a very good one, assuming that we can count on the traffic and the
7126 flood and the reports to make this viable. And, I would hope that works quickly and soon,
7127 because this is not a win until this works together. That is the win. There's no win here for
7128 anybody, because we didn't get accord and agreement, which is terribly, terribly disappointing.
7129 And so, there is a motion on 1-0-5, and everybody has voted. So, please post. **(The motion**
7130 **failed with Coffin, Tarkanian, Goodman and Anthony voting No)** And that does not carry.
7131 So what happens with 1-0-6 and 1-0-7?

7132

7133 **BRAD JERBIC**

7134 So, there needs to be a motion then that would carry that would then be a motion to deny. If the
7135 motion is to deny, I want you to consider something that we would like you to answer. A motion
7136 to deny would automatically result in a with prejudice, that's the default of every denial. If you
7137 wish that to be the case, that's fine. But if there is a success in the negotiations between Mr.
7138 Pankratz and Ms. Hughes and that comes back in three or four months, we're going to be dealing
7139 with where does this component, that has a year time out as a result of a denial, fit into your
7140 consideration of development plans?

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7141 A compromise might be, and I just throw this out and maybe Mr. Perrigo has an idea too, if you
7142 want to leave that as a default one-year time out, but make an exception unless it comes back as
7143 part of a development agreement, it may be considered, that should be stated on the record if
7144 that's your intent, or we're going to have an issue later on.

7145

7146 **MAYOR GOODMAN**

7147 Well, the issue is, though, 1-0-1 through 1-0-4 has been abeyed to a six-month time frame?

7148

7149 **BRAD JERBIC**

7150 No.

7151

7152 **MAYOR GOODMAN**

7153 Withdrawn without prejudice. So it works in the interest, in my opinion, on both sides to move
7154 this forward as fast as they can so they can then come back in front of us and then move on each
7155 of these.

7156

7157 **BRAD JERBIC**

7158 We just need to hear that directly from you in your motion if you make a motion to deny. We
7159 need to know where it fits into a future development agreement if it comes back to you.

7160

7161 **COUNCILMAN ROSS**

7162 Your Honor, may I make a suggestion?

7163

7164 **MAYOR GOODMAN**

7165 Yes, please.

7166

7167 **COUNCILMAN ROSS**

7168 Sorry, Mr. Perrigo. Perhaps it would be beneficial for both parties to withdraw all of these items
7169 without prejudice at this time so they can sit down and actually do what you've asked them to do
7170 on the entire project.

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7171 **MAYOR GOODMAN**

7172 That's interesting.

7173

7174 **COUNCILMAN BEERS**

7175 Your Honor, that may be a good idea. My concern is that we force them into the existing
7176 entitlement if we lock them out for a year, and I'm not sure that's the direction the Council really
7177 wants to go either.

7178

7179 **MAYOR GOODMAN**

7180 No. No.

7181

7182 **COUNCILMAN BEERS**

7183 So, I don't know if there's an interest in withdrawing without prejudice.

7184

7185 **MAYOR GOODMAN**

7186 Well, not to lock them into that, for sure.

7187

7188 **BRAD JERBIC**

7189 Again, if I can make a suggestion, you need a motion that passes tonight. If the alternative
7190 motion, which seems the typical motion that would be made would be a motion to deny, you
7191 could make that motion subject to it coming back in the future as part of a development
7192 agreement. And we would understand that, and we would be able to incorporate it and it would
7193 not be on a one-year timeout if it were to return as part of a whole package.

7194

7195 **MAYOR GOODMAN**

7196 So, what that would be doing was stating unequivocally that the whole package has to be
7197 planned out.

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7198 **BRAD JERBIC**

7199 Right. You can't bring it back alone within a year, but if you bring it back as part of a
7200 development agreement, you can within a year.

7201

7202 **MAYOR GOODMAN**

7203 Within a year.

7204

7205 **BRAD JERBIC**

7206 Right. That way we understand your direction.

7207

7208 **TOM PERRIGO**

7209 Your Honor, just let me make sure with Mr. Jerbic. If – denied, the application was going to
7210 come back for one year. I don't, so, do you think, then, if they make a record that it could come
7211 back sooner than a year?

7212

7213 **BRAD JERBIC**

7214 What I'm saying is that a compromise would be it could come back sooner than a year, only if it
7215 came back as part of a development agreement. In other words, if the development agreement
7216 isn't worked out and it doesn't come back, then this would be on a one-year timeout period. If,
7217 however, there's an agreement on a development agreement and it comes back and this has
7218 always been part of that development agreement, you could consider it in less than a year, but it's
7219 part of that development agreement.

7220

7221 **COUNCILWOMAN TARKANIAN**

7222 So Mayor, if I could –

7223

7224 **MAYOR GOODMAN**

7225 However, well, let me just add one thing here. In looking at this right down the middle, were I
7226 living in Queensridge, that would work for me, because I'd just stall them out and keep them out
7227 that way. I want this to be fair. I want this equitable. I want them to work on this. I want them to

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7228 come back, because otherwise if this is stalled out through the year, it goes away entirely. I don't
7229 want that. I don't want that.

7230

7231 **BRAD JERBIC**

7232 There's another way to look at it too. You could do exactly what you did on the original
7233 application, and that's to deny it without prejudice, and I think everybody understands it's rather
7234 pointless to bring it back unless there's something in addition to what happened tonight, based on
7235 the Mayor's comments.

7236

7237 **MAYOR GOODMAN**

7238 Except for the fact, I mean, being the devil's advocate now, if in fact I wanted this whole thing to
7239 go away and roll the dice and get some other developer to come in, I'd just stall it out
7240 interminably. I don't want that. So, how do I, how do we protect that, move that piece?

7241

7242 **COUNCILMAN COFFIN**

7243 Mayor?

7244

7245 **BRAD JERBIC**

7246 There is absolutely no way to protect the various possibilities that could occur here. What you
7247 have is an agreement earlier from Mr. Pankratz and Ms. Hughes to work diligently toward trying
7248 to resolve the differences that separate them on the development agreement. What I'm saying is
7249 that this component has always been Phase One of a four-phase development agreement, and if
7250 they come back, I don't have a doubt that this phase will be, it will be desirable for the developer
7251 to keep that in the development agreement. And What I'm trying to do is warn you that unless
7252 you give us some direction, there will be a one-year timeout if there's a negative vote on this
7253 tonight, and we need you to correct that. So, what I'm saying is, I would recommend either say it
7254 comes back as a development agreement, so they don't have the one-year timeout under that
7255 circumstance, or make it without prejudice period. That way it can come back as part of a
7256 development agreement, but we need that direction.

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7257 **MAYOR GOODMAN**

7258 I am worried after an entire year of this umbrella demanding a full development agreement to be
7259 created and approved of by both bodies that this will continue in this hard-fought battle with no
7260 resolve.

7261

7262 **COUNCILMAN COFFIN**

7263 Mayor?

7264

7265 **MAYOR GOODMAN**

7266 And if that is, no, excuse me. If, in fact, that were to happen, which I believe could happen, I
7267 would rescind my vote and bring back my last vote. And so, this is where I'm coming from
7268 unless somebody can give me a resolve and an assurance that there will be a resolution between
7269 the homeowners and the developers, because what I feel is this antagonism that's built up over
7270 this whole year and this lack of movement is not going to change as much as I ask for it, as much
7271 as I want it.

7272 And in light of that, and based on your comments and the issues that are out there, unless
7273 somebody can help me figure out a way to make sure there's a positive movement forward,
7274 guaranteed that there is a resolution agreed upon by the developers and the homeowners, the
7275 HOA, I'm going to call back the vote and I'm voting the other way.

7276

7277 **COUNCILMAN COFFIN**

7278 Your Honor?

7279

7280 **MAYOR GOODMAN**

7281 Yes?

7282

7283 **COUNCILMAN COFFIN**

7284 If I may say this, your remarkable vote, guaranteed that there will be immediate negotiations and
7285 immediate discussions and an earlier end to this impasse. The fact that you have forced the issue
7286 with your decisive vote means that exactly will happen, because it has to because there's too

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7287 much at stake now. So I believe there will progress. There will be a way to find a third way.

7288 That's what I believe.

7289

7290 **CHRIS KAEMPFER**

7291 Your Honor, if I may speak, I've been asked to by Mr. Lowie. The reality is we always thought
7292 that the withdrawal without prejudice as to the first four items put us in a position where we had
7293 to come back because it's not our desire to just build 17.49 acres of property that we wanted to
7294 build the rest of it, and that's why we agreed to the withdrawal without prejudice to meet to try to
7295 do everything we can.

7296 We cannot take, candidly, a denial of this particular application. Even if we try to structure it
7297 without prejudice or – some condition, we're concerned that the opposition is going to go to court
7298 and say a denial is a denial and there's a year time frame and you can't bring it back for a year.
7299 We're telling you without this corner and all the time, money, and effort we've put into it, the
7300 project simply isn't going to work. So, if it helps, we'll withdraw it without prejudice, but a
7301 denial, a denial kills us. A denial doesn't help us negotiate. A denial puts us in the place where
7302 the Councilman doesn't want to see us. That's what I'm saying.

7303

7304 **BRAD JERBIC**

7305 A denial without prejudice, let me ask while Mr. Kaempfer is up there, that would result in this
7306 component being negotiated with all the other components at the same time that Mr. Pankratz
7307 and Ms. Hughes meet. Is that correct?

7308

7309 **ELIZABETH FRETWELL**

7310 Brad, I think what Chris said is that he's going, that they are going to withdraw it without
7311 prejudice, so there wouldn't another vote. So, it would be in the same boat with the first three
7312 items.

7313

7314 **CHRIS KAEMPFER**

7315 It's 11:20. We're all allowed to stumble.

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7316 **MAYOR GOODMAN**

7317 All right. So, Mr. Jerbic, unscramble me here. I know what I want to see. I want this resolved. I
7318 want a positive win for both sides. Whatever that is, the same 85 percent or 80 percent each, I
7319 think this is going to be a great project that you have on the corner. I like it. I am concerned that
7320 our Planning Department has sort of gotten here at this point, but I want this to work. I want this
7321 mediated. I want you to come to a healthy resolve. So, what am I supposed to do at this point?

7322

7323 **BRAD JERBIC**

7324 To avoid a denial, which the applicant does not want, and to have an opportunity for a holistic
7325 approach to the entire project, I think that a motion to allow withdrawal without prejudice would
7326 be in order on all three items. If you are concerned about a balance in the negotiations, I can tell
7327 you that Mr. Perrigo and I will be available when both sides want us. If we see an imbalance or
7328 we see an intransigent on either side, we'll report it to you.

7329

7330 **MAYOR GOODMAN**

7331 And then can that motion, I want to hear if there's an intransigency on either side, if in fact that
7332 should come, I want this particular issue right back here on this table, 'cause my vote will
7333 change.

7334

7335 **BRAD JERBIC**

7336 Understood.

7337

7338 **MAYOR GOODMAN**

7339 So, at this point, I am going to, I'm not rescinding on this at this point. I am going to move
7340 forward, say it again for me, you can say it for everybody.

7341

7342 **BRAD JERBIC**

7343 For withdrawal of all three items without prejudice.

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7344 **MAYOR GOODMAN**

7345 Okay. That is my motion.

7346

7347 **COUNCILMAN BEERS**

7348 If I can get some clarification.

7349

7350 **CHRIS KAEMPFER**

7351 For the record, let me just, and to remind everybody, all we originally wanted was this 17 and a

7352 half and, we were told in working with staff that they wanted this holistic kind of approach to

7353 things, all right. So, to get us back there without this particular piece is very difficult. So –

7354

7355 **YOHAN LOWIE**

7356 Somewhere in the process you pushed us for 16 months on this project and kept on pushing us

7357 and kept on pushing us because pressure from the opposition. The screaming and yelling here

7358 that we're changing, we're changing to the direction of your staff, forcing us to change the project

7359 as we go, to try to give more clarity and more answers to the homeowners so they can scream

7360 and yell more. And now you come in for a project that you demanded we put forward, and you're

7361 recommending denial or you would not approve this project.

7362 At this point, you will never see this project again, ever, because we are only going to stick to

7363 our zoning no matter how tough the fight is. We do not want to be here in front of you when the

7364 zone change. I came to all of you, every single one of you here, before I purchased this golf

7365 course and I told you here's the dilemma, this golf course has live zoning determined by staff.

7366 Either we buy it and do a plan that within time, you know, will keep it green for as long as we

7367 can or do a multi-family on the bottom, and I'm just reminding you, your comment. Tell me

7368 what's going to happen in 30 years? What's going to happen here? Everybody would know. Why

7369 don't you go to the homeowners and tell them that? And then you demanded we put a project for

7370 the whole thing and we got a demand for a development agreement.

7371 And it should not come as a surprise to you, Mr. Coffin, because you officiated the meeting with

7372 Mr. Binion and one of our attorney, okay, in which Mr. Binion demanded that we're going to

7373 hand over 180 acres and 400 acres for the water rights. And you said nothing about it. He was

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7374 surprised that by this time I did not surrender the land. So, I don't intend to get extorted, not here,
7375 and I don't care if you vote this project. We have land rights.

7376

7377 **COUNCILMAN COFFIN**

7378 I'm sorry. May ask for you to repeat what you just said because I can't recall. You weren't at that
7379 meeting.

7380

7381 **YOHAN LOWIE**

7382 I got it.

7383

7384 **COUNCILMAN COFFIN**

7385 What were your last words.

7386

7387 **YOHAN LOWIE**

7388 Excuse me?

7389

7390 **COUNCILMAN COFFIN**

7391 What were your last words? Your accent throws me sometimes and, my hearing isn't good.

7392

7393 **YOHAN LOWIE**

7394 That's fine. Mr. Coffin, it's on the record. I put it on record intentionally. I just want to tell you —

7395

7396 **COUNCILMAN COFFIN**

7397 Did you say we have memories? Is that what you said?

7398

7399 **CHRIS KAEMPFER**

7400 No.

7401

7402 **COUNCILMAN COFFIN**

7403 What did you say? I'm sorry.

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7404 **CHRIS KAEMPFER**

7405 No. What he said was he's not going to have anybody extort him by forcing him to give his land
7406 up and his water up. That's what he said.

7407

7408 **YOHAN LOWIE**

7409 In order to get to your 4,000 units on the bottom, okay? I don't have an interest in that. At this
7410 point I have only an interest to develop my – zoning, my entitlements, my – granted land rights.
7411 I'll come back with something that is comparable to zoning. That's the only thing that's going to
7412 be in front of you now.

7413

7414 **MAYOR GOODMAN**

7415 I would like to remind you when you came in with Mr. Perrigo, I said to you –

7416

7417 **COUNCILMAN COFFIN**

7418 I still don't know what the hell he said.

7419

7420 **MAYOR GOODMAN**

7421 – come in front of City Council now, and you will be able to make the presentation without the
7422 whole development, when you were first in my office 16 months ago or a year ago, and I said to
7423 you, please come in front of the whole Council, show your plan, it's fabulous –

7424

7425 **YOHAN LOWIE**

7426 I did.

7427

7428 **MAYOR GOODMAN**

7429 – I think it's beautiful just by itself, and, then, of course, we had the direction that it was a piece
7430 of the whole project.

7431

7432 **YOHAN LOWIE**

7433 I went to every single –

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7434 **MAYOR GOODMAN**

7435 Okay. So, at this point, I can assure you the work I still think is there. What I want is to make
7436 sure that everything is worked out and so you can go ahead as soon as possible –
7437

7438 **YOHAN LOWIE**

7439 We have no interest in that. You forgot there is (sic) loans on properties, there is lenders
7440 involved, that it's a big piece of property, and the carries are immense. We spent \$4.5 million to
7441 bring the project that you demanded we're going to bring. And you turn in here this morning and
7442 ask to – withdraw it with prejudice, the plan that you asked us to bring, that we didn't want to
7443 bring.

7444 And now even the 720 that we wanted to bring and you told us, if you can get all the density you
7445 want over there, go ahead and put it in there, but show everything to the homeowners and spend
7446 the millions of dollars we spent, and you came in here and denied it. Okay? You have done what
7447 you've done. We have no interest anymore to meet with anybody. We only have land rights, and
7448 we're going to go for them.

7449 There is (sic) no meetings with extortionists. There is no meeting with people that demand we
7450 hand over the property. They turn the whole thing upside down here. Yes, and we went to the
7451 FBI and reported it one and half weeks after he came to our office and threatened us, that all this
7452 is going to happen today, and it's going to force you to vote no. So, we'll continue on the path
7453 we're on now. We have no interest to develop the property and change the zoning from now on.
7454 This was your idea. We just want to go on with our zoning. Thank you.

7455

7456 **CHRIS KAEMPFER**

7457 He says what he feels.

7458

7459 **COUNCILMAN ROSS**

7460 Your Honor, they have the land rights, and they're going to (inaudible) –

7461

7462 **MAYOR GOODMAN**

7463 Well, maybe that needs to be said.

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7464 **CHRIS KAEMPFER**

7465 Your Honor, let's just withdraw it without prejudice. Put it together and let's see what some time
7466 does for us, okay? I mean, unless we're willing to approve the 720, I mean, let's, I don't want to
7467 take a denial and then deal with that.

7468

7469 **MAYOR GOODMAN**

7470 I'm with you.

7471

7472 **COUNCILMAN ROSS**

7473 Your Honor, if I can. Mr. Perrigo, Mr. Lowie talked about land rights. What are they allowed to
7474 build today on that land per their land rights?

7475

7476 **TOM PERRIGO**

7477 The land is zoned R-PD7, which we've discussed, which allows up to 7.49 units per acre. In
7478 order to exercise that entitlement, you have to come in with a site plan review. That site plan
7479 review has to meet certain requirements in terms of landscaping and elevations and so on, and
7480 the lot sizes would likely have to be compatible with the adjacent lots so it would look similar to
7481 what's there today, just filling in the vacant land, the golf course.

7482

7483 **COUNCILMAN ROSS**

7484 So, essentially, we're talking about 720 on the bottom end of this, withdraw without prejudice the
7485 other items up to the west, going up the golf course. They could have a lot more density than
7486 what is being asked for right now. Am I correct?

7487

7488 **TOM PERRIGO**

7489 That's true.

7490

7491 **COUNCILMAN ROSS**

7492 I hope they all understand that, because that's what's going to happen from what Mr. Lowie just
7493 said. I don't anticipate, from what he just said, any negotiations going on anymore with the

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7494 neighborhood. They're allowed certain land rights, and they're going to follow and apply those
7495 land rights to their project. I think that's something that everybody needs to understand is going
7496 to happen.

7497 So, that's what I want people to clearly understand what may happen and what may not happen.
7498 But there's not going to be any negotiating going on from what Mr. Lowie just put on the record.
7499 Thank you, Your Honor.

7500

7501 **COUNCILWOMAN TARKANIAN**

7502 Mayor, if I might?

7503

7504 **MAYOR GOODMAN**

7505 Please.

7506

7507 **COUNCILWOMAN TARKANIAN**

7508 I just might say that if you view this as anything else, we've had other people who have come in
7509 and for the same reason, a feeling of traffic or a feeling of something else, we've turned it down
7510 and then they've adjusted and they've come back again. I don't understand what's –

7511

7512 **MAYOR GOODMAN**

7513 Have him come back.

7514 **COUNCILMAN BEERS**

7515 So, it sounds like from what I'm hearing from Mr. Kaempfer, Your Honor, if I may, that the
7516 decision tonight to accept a request to withdraw without prejudice is most likely going to result
7517 in further applications exercising the existing entitlement, which we would not be able to deny
7518 without risking inverse condemnation.

7519

7520 **MAYOR GOODMAN**

7521 It does not guarantee, however, any continued obligation to negotiate on either side to mediate
7522 this issue. Is that correct?

7523

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7524 **COUNCILMAN BEERS**

7525 Correct. That's how I understand it.

7526

7527 **MAYOR GOODMAN**

7528 And I do too.

7529

7530 **COUNCILMAN BEERS**

7531 And the existing entitlement allows –

7532

7533 **MAYOR GOODMAN**

7534 And I think the only thing is –

7535

7536 **COUNCILMAN BEERS**

7537 – buildings up and down –

7538

7539 **MAYOR GOODMAN**

7540 – then I have no recourse, because I don't believe it will continue. I think there's so much anger

7541 out there that, in fact, it is going to force me to call a withdrawal on issue Number 1-0-5 and

7542 change my vote.

7543

7544 **COUNCILWOMAN TARKANIAN**

7545 You're going to be intimidated.

7546

7547 **MAYOR GOODMAN**

7548 I'm going to be what?

7549

7550 **COUNCILWOMAN TARKANIAN**

7551 Intimidated. This is ridiculous. Everybody comes up before us, and they have a plan and some

7552 plans are accepted and some plans aren't, even though they are allowed to be able to go either

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7553 way. I don't see what was so terribly wrong in what you're trying to do, Mayor. But you can do
7554 whatever you want.

7555

7556 **MAYOR GOODMAN**

7557 Do you feel – that there is going to be an honest effort on both sides to negotiate?

7558

7559 **COUNCILWOMAN TARKANIAN**

7560 Well, I don't know after what he said if he wants to do an honest effort, I don't know. But I had a
7561 feeling, before he said, that we could do it. We've worked through some win-win situations, and
7562 I think we could do that. But you know what he did when he did that, he supported what the
7563 residents had told us he had done before. He didn't want to negotiate at all, and that's not what I
7564 thought he was doing. I thought he was trying.

7565

7566 **AUDIENCE MEMBER**

7567 Exactly

7568

7569 **CHRIS KAEMPFER**

7570 Your Honor, what he was saying is if you, if the 720 was approved, the withdrawal without
7571 prejudice we committed that we were going to work and try to do the rest of 232 acres of the
7572 250. What he is saying and what his concern is, is that he can't even get approved 720, that even
7573 though I know what staff is saying, I think when you analyze what staff is saying, it doesn't set a
7574 precedent to put any kind of a density next to it at all.

7575 And so, what you're seeing is somebody who cares so much about what's going on that he's just
7576 frustrated over that part. So, what I'm, whatever you want to do, we're, but I'm just saying with
7577 an approval of the 720, you already had our commitment that we would work on the 232 other
7578 acres. That was already out there. And you already said you don't want to hear that we weren't
7579 working, and we made that commitment to you.

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7580 **MAYOR GOODMAN**

7581 Well, I have heard from Mr. Jerbic that he would get back to us if there was any bad faith, either
7582 through our Planning Department or that he hears that one side or the other is not working to
7583 resolve this. So with that, and you're shaking your head.

7584

7585 **CHRIS KAEMPFER**

7586 Yes, absolutely.

7587

7588 **MAYOR GOODMAN**

7589 That's true. So, if you then withdraw these without prejudice, you will work on that, and you
7590 could come back as soon as a month or two. If there continues to be total resistance from the
7591 homeowners, you will report that, Mr. Jerbic, if there is a pushback and non-willingness to move
7592 on this from homeowners.

7593

7594 **BRAD JERBIC**

7595 Absolutely.

7596

7597 **MAYOR GOODMAN**

7598 And then you will bring it back and you will have my vote on this corner.

7599

7600 **CHRIS KAEMPFER**

7601 One of the things we could do is hold it for 30 days, see or whatever, see if there is that
7602 willingness to work, and if not, we don't have to refile the whole application again. We can come
7603 back and present it for you.

7604

7605 **MAYOR GOODMAN**

7606 Can that be done?

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7607 **TOM PERRIGO**

7608 Your Honor, yes, a withdrawal without prejudice and resubmittal, at earliest that you would see
7609 applications, because it would go through Planning Commission, would probably be sometime in
7610 March, maybe February. No, it can be abeyed. I'm just saying, if the action were to withdraw
7611 without prejudice, sure they could come right back. They would have to refile their applications,
7612 meet the deadlines, go to Planning Commission and then come here. You wouldn't see the
7613 applications for quite some time, but an abeyance would provide that opportunity to have those
7614 conversations.

7615

7616 **BRAD JERBIC**

7617 And let me jump in here. Tom is exactly right. But I do want to point out if abeyance becomes an
7618 option here, I just want to put two cents' worth in here. We've got Thanksgiving coming up.
7619 We've got Christmas coming up. We've got New Year's coming up. Thirty days is, in my
7620 opinion, a very unrealistic abeyance. I think if you want a meaningful abeyance, it needs to be 60
7621 days or more, just to even have two or three meaningful meetings. I don't know if Mr. Kaempfer
7622 agrees with that or not, but I think because of the time of year that this is happening, it's just bad
7623 luck, but nevertheless we have to deal with it in 30 days does not appear to me to be enough time
7624 to know whether there's traction or not.

7625

7626 **CHRIS KAEMPFER**

7627 Well, I can tell, Your Honor, if I might, I can tell you that whether it's 30 days or 45 or whatever,
7628 we're going to know if there's a willingness to work.

7629

7630 **MAYOR GOODMAN**

7631 Right away.

7632

7633 **CHRIS KAEMPFER**

7634 Yeah.

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7635 **MAYOR GOODMAN**

7636 Right.

7637

7638 **CHRIS KAEMPFER**

7639 But a withdrawal, like I say, you have to resubmit the whole thing. You have to go through the
7640 whole process.

7641

7642 **MAYOR GOODMAN**

7643 Okay. So can the sword hang over this that if, in fact, there is unwillingness and a lack of
7644 movement, whichever side it is, that I want to rescind my vote on this 1-0-5? Can I do that?

7645

7646 **BRAD JERBIC**

7647 If you vote in the majority, you can always be a person who recalls the vote. If you vote in the
7648 minority, you can't.

7649

7650 **MAYOR GOODMAN**

7651 At any time?

7652

7653 **BRAD JERBIC**

7654 At virtually any time, unless, because there won't be reliance on this one way or the other, you
7655 could bring it back.

7656

7657 **CHRIS KAEMPFER**

7658 So, I missed that.

7659

7660 **BRAD JERBIC**

7661 The Mayor can bring it back. I'm just thinking aloud hypothetically if you were to approve
7662 something and you got a shovel in the ground, you couldn't bring it back. But in this case, it's a
7663 denial, and so there would not be a reliance on it and so at some point in time you could bring it
7664 back.

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7665 **MAYOR GOODMAN**

7666 And moving at this point which way on that? I'm sorry, because Mr. Mayor Pro Tem had my ear.

7667

7668 **BRAD JERBIC**

7669 You have two choices. One would be to allow withdrawal without prejudice, and the other would

7670 be to hold it in abeyance for a period of time at your discretion.

7671

7672 **MAYOR GOODMAN**

7673 And you are saying because of the holidays it should be, if it's held in abeyance, what?

7674

7675 **BRAD JERBIC**

7676 I'm talking with Ms. Fretwell a moment ago, and we were thinking 60 to 90 days, I think would

7677 be an appropriate period of time for an abeyance.

7678

7679 **CHRIS KAEMPFER**

7680 Sixty.

7681

7682 **MAYOR GOODMAN**

7683 Sixty? Okay. So, do I move that?

7684

7685 **COUNCILMAN BEERS**

7686 Your Honor, I need some clarification too. I thought I heard the applicant's representative say

7687 that it's far more likely they would just simply move ahead with the existing entitlement, which

7688 gives us no options if this doesn't move forward. I don't know.

7689

7690 **CHRIS KAEMPFER**

7691 I have just been told, Your Honor, members of the Council, if we abey it for 60 days, we're going

7692 to work with everybody within that 60 days, both with regard to this application and the previous

7693 one, but with the previous ones, we have to refile the whole thing again because it was

7694 withdrawn. This way, if there's good faith as we're moving forward, even if we don't reach a

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7695 resolution, but there's good faith moving forward, then in 60 days from now, you can vote
7696 however you feel, whether you, however, you want to vote.

7697

7698 **MAYOR GOODMAN**

7699 And I will hold that out there that I then could move, as counsel has said, to rescind my vote in
7700 the negative on 1-0-5.

7701

7702 **CHRIS KAEMPFER**

7703 Well, actually, all you have to do is reconsider, as Brad will tell you, reconsider the vote, vote to
7704 hold all items, and then your vote, no vote is not out there.

7705

7706 **MAYOR GOODMAN**

7707 Okay.

7708

7709 **CHRIS KAEMPFER**

7710 Neither is anybody else's no vote.

7711

7712 **MAYOR GOODMAN**

7713 Okay. I like that. Wait. Yes?

7714

7715 **BRAD JERBIC**

7716 Make a motion to reconsider. It passes. Then move to abey and then pick the time.

7717

7718 **MAYOR GOODMAN**

7719 Okay. I make a motion to reconsider on 1-0-5. I am making that motion to reconsider on 1-0-5,
7720 please. What happened to Councilman Coffin? He has to come back here or we'll spend the
7721 morning –

7722

7723 **COUNCILMAN COFFIN**

7724 I'm sorry.

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7725 **MAYOR GOODMAN**

7726 I made, what did I make? To reconsider on 1-0-5. You're allowing me to reconsider. (**The**
7727 **motion failed with Coffin, Barlow, Tarkanian and Anthony voting No.**)That fails. So, now in
7728 the majority there, what happens on the rest now?

7729

7730 **BRAD JERBIC**

7731 Make a motion to allow withdrawal without prejudice, or you can make a motion to deny?

7732

7733 **MAYOR GOODMAN**

7734 And who does that?

7735

7736 **BRAD JERBIC**

7737 Whoever wants to make that motion can make it, if you, anybody can make that motion.

7738

7739 **COUNCILWOMAN TARKANIAN**

7740 May I ask what motion you're talking about? Since we've discussed several, just tell me –

7741

7742 **BRAD JERBIC**

7743 For want of a better way to put it, nobody's going home until we have a motion in the
7744 affirmative.

7745

7746 **COUNCILWOMAN TARKANIAN**

7747 Okay. The Mayor said we could not escape anyway, so we knew that. What is the motion you're
7748 talking about now?

7749

7750 **BRAD JERBIC**

7751 There are two that we're left with, since that motion didn't pass, and that is to allow withdrawal
7752 without prejudice, or to deny, unless I hear something from Tom or Betsy that I can't think of.

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7753 **COUNCILWOMAN TARKANIAN**

7754 To allow to, okay, let them, to allow to withdraw.

7755

7756 **COUNCILMAN COFFIN**

7757 Your Honor, I'll make that motion and, the reason I'll make that motion is to end this, because I
7758 think the signal has been strongly sent that there will, we have an open mind, you hold the power
7759 on this thing, and I think you have said loud and clear there needs to be movement, and I believe
7760 there will be because of that as long as we are kept informed. And so therefore, I will make that
7761 motion to allow them to withdraw.

7762

7763 **COUNCILWOMAN TARKANIAN**

7764 And if I might say, Chris, you would be someone who would be working hard so that we can
7765 work together and get over our anger, right?

7766

7767 **CHRIS KAEMPFER**

7768 Yeah. I would hope.

7769

7770 **COUNCILMAN BEERS**

7771 Your Honor, to be clear, what I heard the applicant say was that if the motion was to abey for 60
7772 days, they would work on it. I didn't hear them say if the motion is to allow them to withdraw
7773 with prejudice that they would continue working on a development agreement. What I did hear
7774 them, I'm sorry, without prejudice, what I did hear them say is that they're likely to move
7775 forward with the existing entitlement.

7776

7777 **COUNCILMAN COFFIN**

7778 What I heard was —

7779

7780 **COUNCILMAN BEERS**

7781 We've had them now —

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7782 **COUNCILMAN COFFIN**

7783 What I heard was the language from our attorney, not from anybody else.

7784

7785 **CHRIS KAEMPFER**

7786 What I, Your Honor?

7787

7788 **BRAD JERBIC**

7789 Let me say, since the original motion failed, since the original motion failed, we need a new

7790 motion. It doesn't have to be a motion to deny. I think you can make a motion to hold an

7791 abeyance right now and see what happens. A straight up motion, hold an abeyance for 60 days. If

7792 one of you wants to make that –

7793

7794 **COUNCILMAN ANTHONY**

7795 Thought we already did that.

7796

7797 **BRAD JERBIC**

7798 No, you made a motion to rescind. I think a motion for abeyance right now, you could make that

7799 right now and see what happens.

7800

7801 **COUNCILMAN COFFIN**

7802 Okay. All right. I think, by the way, it has the same effect.

7803

7804 **COUNCILMAN BARLOW**

7805 Mayor? Allow me the opportunity to hold this item in abeyance for 60 days, please. Motion on

7806 the floor.

7807

7808 **MAYOR GOODMAN**

7809 Thank you. There's a motion. Please vote to hold this in abeyance for 60 days. Please vote. (**The**

7810 **motion carried unanimously.**)

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7811 **LUANN D. HOLMES**

7812 That will be the January 18th meeting.

7813

7814 **CHRIS KAEMPFER**

7815 January 18th. All right. Thank you everybody.

7816

7817 **BRAD JERBIC**

7818 You need to vote on the all the other.

7819

7820 **MAYOR GOODMAN**

7821 Wait. What do we do with 1-0-6 and 1-0-7, same thing?

7822

7823 **BRAD JERBIC**

7824 You can take them both in one motion if that's your request, take 1-0-6 and 1-0-7 and make the
7825 same motion.

7826

7827 **MAYOR GOODMAN**

7828 Hold them in abeyance? Yes. Councilman Barlow, would you vote on 1-0-6 and 1-0-7, please?

7829

7830 **COUNCILMAN BARLOW**

7831 Yes. I would like to take 1-0-6, 1-0-7, hold it in abeyance for 60 days as well, Mayor. Thank
7832 you. That's my motion.

7833

7834 **MAYOR GOODMAN**

7835 Please vote. Councilman Beers. Okay, please post. Motions carry. **(The motion carried**
7836 **unanimously)**

7837

7838 **CHRIS KAEMPFER**

7839 Thank you. We'll see you in two months.

