

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

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1 I just wanted to say that, at the last meeting, I
2 told you that I would bring Silverstone residents to the
3 meeting so that you could see that there are many
4 Silverstone residents who are in support of this bill.
5 And I asked them to wear the green T-shirts that say "Save
6 Our Silverstone" so that you could see for yourself,
7 Councilman Fiore.

8 COUNCILWOMAN FIORE: Thank you. And guess what.
9 One of the women came up here --

10 MS. HILL: (INDISCERNIBLE) --

11 COUNCILWOMAN FIORE: -- came up here -- one of
12 the women came up with the shirt and said she lives next
13 to Silverstone. So Mrs. Hill, honesty is the best policy
14 with me.

15 (Applause.)

16 MAYOR GOODMAN: Okay. So let's wind -- if we
17 could, please, let's wind this down so I can turn this
18 over to Councilman Seroka who is the sponsor of the
19 ordinance, please.

20 MS. HILL: Back to what I was saying before I got
21 rudely interrupted, there are many Silverstone residents
22 here in support of this bill. I don't know why
23 Councilwoman Fiore --

24 MAYOR GOODMAN: No, no, no. Stay on your point.

1 We see them. They're there.

2 MS. HILL: -- continues to read an email from Tom
3 Masson saying the board is taking no position. Chrissa
4 Chen, who is a member of the board, sent you an email
5 saying that she is absolutely in support of the bill.
6 Mr. Masson's wife was here and had to leave. Another
7 board member, Bill Walter, is here in this room. And
8 there are two people who are running for the Silverstone
9 board, Terry Strong and Renee McKeen, who are also here.

10 So I don't understand why things are being
11 misrepresented and why you're being lied to about the
12 Silverstone Ranch board. But I'm here to speak on behalf
13 of myself.

14 And we started about talking about bailouts. Not
15 supporting this bill is a bailout of the developer who
16 bought Badlands golf course.

17 MAYOR GOODMAN: Okay.

18 MS. HILL: Not supporting this bill is a bailout
19 of Ron Richards and Michael Schlesinger, Ross Goodman's
20 clients who bought our golf course.

21 We should not be bailing out developers. We
22 should not be making decisions as city council members so
23 that we can line developers' pockets on the backs of the
24 homeowners.

1 The homeowners at Silverstone, myself included,
2 bought my house with the expectation that I bought a house
3 on a golf course. I do have a covenant that I live on a
4 golf course community. I look at a boarded-up clubhouse,
5 which the City has now boarded up even more to protect it
6 from vagrants burning it down. But still, I look at a
7 boarded-up clubhouse.

8 MAYOR GOODMAN: Okay. Thank you.

9 MS. HILL: It is very distressing as a
10 Silverstone homeowner --

11 MAYOR GOODMAN: Thank you.

12 MS. HILL: -- to be dealing with this, and I
13 don't want the city council to think for some reason that
14 this is just about Badlands.

15 MAYOR GOODMAN: Okay. Thank you.

16 MS. HILL: Mayor, as you read, there were people
17 here who wanted to speak from Canyon Gate. There were
18 people here that wanted to speak from The Lakes. And most
19 people don't have the ability to take the entire morning
20 off to be able to speak.

21 MAYOR GOODMAN: Thank you.

22 MS. HILL: So I just want the council to
23 understand that this is just not a Badlands thing. It's
24 about the residents of Las Vegas.

1 MAYOR GOODMAN: Thank you.

2 MS. HILL: Thank you.

3 (Applause.)

4 MAYOR GOODMAN: Okay. So I'm going to close
5 public comment now and turn this over to Councilman
6 Seroka.

7 MAYOR PRO-TEM TARKANIAN: And, Madam Mayor,
8 Councilman Seroka has given me a couple of minutes to
9 talk.

10 I have read through this bill many -- several
11 times. And I have to tell you, my ward primarily
12 represents people such as you that are here from the union
13 and are here from your homes. And one of the biggest
14 problems I've had as a council person is when things were
15 built and things were promised and they didn't take
16 effect, then after the case, the people such as you come
17 to me and they say, hey, they didn't do what they were
18 supposed to do, or this wall is too low, or something like
19 that. And we try and solve the problem.

20 And so I have always asked, can we have these
21 types of things, for example, the traffic? We were told
22 oh, there's -- you don't need the traffic study until
23 later. When later comes, we find out we have a whole lot
24 of traffic and that people who live in homes just like

1 yours then come to me, and we try and work our way out.

2 So I'm glad to hear that we can now ask for that
3 ahead of time. But in reading this, I agree that before
4 we have anything given to the developer, we have a
5 neighborhood meeting. And you should agree for that, too,
6 because some day it may be you in some other area of town.
7 We need those meetings. And it should be a must.

8 And I've talked to other council members, and
9 they say, yeah, well, we can do that. We can -- and I do
10 do that in my ward. But I know it doesn't occur in every
11 ward because I know some of the people who live in the
12 other wards have come to me and asked. So I don't see a
13 problem there.

14 And then I look at the other things. Other than
15 the fact that I think we go into too minute detail on
16 page 6 -- I don't know if any of you have read this, but
17 on page 6, I mean, I don't know if a certificate survey
18 should cover all those things. I don't have that. Maybe
19 our lawyers do. Mr. Seroka does. And that might be too
20 burdensome for a developer. And a couple of other things.

21 But what is it that's so hard on the developer
22 that's in this ordinance? And I'm not talking about
23 perception. You know as well as I know that the people
24 that want to be in the medical district, they're coming.

1 They're coming now, and they're going to come if this
2 ordinance passes or not.

3 And but what I want to say is I can't understand
4 why you also wouldn't want to have this coverage for you
5 as a private citizen.

6 What happens -- people who have large
7 developments coming up, yeah, they give us jobs, but also
8 sometimes they do things to earn more money. And then you
9 know what? They have lobbies that come, most of whom are
10 pretty nice, but it's their job to convince us to go in
11 the direction of the developer lobbyists instead of going
12 with the resident who doesn't have a lobbyist.

13 And so that's why I think some of these things
14 are very, very worthwhile. Demanding that meeting before,
15 and I know the lobbyists here know that I do do that, and
16 they're wonderful to work with, but you can't count on it
17 happening.

18 And I just wanted to mention that first. I've
19 gone through everything -- on page 6 and 7, there it lists
20 a lot of different things you should have, they must
21 submit. And I don't know about that. The lawyer would
22 know, and Mr. Seroka would know.

23 But other than those pages, what's so scary?
24 What would scare a developer off, and why shouldn't we

1 consider you as our residents? Why shouldn't we consider
2 what you want, too? Because it doesn't matter -- and I'm
3 not getting into Badlands because I'm trying to stay on
4 the ordinance, Counselor, and I'm trying to stay on the
5 ordinance.

6 But I could see where this could give us, with
7 some tweaking, I think it could give us a really good
8 thing that would protect the widow that I couldn't help
9 because, quite honestly, too much money came in and people
10 weren't paying attention to what we should have done.

11 Those are the people, and those people are you.
12 I represent you more than I represent very rich people.
13 And I just wanted to say that because I think that's
14 critically important. Put yourself on the other side, and
15 then see, what is so difficult? What is so difficult in
16 this for them to follow?

17 And the last thing, if I may ask a counselor one
18 question. Thank you. I took more than two minutes,
19 didn't I?

20 Our lawyer, I just wanted to ask you, is this
21 retroactive? Does this go back to -- I mean, I haven't
22 mentioned Badlands. I don't want to get into that much,
23 but does that go back to any developer that already is in
24 the process?

1 MR. STEED: The portions of the ordinance that
2 talk about applying for repurposing apply going forward.
3 They don't apply to things that are already in process.

4 The one aspect of it that some people might call
5 retroactive, because remember, the earth existed before
6 any laws do so --

7 MAYOR PRO-TEM TARKANIAN: Yes.

8 MR. STEED: -- to that extent, all laws are
9 retroactive. The one part of this ordinance that could be
10 considered retroactive is somebody who has an open space
11 that's not going to be used anymore as open space or a
12 golf course that is not going to be used as a golf course
13 or has been withdrawn as a golf course needs to propose,
14 upon notice from the City, needs to propose a closure
15 maintenance plan. It has to address all the issues.

16 There's nothing in here that says they have to
17 water every day. There's nothing that says it has to look
18 like a golf course.

19 MAYOR PRO-TEM TARKANIAN: Well, it does say --

20 MR. STEED: But they have to address it.

21 MAYOR PRO-TEM TARKANIAN: -- that you have to
22 maintain it.

23 MR. STEED: They have to address the maintenance
24 however they propose it, and they have to get that

1 approved. That's the same kind of thing that we do with
2 vacant properties.

3 MAYOR PRO-TEM TARKANIAN: Right.

4 MR. STEED: If you have a vacant property that's
5 gone into foreclosure, the owner or the lender has to do
6 that same thing right now, and has had to for several
7 years.

8 MAYOR PRO-TEM TARKANIAN: Thank you so very much.
9 I just wanted to mention those things that I mentioned,
10 particularly about how it affects all of us. All this
11 affects all of us. And you don't know where you live that
12 might come in. That's really something you don't want.

13 I think Ward 1 and maybe Ward 3 hear that all the
14 time. And those are the people we represent, and those
15 are the people we fight for all the time.

16 COUNCILMAN SEROKA: Well, thank you, Mayor. Wow,
17 what a morning. It's great to have heard everybody's
18 inputs as that is what's important in this process. Who'd
19 have known that people sitting down to help the community
20 and looking at a process so that all the facts were on the
21 table when somebody came before city council would cause
22 such an uproar? Who'd have known that when you say, talk
23 to your neighbors and come forward with an agreement,
24 which is part of this -- that is step one. Talk to your

1 neighbors. Come forward with what you have said. All
2 those things are still in place.

3 Actually, what this document represents is
4 leadership. Leadership in the valley. Leadership in our
5 state. Actually, leadership in the nation for a
6 one-of-a-kind document that Henderson took our example
7 from, made even more rigorous and passed it already,
8 taking the best practices from around the country for this
9 kind of a situation and applying it here in our city as a
10 comprehensive way to deal with a problem we know is coming
11 because what leaders do is they look at the environment
12 and they survey it and they see a problem.

13 We see a challenge coming in our community. As
14 we have grown to fill the valley, there are fewer and
15 fewer parcels to develop on the perimeter of the valley,
16 and developers wisely are looking to the interior for
17 opportunities to develop inside the community.

18 Leaders create a vision such as a comprehensive
19 way to look at that problem. But they don't just come up
20 with a vision. They provide the tool to achieve the
21 vision.

22 This document, by taking the best practices, does
23 that, and the ultimate result is something that is good
24 for our community. When we are considering building in

1 the backyard -- in somebody's backyard -- because that's
2 what this is about. This is about building in land that
3 was set aside by the City, by requirement, promised to be
4 open space, a planning term, not empty space. Much of
5 what we heard discussed today is empty space where
6 something will be developed there, is expected to be there
7 in Wards 1, 3, and 5. We expect that to be developed.

8 This is designated open space. A planning term
9 that when you develop a community, you designate it as
10 open space. And when your development agreement is
11 completed, that's when this will -- could kick in. Not
12 when you're in the process of developing. Not while it's
13 being developed. But once it's completed, it's moved on,
14 people have established their homes, the biggest
15 investment of their lives, have increased value because of
16 that open space.

17 So first of all, this document protects our
18 neighborhoods. It protects our quality of life, and it
19 protects our property values. That's a win. Further, it
20 provides developers, which I've heard from I think one
21 developer, maybe two, and the team of people that are
22 financially associated with that developer speak today. I
23 don't hear other developers in here today. But it
24 provides developers transparency into what is required.

1 It actually expedites the process for responsible
2 developers.

3 It creates opportunities for developers where
4 there currently are none because that open space is not
5 open to be developed. It is those pieces of property
6 where the City has promised it would be open space. So
7 that is transparent for developers and creates an
8 opportunity for jobs where there are no jobs now is a win.

9 Further, it protects the integrity of this City,
10 this body, our staff. Now, our staff wrote this. Our
11 experts in planning wrote this. Our experts interpreting
12 the laws reviewed it. We took it all -- they took it all
13 into consideration. They are the ones that provided this
14 document.

15 So if you're criticizing it, you're criticizing
16 the staff's research. You're challenging their knowledge
17 of the rules you say that you're so familiar with.
18 They're the experts. They wrote it. They put it
19 together.

20 So this protects the integrity of the City. As I
21 said, it only addresses property the City has promised,
22 has promised the community would remain open space into
23 perpetuity. It has nothing to do with any other property
24 that is empty space. That is a win. We have a

1 win-win-win.

2 15 communities on record at the city clerk have
3 voiced their support via email over the months that this
4 document has been in -- under consideration. This is not
5 just the first time this has been heard. Thank you for
6 some of you that this is your first time here. 15
7 different communities have submitted their support.

8 Yes, unfortunately, there's been litigation on
9 this. Some of the things that have been brought up are
10 under litigation, and the federal judge has denied those
11 allegations. Some that were put on the record today, a
12 federal judge has already reviewed because one of the
13 people that believed they're being targeted sued to have
14 members of this body be recused, and the judge said that
15 recusal is denied. Already ruled in federal court. Why
16 it's continued to be discussed here, I don't know.

17 So what we have before you is an honest,
18 fact-based, fully researched document put together by the
19 experts of the City's staff. Your comments were
20 acknowledged by the city attorney. It is caveated as all
21 of our documents of this type with penalties for breaking
22 the law.

23 When we -- unbeknownst to many, a bill, when it
24 is approved, becomes an ordinance, becomes the law. When

1 you break a law, there are consequences. Nothing unusual
2 about that. I think you don't need to be a lawyer to
3 understand that. It's just associated with this document.
4 That is all.

5 So in an attempt to help our community with a
6 comprehensive approach to what we know is coming, to help
7 our community protect our homes, protect our people, I
8 move to approve this ordinance. And I ask my colleagues
9 to support the people, to support their constituents, and
10 further support smart development to provide jobs where
11 currently there are none.

12 So Mayor, I move to approve item No. 50, and I'm
13 being counseled here something.

14 MAYOR PRO-TEM TARKANIAN: (INDISCERNIBLE)
15 proposed first amendment.

16 COUNCILMAN SEROKA: I move to approve item 50
17 with proposed first amendment which is included in the
18 document. So with that --

19 COUNCILWOMAN FIORE: Wait. Before we vote, I
20 just have the --

21 UNIDENTIFIED MALE SPEAKER: Thank you.

22 COUNCILWOMAN FIORE: I'm waiting on Brian Scott
23 to read some things. I think that in light of the truth
24 that's been brought forth, I'm waiting on Brian Scott

1 before we make this motion to make sure.

2 MAYOR GOODMAN: He just came out.

3 COUNCILWOMAN FIORE: Great.

4 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE).

5 COUNCILWOMAN FIORE: Where is he? Okay. So I
6 just need a minute.

7 COUNCILMAN CREAR: Madam Mayor, mind if I make a
8 comment?

9 MAYOR GOODMAN: Please.

10 COUNCILMAN CREAR: Thank you. Through you,
11 Mayor, one, I want to set a couple of things straight.

12 One, we've mentioned Ward 5 in this conversation
13 a number of times. Ward 5 is moving forward. We are
14 developing -- we are bringing in jobs. We're bringing in
15 industry. We are bringing in developers. We are going to
16 get shovels in the ground, cranes in our area, not only in
17 the entire Ward 5, but in the historic west side. We're
18 going to execute on our hundred plan, which is our
19 strategy to develop our underdeveloped areas. So we are
20 moving forward whether this passes or this does not pass.

21 And then, for clarity, this ordinance does not --
22 the open space ordinance does not apply to vacant land
23 that's in Ward 5. I want you guys to realize that. And
24 that is important because there's been some accusations or

1 innuendos that say that this would affect the open land in
2 Ward 5, and that's not -- that's not valid.

3 You know, I haven't heard from any developers
4 except for one regarding this. I know that the Southern
5 Nevada Home Builders Association is in favor of this. I
6 know that NAIOP, which is a real estate organization that
7 is -- that governs this, the Commercial Real Estate
8 Development Association is in favor of this.

9 And it seems as though, if you have read the
10 ordinance -- and I'd be interested to know how many people
11 in this chamber have actually read the -- read it. I'm
12 not asking for hands. I'm saying that I urge you to read
13 it before you pass judgment on where we are with this.

14 If you do read it and if you did know about the
15 ordinance that's currently in place, 90 percent of this
16 document is already in place now. We already require
17 majority of this for developers to come into communities
18 for open space, for golf courses, to do the things that is
19 being required in here. So it's not much has changed.

20 And I think that's important for you to know
21 because it's not some drastic change that is going to make
22 a huge monumental earth-shaking difference and if a
23 developer is going to come into an area to develop or not
24 come into an area to develop. So that's another one.

1 About the thousand dollar fine which is
2 mentioned, about people going to jail or so, I think it's
3 important for you to realize that is boilerplate
4 information that is in all of our ordinances. If you look
5 back at our last meeting, we had a -- we had a pigeon
6 ordinance that was in place, and in there, you'll go to
7 the back and it will say that if you -- you'll be fined a
8 thousand dollars and subject to imprisonment of a term for
9 more than six months or by any combination of such fine
10 and imprisonment. That's boilerplate. That's not someone
11 who has just put this in for this particular ordinance. I
12 think that's important to know.

13 So when you think about people are going to get
14 thrown in jail, I don't believe -- I have been in this
15 city a long time, but I've only been a councilman for a
16 little bit -- of anybody who has really got thrown in
17 jail.

18 We have mitigated a lot of civil penalties for
19 people, even people for short-term rentals that have tens
20 and tens of thousands of dollars of fines. And I don't
21 believe that we've thrown anybody in jail. So that is
22 somewhat rhetoric that is being put out there to put the
23 fear in people that this is going to stop them from
24 developing once again.

1 One other thing is that Director Summerfield, if
2 you can -- yes. You heard your name. If you can come up
3 here and give me that explanation about Public Works. And
4 one of the things that has changed is regarding moving
5 forward with documentation for wildlife or water drainage.
6 And it's my understanding that if Public Works says that
7 you do not have to bring that forward to council, you do
8 not have to. So it's really Public Works is going to
9 decide if this comes forward in that capacity. Correct?

10 MR. SUMMERFIELD: Madam Mayor, if I may, through
11 you, yes, Councilman Crear. So to be clear, those studies
12 that are indicated in the ordinance that would be required
13 at time of application for entitlement, Public Works will
14 determine, based on the intensity of the proposed project,
15 the extent that those studies are required, just like they
16 do today.

17 COUNCILMAN CREAR: Right.

18 MR. SUMMERFIELD: As a part of their review of
19 any project, they determine if it meets the vehicle trips
20 generated. So whether it needs a traffic study, whether a
21 traffic light will be needed, those kind of things. Same
22 thing with sewer. Same thing with drainage.

23 So it really will be on a per-project basis to
24 determine the intensity of the proposed project which

1 studies will actually be required for any given project.

2 So again, it really will be at time of the
3 applicant coming to us for the pre-application process for
4 us to be able to clearly delineate, okay, you will need a
5 traffic study. Therefore, you're purposing an open space;
6 that traffic study will be needed in order to submit your
7 application.

8 COUNCILMAN CREAR: Great. And so we're clear,
9 that's in place now, correct?

10 MR. SUMMERFIELD: No, sir. So that is a part of
11 the new -- the Public Works' making a determination on
12 whether a study is required or not --

13 COUNCILMAN CREAR: Yes.

14 MR. SUMMERFIELD: -- that is standard practice.

15 COUNCILMAN CREAR: That's what I meant.

16 MR. SUMMERFIELD: That is in place.

17 COUNCILMAN CREAR: Right. That's what I meant.
18 That's it.

19 MR. SUMMERFIELD: When it would be required, that
20 would be new for this ordinance.

21 COUNCILMAN CREAR: Okay. Right. It would be
22 required when.

23 And speaking of the "when," I was on the planning
24 commission for two years, and we've had so many

1 developments, similar to what Mayor Pro-Tem has stated,
2 that we have approved, and then come to find out there are
3 issues. Sometimes you put a review on them. They have to
4 come back. Hopefully they play nice in the sandbox and do
5 what they say they're going to do. And then they move
6 forward; everybody wins.

7 But there have been times, many a times, where
8 they have come back and there have been issues of
9 developers who said they weren't supposed to develop on
10 this particular land, that they've done their soil
11 samples, that they've done their water analysis, they've
12 done these things and they -- and they have not.

13 And so to do it up front, I think, seems to be a
14 more streamlined process. And then by the time -- if it
15 comes to council based off the Public Works' decision --
16 that's an if, because it might not come to council based
17 off of what Public Works says -- then we'll be able to
18 make a better determination. Because we do come back.

19 If you spent any time at our planning commission
20 meetings, our city council meetings, you have heard us
21 say: Have you had a neighborhood meeting? Have you done
22 your traffic studies? How is it going to affect the
23 school system? The different things.

24 And as Director Summerfield has said about the 3D

1 modeling, that's something that the industry is moving
2 towards, period. It's not special to this particular
3 ordinance.

4 That is an industry move, that 3D modeling is
5 part of something moving forward. Is that also correct?

6 MR. SUMMERFIELD: Through you, Madam Mayor, yes,
7 Councilman.

8 So through our research again, many of the
9 developers we already see, they generate these models as a
10 part of their presentations. You see them documented
11 in -- on their boards that they submit for you all to see
12 their projects. Occasionally, you have actually seen them
13 in PowerPoint presentations.

14 So many developers are doing those as a part of
15 their construction process or their design process to
16 begin with.

17 COUNCILMAN CREAR: Right. So once again, not
18 specific to this particular ordinance.

19 You know, it seems as though today, we are re --
20 many here have taken it upon themselves to reopen the
21 Badlands situation, and that's unfortunate because today's
22 ordinance is not about Queensridge or Badlands and about
23 what was required and what wasn't required, a general plan
24 amendment, a major modification, what this attorney said

1 and what this lawyer said. It wasn't about that today.

2 You know, it was about an open space ordinance
3 that's going to try to push the development of our city
4 forward and also to provide more information up front to
5 residents and to neighbors versus to try to hinder
6 development.

7 You know, I'm a small business owner. I'm all
8 about employing people. I think that people deserve an
9 honest, you know, day's work, an honest wage. I do
10 believe that a developer should have the opportunity to
11 reap his benefits and make some money off of a
12 development. I always say there's no shame in making
13 money.

14 And so far from development, far from trying to
15 keep people from not working, I am a hundred percent in
16 favor of that. And so it's unfortunate that that -- some
17 of those subtopics have come out. But I just wanted to
18 get that on the record.

19 We are moving forward in Ward 5. I urge you guys
20 to come over and join us. We got a lot of great things
21 happening. Thank you.

22 MAYOR GOODMAN: Any other --

23 COUNCILWOMAN FIORE: Mr. Summerfield --

24 MAYOR GOODMAN: Oh, one more question.

1 COUNCILWOMAN FIORE: -- while you're still there,
2 I just really need to clarify because, number one, as a
3 former legislator, words mean a lot of things. And what
4 my council member next to me, Crear, just said in this
5 particular ordinance is he said that it's a thousand
6 dollars a day and up to six months.

7 The way I read this, it's a thousand dollars a
8 day and six months per day for every day you're out of
9 compliance. That's a very big difference, but if you're
10 not paying close attention to legislative intent or
11 written words, that could make a big difference.

12 So are we going to fix that, or what does it
13 actually say? Up to, or six months per day?

14 MR. SUMMERFIELD: Madam Mayor, if I may,
15 actually, I'll refer that to our attorneys again. As the
16 councilman iterated, it is boilerplate. That's a part of
17 every ordinance that I have worked on since I've been with
18 the City for the last 13 years, but I'll let them tell
19 about the actual intent.

20 COUNCILWOMAN FIORE: So I want the actual words,
21 not intent.

22 MR. STEED: Are you ready for me to read all of
23 section 7, which I'm happy to do for you?

24 COUNCILWOMAN FIORE: Go right -- I just, in the

1 jail sentence --

2 MR. STEED: Yeah. I will -- I will read the jail
3 and the fine to you.

4 COUNCILWOMAN FIORE: Okay. Perfect. Yeah. Put
5 that in the record.

6 MR. STEED: Whenever in this ordinance any act is
7 prohibited or is made or declared to be unlawful or an
8 offense or a misdemeanor or whenever in this ordinance the
9 doing of any act is required, the failure to do any act is
10 made or declared to be unlawful or an offense or a
11 misdemeanor, the doing of such prohibited act or the
12 failure to do any such required act shall constitute a
13 misdemeanor and, upon conviction thereof, shall be
14 punished by a fine of not more than \$1,000 or by
15 imprisonment for a term of not more than six months or by
16 any combination of such fine and imprisonment. Any day of
17 any violation of this ordinance shall constitute a
18 separate offense.

19 And the councilman is correct. That is
20 boilerplate language. You will find it in the front of
21 the Municipal Code that applies to every violation,
22 whether or not it shows up in individual ordinances.

23 Sometimes judges like to see the penalty clause
24 in individual ordinances to make sure that the council

1 intended the criminal penalties be assessed or be
2 available, and that's why you find it in here, just like
3 most of our ordinances.

4 COUNCILWOMAN FIORE: Thank you.

5 MAYOR GOODMAN: Okay. And Mayor Pro-Tem.

6 MAYOR PRO-TEM TARKANIAN: Did that answer your
7 question, then?

8 COUNCILWOMAN FIORE: You know, it --

9 MAYOR PRO-TEM TARKANIAN: A thousand dollars a
10 day, isn't it?

11 COUNCILWOMAN FIORE: Yeah, it's a thousand
12 dollars a day. And it just really, again, this open space
13 ordinance, Mayor Pro-Tem, is -- golf courses are open
14 space, but open space is not golf courses. And this is a
15 very dangerous slippery slope for all wards. And again,
16 if Council Member Steve would like to make a Badlands
17 ordinance, great. But his ordinance affects mine, and it
18 affects the City. And I am really asking you to please
19 not vote with him on this.

20 MAYOR PRO-TEM TARKANIAN: Well, the reason why
21 I'm voting with him on this is because these are things
22 that I would like to have before I vote. These are things
23 I need to know, and I want to make it tight so that -- I
24 have a place right now where they have a park, and they

1 want to get rid of the park, and they want to put more
2 housing. And the people who live around there say, what
3 are you doing to us here? It's just a little pocket park.
4 You know? They're what I call the extraordinary ordinary
5 people.

6 And but anyway, I have one question again for the
7 attorney. And that is -- I know this doesn't deal with
8 the Badlands. This deals -- and that's how I viewed it.
9 I viewed it as how it would fit in with what we're doing
10 across the board.

11 But I want to know, is -- Badlands has already
12 started theirs. So do they stay under the old rules, or
13 do they have to go to the new rules? There was confusion,
14 as I understand when they started; they didn't know they
15 needed to have some things. Since then, they got them, as
16 far as I understand, from planning. But that's what I
17 need to know.

18 MR. STEED: Okay. Let me -- the Badlands
19 property or the former Badlands property is treated under
20 this ordinance just like every other ordinance. If
21 there's an application in process already before this
22 ordinance is adopted, then the practice has been to treat
23 those applications under the existing law. The City would
24 have the same ability to do that.

1 If you come forward with an app -- if you don't
2 come forward with an application until after this is
3 adopted, whether it's the former Badlands property or any
4 other property, then you're subject to the ordinance.

5 MAYOR PRO-TEM TARKANIAN: And I understand that.
6 That's if -- it's after we vote on this. My question
7 is --

8 COUNCILWOMAN FIORE: Mayor Pro-Tem, you --

9 MAYOR PRO-TEM TARKANIAN: If I could just finish.

10 COUNCILWOMAN FIORE: Yes, but you just confused
11 me.

12 MAYOR PRO-TEM TARKANIAN: I confused you?

13 COUNCILWOMAN FIORE: Yeah. Because he told you
14 it's retroactive before.

15 MAYOR PRO-TEM TARKANIAN: It's for what?

16 COUNCILWOMAN FIORE: Retroactive. We talked
17 about this.

18 MAYOR PRO-TEM TARKANIAN: He did tell me that.

19 COUNCILWOMAN FIORE: Yeah. But now he's saying
20 it's not.

21 MAYOR PRO-TEM TARKANIAN: My question is --

22 MR. STEED: Let me go back to that.

23 MAYOR PRO-TEM TARKANIAN: -- why is this
24 retroactive, and my short-term rental, in order to protect

1 those people who had committed a certain way, is not --
2 you know, we make sure that we let them go under the rules
3 they started with. We do that lots of times.

4 MR. STEED: Let's remember what I said. I said
5 some people like to call this retroactive legislation.
6 And because it's been brought up, I felt it important to
7 address it.

8 Retroactive typically means that you -- that a
9 rule is in place before you're subject to it. So when you
10 change the speed limit, if you sped the day before it was
11 changed, you're not subject to it.

12 Land regulations are a little bit different
13 because land was always there. But you typically say when
14 you own property and when you adopt a new land-based
15 development regulation, your future applications are going
16 to be treated under the new law. Your existing approvals
17 are treated under the old law.

18 MAYOR PRO-TEM TARKANIAN: Oh, they are, okay.
19 Are existing --

20 MR. STEED: It's a label that people like to use
21 for whatever they want to use it for. I can't -- I can't
22 fix that for you.

23 COUNCILWOMAN FIORE: Okay. So then in the
24 language, when you said that we've got developers exempt,

1 so in this new open space ordinance, as of today, it only
2 applies to the Badlands; is that correct? And not my
3 ward? Is that what you're telling me?

4 MR. STEED: No. It applies to all
5 (INDISCERNIBLE). It applies to all wards. I don't know
6 how to say that more plainly.

7 COUNCILWOMAN FIORE: Well, I just want to be
8 clear, because, you know, it's really -- it's not --

9 MR. STEED: Would it change your vote if I were
10 to say it doesn't apply to your ward?

11 COUNCILWOMAN FIORE: This is a bad ordinance.

12 MR. STEED: You're going to vote against it so
13 just vote.

14 COUNCILWOMAN FIORE: Okay. So there are --
15 (Laughter and applause.)

16 MAYOR GOODMAN: All right. So you're right out
17 there. Thank you very much.

18 COUNCILWOMAN FIORE: You know what --

19 MAYOR GOODMAN: There is a motion.

20 COUNCILWOMAN FIORE: -- Mr. Attorney?

21 MAYOR GOODMAN: Everybody, please.

22 COUNCILWOMAN FIORE: That was really
23 inappropriate, and I'm going to tell you right now --

24 MAYOR GOODMAN: No, no, no. Wait, wait, wait.

1 COUNCILWOMAN FIORE: -- the attorneys work with
2 council and --

3 MAYOR GOODMAN: Please, everybody.

4 COUNCILWOMAN FIORE: -- and really and truly, I'm
5 really not okay with you right now.

6 MAYOR GOODMAN: Please. All right.

7 There is a motion. There is a motion on the
8 floor. There are no more comments. We are going to
9 vote --

10 UNIDENTIFIED MALE SPEAKER: No, Your Honor.
11 Don't deny them -- don't deny --

12 MAYOR GOODMAN: -- on this. Nope. Sorry.
13 Please vote. Everybody please vote.

14 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE) the
15 way you want it to so I guess you might as well continue.

16 MAYOR GOODMAN: Right. So please vote. It
17 sounds like it's passing anyway. So it's done.

18 MAYOR PRO-TEM TARKANIAN: While we're voting, I
19 just want to say thank you for -- if I could, through the
20 Mayor, say thank you from all of us for your interest in
21 these things. This is the way we make improvements. This
22 is the way we protect our residents. And so thank you.

23 (Applause and cheers.)

24 MAYOR GOODMAN: Thank you. Thank you all. And I

1 appreciate all of you spending the morning with us. And
2 we appreciate --

3 UNIDENTIFIED MALE SPEAKER: Your Honor.

4 MAYOR GOODMAN: -- your energy -- just a minute,
5 please.

6 UNIDENTIFIED MALE SPEAKER: Well --

7 MAYOR GOODMAN: -- your energy, your coming down
8 and spending the time and making yourselves heard. We
9 appreciate it. That is the participation in your
10 government. So thank you.

11 That motion carries.

12 MAYOR PRO-TEM TARKANIAN: I just wanted them to
13 know that sometimes --

14 MAYOR GOODMAN: Okay. And if you will exit
15 quietly so we can go on with the city council meeting.

16 (Agenda item concluded.)
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1 STATE OF NEVADA)
) ss.
2 COUNTY OF CLARK)

3

4 I, Stephani L. Loder, do hereby certify:

5 That I transcribed from audio recording the
6 proceedings had in the above-entitled matter;

7 That the appearances noted on page 2 are
8 from this transcriber's understanding of who was present
9 during the proceeding;

10 That speaker identification was made to the
11 best of this transcriber's ability and that proper names
12 were spelled phonetically to the best of this
13 transcriber's ability;

14 That the foregoing transcript, consisting of
15 pages 1 through 191, inclusive, is a full, true and
16 correct transcription of said proceeding to the best of my
17 ability.

18 Dated at Las Vegas, Nevada, this 25th day of
19 November, 2018.

20

21 *Stephani Loder*
22

23 STEPHANI L. LODER
24

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Exhibit 119

**RECOMMENDING COMMITTEE MEETING OF
SEPTEMBER 4, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 4**

1 **Bill No. 2018-24 - ABEYANCE ITEM - For possible action - Amends LVMC Title 19 (the**
2 **Unified Development Code) to adopt additional standards regarding the repurposing of**
3 **certain golf courses and open spaces, and to consolidate those provisions with previously-**
4 **adopted public engagement provisions regarding such repurposing proposals. Sponsored**
5 **by: Councilman Steven G. Seroka**

6

7 **Appearance List:**

8 STAVROS ANTHONY, Chair/Councilman

9 BOB COFFIN, Councilman

10 VAL STEED, Chief Deputy City Attorney

11 STEVEN SEROKA, Bill Sponsor

12 ROBERT SUMMERFIELD, Planning Director

13 TOM PERRIGO, Executive Director, Community Development

14 MICHELE FIORE, Councilwoman

15 BURTON STEINBERG, 3141 Waterside Circle

16 CHRISTINE KRAMER, 8221 Silver Catfish Street

17 DAVID ARPIN, 7635 Maggie Avenue

18 KENNETH EVANS, 5419 West Tropicana Avenue

19 STEPHANIE ALLEN, Representative for Seventy Acres LLC, Fore Stars, Ltd. and 180 Land
20 Co, LLC

21 DALE ROESENER, 9811 Orient Express Court

22 ELAINE WENGER-ROESENER, 9811 Orient Express Court

23 SIGAL CHATTAH, 3017 Ocean Port Drive

24 MIKE TOMKO, 9717 Fern Canyon Avenue

25 KATHLEEN OLENDER, 8564 Grand Palms Circle

26 CATHERINE GREEN, 8245 Dolphin Bay Court

**RECOMMENDING COMMITTEE MEETING OF
SEPTEMBER 4, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 4**

- 27 PAULA WILD, 7670 Brent Lane
28 GORDON CULP, 653 Ravel Court
29 CRAIG NEWMAN, 400 South Rampart Boulevard, Suite 350, Representative for Vegas
30 Ventures LLC
31 RICHARD CARREON, 586 Brinkburn Point Avenue
32 LAUREN CHASE, 9101 Alta Drive, Unit 1601
33 CASEY MOSEMAN, 8337 Normandy Shores Street
34 JERRY ENGEL, 700 Pont Chartrain Drive
35 LARRY SADOFF, 9101 Alta Drive
36 AMANDA MOSS, Southern Nevada Home Builders Association
37 NAT HODGSON, Chief Executive Officer, Southern Nevada Home Builders Association
38 MELANIE HILL, Silverstone Ranch Homeowner
39 ELIZABETH GHANEM HAM, Representative for Seventy Acres LLC, 180 Land Co, LLC and
40 Fore Starts, Ltd.
41 TOMMY WHITE, 8225 Old Cistern Court, Laborers Local 872
42 YOHAN LOWIE, Owner of the Badlands Golf Course
43 GREG ESPOSITO, Representative for the Plumbers and Pipefitters Local 525 and the Southern
44 Nevada Building and Construction Trades Council, 760 North Lamb Boulevard
45 COLLEEN MALANY, 8617 Echo Grande Drive
46 ANNE SMITH, 653 Ravel Court
47 LUANN HOLMES, City Clerk
48 STEVE CARIA, 9101 Alta Drive
49 TERRY HOLDEN, 9101 Alta Drive
50 CHRIS EVANS, 10824 Windrose Point Avenue
51
52 (1 hour, 29 minutes, 20 seconds) [00:27:46 - 01:57:06]

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**RECOMMENDING COMMITTEE MEETING OF
SEPTEMBER 4, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 4**

53 Typed by: Speechpad.com

54 Proofed by: Debra A. Outland

55

56 **COUNCILMAN ANTHONY**

57 All right. Item Number 4, which is Bill 2018-24, Abeyance Item for possible action. Amends

58 LVMC Title 19 (the Unified Development Code) to adopt additional standards regarding the

59 repurposing of certain golf courses and open spaces and to consolidate those provisions with

60 previously-adopted public engagement provisions regarding such repurposing proposals.

61 So, I have been told that Councilman Seroka would like to make a – public comment on this. So,

62 we'll go ahead and have him go first if he's here. He's coming. Okay. And then Councilman

63 Coffin will go in the back so we don't have a quorum and then we will continue on from there.

64

65 **COUNCILMAN COFFIN**

66 Thank you. Thank you, Mr. Chairman.

67

68 **COUNCILMAN ANTHONY**

69 Thanks. Thanks.

70

71 **VAL STEED**

72 Mr. Chairman?

73

74 **COUNCILMAN ANTHONY**

75 Uh-huh.

76

77 **VAL STEED**

78 I just wanted to clarify that what you meant was so that we don't have a quorum of the City

79 Council. You do want a quorum of the Committee?

**RECOMMENDING COMMITTEE MEETING OF
SEPTEMBER 4, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 4**

80 **COUNCILMAN ANTHONY**

81 Yes.

82

83 **VAL STEED**

84 Okay.

85

86 **COUNCILMAN ANTHONY**

87 And we would, right, with Councilman Seroka here. Correct. Thank you. I think so, yeah.

88 All right, Councilman Seroka, you're the – sponsor of the ordinance. You have the floor, and

89 then we will continue on after you're done speaking.

90

91 **COUNCILMAN SEROKA**

92 Thank you. Thank you. I appreciate this opportunity, Mr. Chairman, as a sponsor of the bill to

93 have an opportunity to speak. This is the first time anybody has heard from the sponsor of the

94 bill in any forum. So, this bill has attracted a lot of attention and unfortunately a lot of

95 misinformation as well, and I appreciate the chance just to briefly put things into some

96 perspective as we move forward.

97 What I'll – do is I'll make a statement, and then I'll ask the City staff and the attorney to ask, add

98 any additional information and correct any misstatements on my part, and then I'll depart so we

99 can get Councilman Coffin back in. So I appreciate that.

100 Processes are put into place to help complicated and controversial issues to move forward. Good

101 processes give everyone a voice so that all can be heard and the best possible decisions can be

102 made. And this bill establishes a process where none currently exist. Our challenge is this. Our

103 City of Las Vegas challenge is that as our city expands to the limits of the valley, spaces for

104 development are limited. That makes interior spaces available in the City more appealing, where

105 our rules do not currently work very effectively.

106 These open spaces have had communities built around them, and in many cases, there was a

107 promise between the City and the community that those parcels would be open space as a

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108 requirement for the development in the first place. So when the City is considering rolling back
109 on what was designated as open space and rolling back its commitment to the community due to
110 a request from a developer, nothing wrong with that, you should go, do so with full knowledge of
111 the decisions that the Council would be making.

112 Golf courses are among those parcels of land that are attractive, and it makes sense. Golf courses
113 are a failing business nationwide, and Las Vegas is no different. We have many current and
114 potentially future golf course failures. And there's pressure to develop on this and other open
115 space. Open space, parks – Open space, they provide opportunities inside of completed
116 residential communities where they were developed. These include parks. They include
117 manmade lakes. And they do include golf courses.

118 And, there are some communities that think they are protected. All it takes is one thing to change
119 for those so-called protections to go away. Let's consider Legacy that had protections. It's being
120 developed on now. And even Silverstone is in a trusteeship by the County and considered for
121 resale.

122 As the ward with more than double the open space of any other ward in the City, it makes sense
123 that I would lead the effort here and direct the staff to build a policy and a bill from the nation's
124 best practices of success to help the entire City.

125 As the maps show, the areas highlighted in red are the specific parcels of land across the City
126 that could be affected by this ordinance. It is defined very carefully and specifically, so it is not a
127 random application of this language. And it would help the entire City.

128 Let's consider, again, Ward 2 has more – than double the potentially affected acreage than any
129 other ward in the City. That's the ward I represent. Ward 2 also has more than four times the
130 acreage of potentially affected land than Ward 6. You can see that on the maps that are in front
131 of you and should be on the screens above you as well.

132 Now, I asked the City staff to develop this document, and they've used no original language.
133 They used the best policy and research – practices from research papers of success from around
134 the nation. And then they broke the document into two parts. The first part was the public
135 engagement that we approved in May, that talks about the communication between any potential

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136 developer in the neighborhood. And then this part is considered the development standards that –
137 It's been vetted for the last year.
138 To vet it, we had three committees. We had a policy committee and two stakeholder committees.
139 We had developers in one group and residents in another, and they were able to hash this out. No
140 one was excluded. All were welcome, and all items were considered.
141 Further, 30 days ago, when I heard there were some concerns, I asked the Chair of this
142 committee to delay this decision for 30 days so that comments could be considered. And all
143 comments that came to me as a sponsor were addressed.
144 The ordinance was created by our City staff and our City legal team, the experts in the field.
145 They understand the terminology. They will also be responsible for interpreting the language.
146 And before I wrap up, I just want to add that our Council always encourages dialogue and
147 resolution between developers and residents without City involvement. But keep in mind, the
148 City does have responsibilities to all the members of our City. And so there are some things that
149 are solely the City's responsibility. Those include impact to taxpayers, infrastructure impacts,
150 environmental, police, fire, schools, medical response, sewer, and drainage. And, this language
151 helps that process along.
152 So with that, I'll ask Robert Summerfield or – Tom Perrigo if there are some things I missed,
153 misstated, that we can further clarify. I'd appreciate that. Robert, Chair, if that's okay with you?
154

155 **COUNCILMAN ANTHONY**

156 Yes.

157

158 **ROBERT SUMMERFIELD**

159 Mr. Chairman, through you, I – believe that the sponsor has walked through his process and the
160 process that staff went through in developing the proposal that's before you. I do know that there
161 have been, in just even in the last few days, some additional conversations about changes that
162 may come forward as a first amendment, including discussions with the – Home Builders
163 Association.

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164 They, they've discussed with the sponsor, and I believe he's supportive of including a, an
165 exclusion for projects that are within existing residential communities where the Homeowners
166 Association, through some action of their CC&Rs, have approved a repurposing project in their
167 development. So we've got some language that we would need to – work on for that as a part of
168 any first amendment that might come forward. But I believe that summarizes –

169

170 **COUNCILMAN ANTHONY**

171 Okay.

172

173 **ROBERT SUMMERFIELD**

174 – what we've been working on. Thank you.

175

176 **COUNCILMAN ANTHONY**

177 Very good. Thanks.

178

179 **COUNCILMAN SEROKA**

180 Tom, Robert and Tom were in the room when we came up with this concept a year ago. That's
181 why it's – they've been here from the beginning. Tom, did you have any comments?

182

183 **TOM PERRIGO**

184 Mr. Chairman, I – think between Councilman Seroka and Mr. Summerfield, they've covered
185 pretty much the highlights.

186

187 **COUNCILMAN ANTHONY**

188 Okay. Thank you very much. Appreciate your time, and if we can get Councilman Coffin back
189 here.

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190 **COUNCILMAN SEROKA**

191 Thank you, Mr. Chairman, appreciate it.

192

193 **COUNCILMAN ANTHONY**

194 All right. Thanks.

195

196 **COUNCILMAN SEROKA**

197 I'll hobble out of here.

198

199 **COUNCILMAN ANTHONY**

200 I was going to do public comment, but if you want to ask questions. Okay. You're gonna take
201 those signs down? They're maps, right? Okay, thanks.

202

203 **COUNCILWOMAN FIORE**

204 Okay. Thank you. So, as we had met with staff because this ordinance affects the whole City,
205 and Ward 6 is the city that has the most development in the future. So I just want to be crystal
206 clear, and I have several questions for staff. So Mr. Summerfield, Mr. Perrigo, I want to make
207 sure that everyone is – very clear on this because it is not – open space is not clearly defined in
208 this ordinance, and will this lead to confusion when applications are submitted?

209 Number two is repurposing is also not clearly defined in this ordinance, and your reply to the
210 questions I had previously submitted, you stated that it seems, "seems" is a big word, and would
211 seem, when asked about specific instances and whether they would trigger the open space
212 requirements. Unless we have specific language that is clear on its face, it will be up to a court to
213 determine legislative intent. Will this lead to confusion when applications are submitted?

214 Number three, it is also not clear whether this ordinance is retroactive. In your replies to question
215 one, previously submitted, you unequivocally stated this ordinance is not retroactive. Is it staff's
216 position that this ordinance is not retroactive? I would like Mr. Summerfield and Mr. Perrigo to
217 state that on the record. Is this clear this is not retroactive?

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218 **ROBERT SUMMERFIELD**

219 So Mr. Chairman –

220

221 **COUNCILMAN ANTHONY**

222 Yeah. So, you have, I think, three questions there, I heard?

223

224 **COUNCILWOMAN FIORE**

225 No, I have a few.

226

227 **COUNCILMAN ANTHONY**

228 Oh, you have more? Okay.

229

230 **COUNCILWOMAN FIORE**

231 Yeah.

232

233 **COUNCILMAN ANTHONY**

234 All right. Let's start with those.

235

236 **ROBERT SUMMERFIELD**

237 Okay. So, on the specific of that last one, retroactive, so the bill as written is – not retroactive. It
238 does not apply backwards to any development such as, again, we just recently completed the
239 Village of Centennial Springs. So that would have been an open space. It would have qualified
240 under the – provisions of this code. However, this does not go back and require them to do any –
241 they have new entitlements, so it doesn't anyway. But if – for some reason that project hadn't
242 completed itself and was still going through the system, this would not go back to that project. It,
243 it's not retroactive –

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244 **COUNCILWOMAN FIORE**

245 So, to be –

246

247 **ROBERT SUMMERFIELD**

248 – as written.

249

250 **COUNCILWOMAN FIORE**

251 To be clear, part one and then this part two, let's say this went through, you're telling me that it
252 would not be retroactive with both of them out there together.

253

254 **ROBERT SUMMERFIELD**

255 Mr. Chairman, through you, correct. There, it doesn't provide for anything retroactive. Now, I do
256 want to be clear that there are provisions under the – closure the area that would allow for the
257 City to require some level of maintenance on a closed facility, because the language does say
258 something along the lines of once we've been made aware that – a location has closed or – may
259 close. But again, it's not retroactive as in we're going to go back and make you put in a golf
260 course where a golf course used to exist. It would be that some level of maintenance plan may be
261 required.

262

263 **COUNCILWOMAN FIORE**

264 From what point? That's what I'm saying. So that's why see it's not clear, because when you're
265 saying so if we had the maintenance closure point, from at what point would we have to go
266 back? That's just not clear in the written. The reason why I'm asking you these questions is
267 because I've met with my Silverstone folks, which is a golf course, and – the Councilman Seroka
268 has met with my Silverstone folks.
269 I've met with them three times after that meeting with Seroka, and we are not clear. And we
270 would like – and I have several more questions, but these, this particular ordinance needs to be

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271 abeyed until – we're having a huge Silverstone meeting with probably two to three hundred of
272 our folks meeting and discussing this ordinance together as a whole because it's just not clear.
273 And then, I also want to ask, except for the environmental impact study and the 3D model, all the
274 requirements in this ordinance are required in major developments. The City usually requires
275 traffic, drainage, sewer, water, parks, and school studies after the development is approved. Does
276 Planning see an advantage of requiring these developments to pay everything forth and then not
277 be approved?

278 I mean, we're looking at developers going: Hey, we're not gonna risk that. I mean, do you guys
279 see an advantage of having our developers, which have been practicing business for, ever since
280 we've been a city, do you see now why we're going to have to have this forthcoming first instead
281 of after they're approved?

282

283 **ROBERT SUMMERFIELD**

284 So Mr. Chairman, through you, Madam, Councilwoman, so there's always a benefit to having,
285 making decisions based on more information. It's a policy decision of this Council whether or
286 not they wish to have the information that's available in those studies at the time that they're
287 approving or hearing an entitlement application or not.

288 As – staff, of course, I – like to have the best information possible for when I make a
289 recommendation to you. However, as you pointed out, it has been the – policy of this City
290 Council to not require those studies and to allow staff, through administrative processes, to
291 update entitlements and update development programs through the process post-entitlement if
292 something does come up because of one of the, one of the various studies that are required prior
293 to issuance of permits.

294 So, again, more information is always great, but that's a policy decision of the Council on at what
295 point they want to have that information available to themselves or to staff to review.

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296 **COUNCILWOMAN FIORE**

297 Thank you. And then in a meeting in my office, you said Planning did not have the staff or the
298 time to tell me what properties are affected by this ordinance. Is this still the case? Because my
299 peer, Councilman Seroka, just said Ward 2 trumps all of the other wards, and I must disagree.
300 Councilman Anthony has minimally 2,000 acres in Ward 4, and I'm going to say I trump them
301 both in Ward 6. So, can you tell us today or even by the date of the ordinance that might be
302 enacted, what properties exactly will be affected in Ward 6?

303

304 **ROBERT SUMMERFIELD**

305 So Mr. Chairman, through you, Councilwoman, yes. So to be very clear, the analysis that's in the
306 maps that have been distributed to the Council and that the – Councilman had as a part of his
307 review as the sponsor, these are based on a GIS-level analysis of the properties that currently
308 meet the criteria for applicability in the ordinance.

309 I, as I have told you and told other Council folks, I do not have the staff right now to go and
310 verify each property to make that determination. This is a high-level GIS, geographic
311 information system, analysis of the properties that we believe as of this moment and the data
312 that's in our GIS system would potentially be applicable under this ordinance. Until a
313 repurposing were to come in for an open space and we were to verify it through the test, I could
314 not say definitively a property meets the criteria or not until it's actually presented to us.

315

316 **COUNCILWOMAN FIORE**

317 Okay. So then, thank you. Because this is the first I'm seeing of these maps. And staff and I just
318 met on Thursday. I met with my folks Saturday – Monday, Thursday, and Saturday. And so in
319 the reply to the questions I previously submitted to you providing a spreadsheet of some of the
320 lots you have identified as subject to this ordinance, I would like to submit into the record the
321 synopsis of the spreadsheet, and I'll give, I'll give it to Luanne and I'll give it to my peers,
322 showing the average lot size by ward, the median lot size by ward, the minimum lot size by
323 ward, the maximum lot size by ward, and the total numbers of lot you have been able to identify.

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324 For the record, city-wide, the average lot is 1.76 acres. The median, the median, the median lot is
325 0.79 acres, and the minimum lot is 0.10 acres. So the maximum lot is 81.94, and you have
326 identified a total of 281 lots, of which 109 or 38.79 are in Ward 6. So I assume that you cannot
327 verify my numbers at this point. But does that sound reasonable to you, Mr. Summerfield?

328

329 **ROBERT SUMMERFIELD**

330 Mr. Chairman, through you, Madame Councilwoman, yes.

331

332 **COUNCILWOMAN FIORE**

333 Here you go.

334

335 **ROBERT SUMMERFIELD**

336 The review of the data points does seem to agree with that. Again, I don't have those specific
337 numbers, but I have taken a look at those. A lot of – The ordinance does not set a minimum
338 threshold presently. And as such, in our GIS data pool, it pulled all properties that seemed to
339 meet the criteria regardless of size. So that's why you do see quite a few smaller lots that would,
340 again, through the GIS pool, seem to be applicable under the repurposing ordinance.

341

342 **COUNCILWOMAN FIORE**

343 Okay. And then, again, legal questions. Again, it's not clear whether the ordinance is retroactive
344 because of the closure thing. And I served on the Assembly Judiciary Committee for two terms
345 while I was in the Legislature, and I know how important legislative intent is. And if a reading of
346 an ordinance or statute is not clear, a judge is required to determine the intent of the legislative
347 body.

348 So I would like to ask you the same question I asked Planning. Is it the City Attorney's position
349 that this ordinance is not retroactive, and would you please state it again so that this intent, so
350 that this is the intent of City Council? Mr. Val?

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351 **COUNCILMAN ANTHONY**

352 This is at you Val.

353

354 **VAL STEED**

355 As Mr. Summerfield has said, there's nothing in the ordinance that operates backwards in time,
356 although there is that provision that says when the City gets notice of a golf course or an open
357 space either being closed or withdrawn, then that part of the ordinance becomes effective. It's not
358 retroactive in the sense that it, you know, it won't – If the Council doesn't adopt the ordinance, of
359 course, it doesn't go into effect.

360 If the Council adopts the ordinance, then beginning at that point, anybody who has an existing
361 golf course or open space then would be subject to that provision that might ask for the filing of
362 a closure maintenance plan, and anybody who then wants to repurpose that open space or golf
363 course would then be subject to the provisions of law. But it doesn't seek to go back in time to
364 folks who have already come before you with a repurposing proposal and do something different
365 to that proposal.

366

367 **COUNCILWOMAN FIORE**

368 Right. It doesn't seek to, but it can.

369

370 **VAL STEED**

371 I don't think you'd find anybody on staff asking for it too.

372

373 **COUNCILWOMAN FIORE**

374 I get it. But your, my, our staff isn't going to be in the courtroom. Do you understand? And – I'm
375 telling you this as a former legislature, this is how it goes down. So we think we know the law,
376 and then the judge dictates what our intent was.

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377 **VAL STEED**

378 I understand. Although, if you look at any ordinance in the book –

379

380 **COUNCILWOMAN FIORE**

381 Mm-hmm.

382

383 **VAL STEED**

384 – it's always that way.

385

386 **COUNCILWOMAN FIORE**

387 Okay. So, bottom line –

388

389 **VAL STEED**

390 I can't, I can't write –

391

392 **COUNCILWOMAN FIORE**

393 – City Council –

394

395 **VAL STEED**

396 – this ordinance any better

397

398 **COUNCILWOMAN FIORE**

399 – not retroactive.

400

401 **VAL STEED**

402 – than the ordinances that are already there.

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403 **COUNCILWOMAN FIORE**

404 Do you agree?

405

406 **VAL STEED**

407 Beg your pardon?

408

409 **COUNCILWOMAN FIORE**

410 City Council, not retroactive?

411

412 **VAL STEED**

413 Right now, the City Council can add a retroactive provision, but it's not in the ordinance right
414 now.

415

416 **COUNCILWOMAN FIORE**

417 Okay. So Section 7 of this ordinance specifies each day of non-compliance to this ordinance
418 constitutes a misdemeanor violation and shall be punished by either a jail term or a fine. If this
419 ordinance had been in effect when Silverstone was closed, that would be 1,099 days through
420 today. Would the City of Las Vegas be prepared to file, to basically put someone in jail for 549
421 years and – over a million dollars in fines. I mean this is what we're looking at.

422

423 **VAL STEED**

424 Let me just point out that all – the provisions of our Code are subject to misdemeanor
425 prosecution. So there's nothing different in this ordinance than exists in all the ordinances.

426

427 **COUNCILWOMAN FIORE**

428 So you're going to show me a previous ordinance that says six months per day? Can you show
429 me that –

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430 **VAL STEED**

431 Sure.

432

433 **COUNCILWOMAN FIORE**

434 – because it's not happening. Okay. Good. You show me that because I don't think that's true.

435 And then municipalities in Nevada are only allowed to issue misdemeanor citations. So I just

436 want to make sure that we're clear, because I'm asking, again, for this to be abeyed for 45 days

437 because my – Ward 6 is very affected by this. And then if an LLC or a corporation declares

438 bankruptcy, are the fines under this ordinance able to be discharged? There are so many –

439

440 **VAL STEED**

441 Your ordinance will not answer those questions. The law answers those questions.

442

443 **COUNCILWOMAN FIORE**

444 Mm-hmm. Okay. So if a golf course does not close but does stop watering the golf course, does

445 that trigger any portion of this ordinance?

446

447 **VAL STEED**

448 The watering doesn't, but if the –

449

450 **COUNCILWOMAN FIORE**

451 Right. So these are the issues that we have with this ordinance.

452

453 **VAL STEED**

454 You will have, you will have these issues no matter what the ordinance says.

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455 **COUNCILWOMAN FIORE**

456 I got it. But this ordinance is overreaching minimally. And, so until we can get this together with
457 our builders and my staff, I'm going to ask for this to be abeyed for 45 days.

458

459 **COUNCILMAN ANTHONY**

460 Okay. So let's go ahead and have public comment. It looks like quite a few people out there.

461 What we basically would like to hear from each of you, and I'll see how it goes. I may put a time

462 limit on it. But we just want to know are you for or against the ordinance and just real quickly

463 why you're for or against it. That's what we want to hear from you. So, please don't filibuster out

464 there. Just get your point across. Thank you. And make sure that you state your name at the

465 beginning. All right. Go ahead.

466

467 **BURTON STEINBERG**

468 Hi, my name is Burton Steinberg. I live at The Lakes, 3141 Waterside Circle. And I have lived at

469 The Lakes since 1987. I've watched us being from, going from the end of the world to the

470 beginning of the end of the world. And I – approve of Councilman Seroka's bill here. As far as

471 what – the young lady was talking about here, I look at the exceptions in the bill, and that might

472 cover some of it. And I don't know if she's alluding to this alone or besides the – other laws that

473 may be –

474

475 **COUNCILMAN ANTHONY**

476 Okay. Just state your comments and then we'll go on to the next person.

477

478 **BURTON STEINBERG**

479 Okay.

480

481 **COUNCILMAN ANTHONY**

482 All right.

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483 **BURTON STEINBERG**

484 That's all.

485

486 **COUNCILMAN ANTHONY**

487 Thank you, sir. Appreciate it.

488

489 **CHRISTINE KRAMER**

490 Good morning. My name is Christine Kramer. I'm an individual citizen, 8221 Silver Catfish
491 Street. I was the liaison for Ward 6 for three and a half years before Councilwoman Fiore was
492 elected, and I had the pleasure of serving the residents of Silverstone. The current process where
493 we are able to levy code enforcement fines is working very well to motivate the present owners
494 of the land to come forward with the City and negotiate.

495 This bill does rob, in my interpretation, rob the City its ability for the elected Councilperson to
496 negotiate an agreement based on a settlement of those code enforcement fines and bring forth a
497 better project or bring forth a project that would more clearly benefit the residents of that
498 community. This bill needs to go back. It's ambiguous. My, I live two blocks from Silverstone.
499 There's still a lot of confusion in the community about the bill.

500 Right now, Code Enforcement, holding the property owner accountable, it's working. This new
501 bill is going to add a level of confusion and will not have the types of hearings that the residents
502 are able to benefit from. And it takes away the ability of the Councilperson, the previous
503 Councilperson, as you may recall, we held hearings and set liens for Code Enforcement
504 violations. This bill doesn't allow that mechanism or the ability for the Councilperson to
505 negotiate such an agreement.

506

507 **COUNCILMAN ANTHONY**

508 All right. Thank you.

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509 **CHRISTINE KRAMER**

510 Thank you very much.

511

512 **COUNCILMAN ANTHONY**

513 Next.

514

515 **DAVID ARPIN**

516 David Arpin, 7635 Maggie, Ward 6. I would first like to thank Mr. Seroka for proposing this
517 very much-needed ordinance, which provides an open and transparent mechanism to deal fairly
518 with this really very dark problem. The problem simply distilled is basically asset stripping of the
519 homeowners of Southern Nevada. Millions of dollars have been spent on legal fees fighting to
520 preserve our neighborhoods.

521 People have paid a premium to live in these communities, and through the bank, through
522 bankruptcy and legal action, golf course communities have had their golf courses purchased by
523 interlopers at below market values to sell to developers. These interlopers have used the
524 bankruptcy courts, shell companies, and other nefarious moves to deplete the homeowners
525 associations out of all of their financial reserves.

526 We the homeowners plead that you will support this proposed ordinance which will restore our
527 belief that when financial difficulties do arise, that there's a mechanism that's going to be in place
528 that will fairly and transparently deal with this issue so that everyone knows that the community
529 that they're buying in has some type of mechanism at our disposal.

530

531 **COUNCILMAN ANTHONY**

532 Thank you.

533

534 **DAVID ARPIN**

535 Thank you so much.

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536 **COUNCILMAN COFFIN**

537 May – I ask him something? Sir, the person who just testified, did you have your written, your
538 comments written form? Are they written, your comments?

539

540 **DAVID ARPIN**

541 I did write them.

542

543 **COUNCILMAN COFFIN**

544 Then please give them to our Clerk so we can see them, or edit them if you want and then give
545 them to the Clerk.

546

547 **DAVID ARPIN**

548 Sure.

549

550 **COUNCILMAN COFFIN**

551 Thank you. Thank you, Mr. Chair.

552

553 **COUNCILMAN ANTHONY**

554 Yes, sir.

555

556 **KENNETH EVANS**

557 Good morning. For the record, my name is Kenneth Evans. I'm here before you as a private
558 citizen, 5419 West Tropicana Avenue, 89103. I'm also here as an individual that has had the
559 opportunity to participate in several infill development projects within the City of Las Vegas.

560 Therefore, I'm here in support of this ordinance because I think it does two key things.

561 First and foremost, it comes up with a process and a system to make sure that, true to what

562 Councilman Seroka said and other members of the Council, as you face a land availability crisis,

563 if you will, we ensure that we have a process that will take into consideration the rights and the

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564 desires of the existing homeowners and residents for a particular ward. So that's point number
565 one.

566 And then point number two that I'd like to mention is that this comes up with a process that will
567 also take into account any impediments or any barriers or any consequences related to the
568 existing infrastructure.

569 So, again here, as someone that's been directly involved in past infill development projects
570 within the City, I think it's well-warranted to have an ordinance that establishes a process and a
571 system to ensure that there's responsible infill development that is both fair to a potential
572 developer as well as to the existing residents. Thank you very much.

573

574 **COUNCILMAN ANTHONY**

575 Thank you, sir.

576

577 **COUNCILWOMAN FIORE**

578 Thank you, Mr. Evans. Do you live in the County? Because you don't live in 2 or 6. Where is
579 that you live, what ward?

580

581 **KENNETH EVANS**

582 I'm not in a city ward.

583

584 **COUNCILWOMAN FIORE**

585 Right. You're in the County.

586

587 **KENNETH EVANS**

588 That's correct.

589

590 **COUNCILWOMAN FIORE**

591 Thank you so much for your comments.

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592 **KENNETH EVANS**

593 But as I mentioned, I've been involved in several –

594

595 **COUNCILWOMAN FIORE**

596 Oh, I get it.

597

598 **KENNETH EVANS**

599 – infill development projects.

600

601 **COUNCILMAN ANTHONY**

602 Thank you, sir.

603

604 **KENNETH EVANS**

605 Thank you.

606

607 **COUNCILMAN ANTHONY**

608 Yes? Just a couple minutes, right?

609

610 **STEPHANIE ALLEN**

611 Correct.

612

613 **COUNCILMAN ANTHONY**

614 You've got a lot of stuff in front of you, so okay.

615

616 **STEPHANIE ALLEN**

617 Yes, Mr. Chairman, members of the Council, Stephanie Allen, 1980 Festival Plaza, here on

618 behalf of the three land owners for the former Badlands Golf Course, Seventy Acres, Fore Stars

619 and 180 Land. We're opposed to this ordinance. The Planning Commission heard this in two

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620 separate sections and recommended denial of both sections that have now been merged into one
621 bill. We'd asked that you follow their direction as they did take a lot of testimony in
622 consideration in hearing these ordinances.

623 The reason we're opposed, number one, is we believe the intent of this ordinance is directed
624 directly at my client and the former Badlands Golf Course. I know your Council will disagree
625 that it's been drafted to apply to the citywide, but I would like to just put on the record some of
626 the reasons for our specific concerns. And, if I could use the overheard if we have that available,
627 please.

628 This is a chart that shows 16 of the golf course properties in the City of Las Vegas. And, you'll
629 see in this column right here it shows the restrictions that are on all of those golf courses.

630 Badlands is the only golf course that's currently single-family, vacant land. It's zoned R-PD7, and
631 there are no restrictions on the property. So it's actually available to develop today.

632 The rest of the golf courses are all restricted by either restrictive covenants, the City owns them,
633 or they're operated and – controlled by an HOA. So, in theory, you could say that this ordinance
634 will apply to them, but there are protections in place that will not allow the repurposing of those
635 golf courses without a number of hurdles to first overcome, private hurdles to first overcome.

636 So I'll submit this for the record. The argument that we have and the concern that we have is you
637 may say it applies to all of these golf courses, but, practically speaking, it really only applies to
638 the Badlands.

639 Also, there's retroactive language, as – the City Attorney discussed and Mr. Summerfield, that
640 we're very concerned with. And the reason is if you look at Section 3A, it specifically says that
641 this is to apply to golf course or open space, whether or not currently in use. So Badlands closed
642 three and a half years ago. And, this particular bill could apply to a golf course that was closed
643 over three and half years ago so it's not, because it's not currently in operation.

644 And then it goes on to say that you have to comply with all of the provisions, including the
645 closure print plan, which is Subsection (G). When you go to Subsection (G), it specifically says
646 at any time after the department becomes aware of the golf course closure, that it's subject to the

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647 section if repurposed, has ceased operation, or will be ceasing operation, the department may
648 notify the property owner of the requirement to comply with this section.
649 It's selective. So, from our client's perspective, that's very scary, that the City could, and I'm not
650 suggesting your staff would because they are wonderful and we work with them every day and
651 you can't have better staff, but possibly at the direction of someone else, could apply this
652 particular ordinance to our property three and a half years after it's been closed. And, if that's the
653 case, let's say we submit an application tomorrow. If that's the case, then what do we have to do
654 under this ordinance? It's not clear.
655 Their fear is when you read this language, it says that you have to maintain the property at, the
656 maintenance of the property, I don't have the exact language in front of me yet, similar to or the
657 same condition that it was in at the time of the closure.
658 Well, obviously, that is extremely burdensome on property owners if they're in financial trouble
659 or if they're trying to redevelop in a situation like Badlands that has been a three and a half year
660 fight. You cannot maintain a golf course for three and a half years in its same condition while
661 you're fighting an ordinance and development and things going on, not to mention to
662 retroactively expect us to put it back in that condition would obviously be extremely burdensome
663 and ultimately a taking of the property.
664 So that's the fear. And, we're not quite sure what that means from a closure standpoint what we
665 would have to do.

666

667 **COUNCILMAN COFFIN**

668 I have a question on that. If I could ask a question.

669

670 **STEPHANIE ALLEN**

671 Sure.

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672 **COUNCILMAN COFFIN**

673 Through you, Mr. Chairman? The question is – the – City did not order your client to kill the
674 golf course. That's a self-imposed kind of, if I'm not mistaken. Did we order you to close the golf
675 course and stop supporting the golf course?

676

677 **STEPHANIE ALLEN**

678 Through you, Mr. Chairman, if I may, absolutely not. And, as your colleague, Councilman
679 Seroka, said, there's obviously a trend nationwide for extreme declination in golf and golf, the
680 need for golf courses. So there absolutely is a future of redeveloping golf courses. But the
681 problem with this particular ordinance is in your City, there's only one golf course that this
682 ordinance could apply to.

683 And, if you make us go back and put the property in the condition it was on the date of the golf
684 course, that's extremely burdensome, costly, and it's ultimately a taking. And then it becomes an
685 encumbrance on the property as well, because the closure plan has to be recorded against the
686 property. So you record it against the property, and then you have a lender that's upset because
687 you've got an encumbrance that the City placed on the property without the property owner's
688 permission.

689 So it's – a domino effect. And then you try to have a developer come in and maybe want to buy
690 it. Well, now the land is extraordinarily devalued because people don't want to spend a year and
691 a half trying to comply with a – bunch of requirements that have not been a part of this City's –
692

693 **COUNCILMAN COFFIN**

694 Is there a lender involved in this situation?

695

696 **STEPHANIE ALLEN**

697 Yes, and they're actually here to testify.

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698 **COUNCILMAN COFFIN**

699 Who is the lender?

700

701 **STEPHANIE ALLEN**

702 I don't know, but they are here today.

703

704 **COUNCILMAN COFFIN**

705 Thank you very much.

706

707 **COUNCILMAN ANTHONY**

708 Okay. We're discussing the ordinance. We're not talking about Badlands. So keep going.

709

710 **STEPHANIE ALLEN**

711 No. Yeah. Briefly, just real quick, the concern is the retroactive nature of it and, again, the
712 encumbrance on the land, as well as the possible selective prosecution. And I know Val will say
713 that there are other ordinances in your code that specifically have misdemeanor provisions. The
714 fear here is that this particular applicant has undergone a lot of scrutiny and special situations,
715 and the fear is that he'll be put in jail over this particular provision. And, that's a real fear, and I'm
716 putting it on the record so that you all are aware of that fear.

717 Even if this were to apply to all development within the City and not just to one developer, it's an
718 anti-development ordinance. It's not pro-business. The City has not been that type of jurisdiction.
719 In fact, right now, you're probably one of the quickest jurisdictions to process development and
720 entitlement applications and engineering studies. It's very pro-development right now.

721 Developers will not want to comply with this ordinance. And the first thing you'll see if this
722 passes is developers coming in and asking for some kind of exemption or change to it because
723 it's just not pro-business.

724 And, the reasons are, I'd like to just quickly go through the list, an environmental study is
725 required. That's a California thing. There's no situation that I'm aware of in Clark County where a

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726 Phase 1 is required prior to the submittal of an application. To do drainage studies, traffic
727 studies, all of those master studies on the front end, you only see those with major projects like
728 development agreement projects, not on a five-acre parcel of land that someone's trying to
729 repurpose from open space.

730 Also, in situations where maybe a developer has held off a couple acres on the corner that they
731 plan to develop at a future phase, there's no incentive to open that up as a park temporarily or to
732 use that land as an amenity for a commercial development if a developer knows on the front end
733 that they're going to have to comply with this ordinance with a bunch of burden, burdensome
734 restrictions. So, instead, the land will sit vacant, and it won't be an amenity for the overall
735 community.

736 There's a GPA required, a master plan and phasing plan required, a 3D model required, the
737 closure plan that's required and that you have to file and actually record against the property. For
738 infill development, which I heard someone mention, it's extraordinarily difficult because it
739 requires you meet or exceed the surrounding setbacks. It won't allow any accessory structures
740 over 15 feet. So, in an instance like Badlands, where you have beautiful homes with very tall
741 homes, very tall accessory structures, you're limited to what you can do on property.

742

743 **COUNCILMAN ANTHONY**

744 Okay. I think you've –

745

746 **STEPHANIE ALLEN**

747 I have. Just one other point, if I may, Mr. Chairman.

748

749 **COUNCILMAN ANTHONY**

750 Okay. I think we have your opinion that you are against the ordinance.

751

752 **STEPHANIE ALLEN**

753 We are against it.

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754 **COUNCILMAN ANTHONY**

755 Okay.

756

757 **STEPHANIE ALLEN**

758 And one thing, we'd ask just for clarification how this is going to proceed at City Council
759 tomorrow. I know it's on the agenda, and it says it's for a future date. We'd just like clarification
760 on that, because at the last hearing on this part one, there was no public comment accepted and it
761 was adopted without public comment.

762

763 **COUNCILMAN ANTHONY**

764 I'll wait, I'll wait till, when we make the motion, then I'll explain. I'll have the dates all up here,
765 but I have to wait for a motion before I can give all that information out.

766

767 **STEPHANIE ALLEN**

768 Okay. Appreciate your time. Thank you.

769

770 **COUNCILMAN ANTHONY**

771 Thank you. All right. Come on up, state your name. Yes, sir.

772

773 **DALE ROESENER**

774 Good afternoon. Dale Roesener, 9811 Orient Express Court, Las Vegas, Nevada, 89145. Excuse
775 me. Thank you for taking the time and effort to focus on this ordinance. I'm in favor of it for
776 several reasons. You know, just Stephanie Allen just before me stated, you know, this has been
777 going on for three and a half years. And this ordinance offers some direction, some clarity, some
778 expectations on how to proceed.

779 And, she even mentioned that a developer wouldn't want to do this because it might take a year
780 and a half to put it all together. But if you're developing something on this scale that – they're
781 looking at specifically, and I'm not speaking to all the other places that are affected by this, it

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782 would seem to me that a year and a half would have been time well-spent to focus on it, get to
783 the bottom of everything.
784 And so, I really think that we would be far better off with this fundamental guideline in place,
785 and we might have had this resolved two years ago instead of three and a half years. And right
786 now, we're no better off in – our example than we were when we started. And, you know, the
787 Mayor even has said at Council meetings, she says: I think this is going to come down to the
788 courts to have to decide.
789 And it really points to the absence of a process. And so, I think you've got a lot of good elements
790 in this. I appreciate your efforts and please support it.

791

792 **COUNCILMAN ANTHONY**

793 Thank you, sir.

794

795 **ELAINE WENGER-ROESNER**

796 Good morning. Elaine Wenger-Roesner, and I just wanted to, 9811 Orient Express Court. I just
797 wanted to echo my husband's opinion and say that I do support this ordinance. And regarding
798 code enforcement, a point I wanted to make is the present process is definitely not working at the
799 Badlands because we can't even get information on the heavy equipment and the work that's
800 presently being done on the golf course land.

801 And the other point is I know there's been some discussion about the delay, and people could be
802 employed and that we have messed about this for three years. But actually, there's three years
803 that nothing has happened. And to have a process in place that's very clear I think would be very
804 helpful for the City moving forward.

805 Thank you for your time, and I appreciate all your work.

806

807 **COUNCILMAN ANTHONY**

808 Thank you.

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809 **SIGAL CHATTAH**

810 Good evening. Good morning. Sigal Chattah, 3017 Ocean Port Drive. I am in Mr. Seroka's ward.

811 And I actually sent out an email to all the Council last night. And I expected to get some
812 answers, but the only Councilman that actually responded to me was Mr. Coffin. I have a few
813 questions that I would like answered, and then I'll reiterate something that concerns me that
814 Councilwoman Fiore said.

815 One of the issues that I have is that Mr. Seroka said that the Badlands Golf Course is an open
816 space for all of the residents of Ward 2. Now, as a resident of Ward 2, I would like to know who
817 is paying to maintain this open space. So, again, the only Councilman that responded, and I did
818 not receive a response from Mr. Coffin as to who is open for, paying for the open space. So that's
819 one issue that I'd like to have addressed.

820 Another one that I'd like to address is Miss, Councilwoman Fiore mentioned that there are some
821 issues with the ordinance as it is drafted. It is vague. Unfortunately, we don't have enough
822 information with the ordinance. And she mentioned that as part of the Legislature for Judicial
823 Review, I believe it was, Ms. Fiore, that this ordinance would be very problematic to uphold in
824 court. And one of the issues that I have as to this is the legislative intent.

825 We have not heard anything. Is it retroactive? Is it not retroactive? Does it single out one specific
826 developer? Because we know, by the way the ordinance is drafted, that every other golf course,
827 as was mentioned, is already out of the picture. So if we're singling out one developer or one
828 property owner, we've got a serious issue. We've got equal protection issues that come along
829 with it. Again, retroactivity, we know that constitutionally we can't have ex post facto laws in
830 this country.

831 So, if any one of the Councilmembers would like to address those issues, I would appreciate it.

832

833 **COUNCILMAN ANTHONY**

834 Okay. We have your email. So I'll have our staff send an answer.

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835 **SIGAL CHATTAH**

836 Perfect. Thank you.

837

838 **COUNCILMAN ANTHONY**

839 Thank you for coming down. Yes, sir.

840

841 **MIKE TOMKO**

842 Good morning, Councilmembers. Mike Tomko. I live at 9717 Fern Canyon Avenue in The
843 Lakes, Turtle Creek section in Ward 2. The Lakes has been my home for almost 15 years. Our
844 community, we're looking at our community, The Lakes, not all this craziness that's being
845 discussed here today. And our concern is we want to keep it preserved the way it is. As far as this
846 ordinance goes, we support it. I'm representing several people here from the Turtle Creek's
847 community, and we want to keep The Lakes as beautiful as it.

848 I'm a retired firefighter and fire commissioner from New York. I'm also retired from Las Vegas
849 Fire as a fire dispatch supervisor in the 911 office. So I'm looking at things in a public safety
850 point of view. And this bill realizes our normal development procedures right now doesn't
851 accurately address the stresses on infrastructure and services that can happen in this type of
852 development. Public safety thrives when you enhance their ability to protect and serve instead of
853 overdevelopment and compromising that by, again, overdevelopment and profit.

854 I want to commend Councilman Seroka for taking the lead to this problem, because our ward is
855 the most open space and recreational area within our ward's boundaries. We have a great need
856 for a clear and transparent process to reduce the confusion we have witnessed in this City for
857 several years, and I think this bill is a worthy compromise from all involved to create a good
858 process.

859 The ordinance will be a path for everyone involved to reference. This path forward utilizes
860 existing policies and procedures. The reorganization will not stop development, and I've heard a
861 lot today, and will not jail anyone without breaking a misdemeanor law that would warrant it.
862 I've heard a lot of accusations without any explanation from the opposition to the ordinance. The

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863 inability to articulate how their accusations will actually happen from this ordinance further
864 validates why you, the City Council and this Committee, should support the bill with a yes vote.
865 Thank you for your time –

866

867 **COUNCILMAN ANTHONY**

868 Thank you.

869

870 **MIKE TOMKO**

871 – and consideration. I'll leave this for him.

872

873 **COUNCILMAN ANTHONY**

874 Thanks. Yes, ma'am.

875

876 **KATHLEEN OLENDER**

877 Kathleen Olender, 8564 Grand Palms. I live in Ward 6 in Silverstone, and I have a business and
878 office building in Ward 2. So, this greatly affects me. I'm here representing both neighborhood
879 association groups and several equestrian groups. We are in support of Mr. Seroka's ordinance.

880 We find, feel that especially in the Northwest, it's imperative that these open spaces are dealt
881 with intelligently to preserve the quality of life, both for, from a public safety perspective, police,
882 fire, flood, drainage, and schools.

883 Now, in the past, I've – gone to City Council meetings for over 20 years to work on thoughtful
884 planned development, and the City makes guidelines and we try and follow it. What, what's been
885 happening, you know, in the past is when we have City development, we have all this open area
886 and – the City can play catch-up and – you know, get a fire station in.

887 When we're talking about developing these infilled areas, what's happening is if this, if we don't
888 have an ordinance to be transparent, what's going to happen is just what Councilwoman Fiore
889 said is if it's not transparent before, and I think it's imperative that you require any developer
890 who's going to develop an open space that these plans are done in the beginning, because once

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891 we have the infrastructure, we can't change flood, we can't make, you know, increased, you
892 know, fire, police at certain stations now all of a sudden when we put high density in.
893 And, I've worked with City Council, and we worked to, and, you know, when density was
894 increased, we were given assurances that it was offset by open space. So, now, you're telling me
895 15, 20 years, we fast forward. Now, you're saying: Oh, wait, this is open for negotiation. We can
896 build now and put high density and get rid of the open space.
897 There's no plan, and what we're going to do is erode the quality of Southern Nevada's lifestyle.
898 So, I – beg you from many vantage points, both as a businessperson, as an equestrian. We're
899 eroding the quality of life. The Northwest won't have any kind of rural quality. And this not
900 thoughtful planning is a problem.

901

902 **COUNCILMAN ANTHONY**

903 Okay.

904

905 **KATHLEEN OLENDER**

906 And so, an ordinance like Mr. Seroka's is important so that we can be transparent. So when these
907 areas are, if they're going to be in, you know, filled in, then it has to be done with studies before.
908 Not let, let's pass it, they can develop it, and then let's try and figure out how we're going to do
909 this. That's why we had all those issues –

910

911 **COUNCILMAN ANTHONY**

912 Okay.

913

914 **KATHLEEN OLENDER**

915 – for 20 years with drainage.

916

917 **COUNCILMAN ANTHONY**

918 We got, we've got you. Thanks. Appreciate it.

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919 **KATHLEEN OLENDER**

920 Thanks.

921

922 **COUNCILMAN ANTHONY**

923 Yes.

924

925 **CATHERINE GREEN**

926 I'm very quick. My name is –

927

928 **COUNCILMAN ANTHONY**

929 State your name again.

930

931 **CATHERINE GREEN**

932 Catherine Green.

933

934 **COUNCILMAN ANTHONY**

935 Okay.

936

937 **CATHERINE GREEN**

938 8245 Dolphin Bay Court, 89128. I'm one of yours, and I would love you to urge

939 recommendation.

940

941 **COUNCILMAN ANTHONY**

942 Okay. Thank you. See? That's how it's done it.

943

944 **COUNCILMAN COFFIN**

945 Is she for or against it?

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946 **COUNCILMAN ANTHONY**

947 She, she's for it. Thank you.

948

949 **PAULA WILD**

950 I'm very quick too. My name is Paula Wild. I'm one of those equestrian farmers at 7670 Brent
951 Lane, Signature Farms. That is a very heavily trafficked road for a dead-end road up to the golf
952 course. There's no police patrol. The fire engines don't come down unless you call for a police
953 officer, then Fire needs to come down.

954 We are very upset about the impact it has on the animals that live out there, the peacocks, the
955 roadrunners, the coyotes, the cougars that are coming down now from the mountains. And, we
956 don't want to see that impacted without a study. For a developer to do it after the fact is kind of
957 like getting pregnant and figuring it out later. You can't do that. You need to program yourself to
958 do these studies ahead of time, what kind of impact for nature. I also live on the street that gets
959 flooded.

960 So that is a very important thing. We already had one on Brent, or Coke, with the Pulte
961 development, which worked out very well because we discussed it. They need to discuss. And, I
962 am in favor of the ordinance. Thank you.

963

964 **COUNCILMAN ANTHONY**

965 Thank you, ma'am. Yes, sir.

966

967 **GORDON CULP**

968 I'm Gordon Culp, 653 Ravel Court, Las Vegas. I am in favor of the ordinance. In just less than
969 one minute, I'll show you why. The proposed ordinance requires the developer have a
970 maintenance plan, which you've heard a lot about in the last few minutes. But let me quote you
971 the exact language: The maintenance plan must ensure that the subject site is maintained to the
972 same level as that existed on the date of discontinuance or withdrawal or otherwise at a level
973 acceptable to the department.

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974 So to stand here and say, well, this is obviously absurd because nobody's going to restore it to the
975 golf course quality, but it can be some level of intermediate between where we are now, which is
976 killing trees that are years old, vegetation's dying, there's piles of debris, short of making, trying,
977 going to the absurd extreme of restoring it to golf course condition.

978 Let me show you what can happen here if we have no requirement for a maintenance plan. If we
979 can get the overheard. I'm in the wrong place here. I see that now. This is an aerial view of the
980 Badlands area, Queensridge area at the time the course was acquired by the developer. You can
981 see the fairways provide the greenery and vegetation and the open space. There are trees
982 throughout the course. There's a large area here which was the driving range, which is a big
983 green area.

984 And what do we have now with the total lack of a maintenance plan? As you see in the lower
985 part of the drawing, this has all gone brown, of course. The wildlife is dying off. They say the
986 trees are dying. It's really a sad situation.

987 So, don't let this happen somewhere else. Please recommend the ordinance.

988

989 **COUNCILMAN ANTHONY**

990 Thank you, sir. Yes.

991

992 **CRAIG NEWMAN**

993 Hello, members of the Council. My name is Craig Newman, 400 South Rampart Boulevard,
994 Suite 350. I represent Vegas Ventures LLC, which is a lender and the deed of trust holder on the
995 property where the former Badlands Golf Course was sitting.

996 My client strongly opposes the ordinance and loaned money on this property based upon the
997 current zoning of the property without deed restrictions. There certainly were not deed
998 restrictions on this property, and it was zoned in a manner that envisioned and allowed
999 residential development. Loans were made on that basis.

1000 If this ordinance is passed and for the reasons that were cited by the attorney for the owner of
1001 that property, it appears that this ordinance is singularly focused on this property. And if it is

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1002 passed and it is allowed to be given retroactive application, there's no question that the collateral
1003 that my client certainly presently holds will be decreased in value and possibly rendered
1004 valueless. At that point, it will definitely constitute a taking that will be requiring judicial
1005 intervention.

1006 The other thing that – I do want to mention, and Councilwoman Fiore very astutely pointed this
1007 out, there are provisions in this ordinance and you asked staff: Tell me whether it's retroactive.
1008 And they said no, disingenuously, because it's very clear that the closure provisions will be
1009 applied retroactively. And unless we are given an assurance by the City that, in fact, the closure
1010 provisions will not be given retroactive application, this is, without question, an ex post facto law
1011 targeted at the owner of this property. And I'm sure that it will be challenged judicially as such.

1012

1013 **COUNCILMAN ANTHONY**

1014 Okay. Thank you. Councilman Coffin has two questions.

1015

1016 **CRAIG NEWMAN**

1017 Okay.

1018

1019 **COUNCILMAN COFFIN**

1020 Craig, how do you spell your last name?

1021

1022 **CRAIG NEWMAN**

1023 N-E-W-M-A-N.

1024

1025 **COUNCILMAN COFFIN**

1026 Newman?

1027

1028 **CRAIG NEWMAN**

1029 Newman.

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1030 **COUNCILMAN COFFIN**

1031 Thank you. Craig, you represent the lender. Who is the lender?

1032

1033 **CRAIG NEWMAN**

1034 Vegas Ventures LLC.

1035

1036 **COUNCILMAN COFFIN**

1037 Okay. Do you work for Vegas Ventures?

1038

1039 **CRAIG NEWMAN**

1040 I'm an outside attorney at Sklar Williams.

1041

1042 **COUNCILMAN COFFIN**

1043 Okay. And what address, 400 South Rampart, Suite what?

1044

1045 **CRAIG NEWMAN**

1046 350.

1047

1048 **COUNCILMAN COFFIN**

1049 Okay. Who are the owners of Vegas Ventures?

1050

1051 **CRAIG NEWMAN**

1052 It is a Delaware LLC. The managing member is Paul Roberts.

1053

1054 **COUNCILMAN COFFIN**

1055 Paul Roberts?

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1056 **CRAIG NEWMAN**

1057 Paul Roberts.

1058

1059 **COUNCILMAN COFFIN**

1060 Okay. Is this a loan outstanding, or is this simply a guarantee on a loan?

1061

1062 **CRAIG NEWMAN**

1063 It's a loan.

1064

1065 **COUNCILMAN COFFIN**

1066 All right. Thank you very much.

1067

1068 **CRAIG NEWMAN**

1069 Thank you.

1070

1071 **COUNCILMAN ANTHONY**

1072 Thank you. All right. Next, please.

1073

1074 **RICHARD CARREON**

1075 I had to check my time, make sure it's still morning. Good morning. My name is Richard

1076 Carreon. I live at 586 Brinkburn Point Avenue, Las Vegas, Nevada 89178.

1077 I'm coming here as the President of the Nevada Veterans Association. I've been the leader of the

1078 organization now for about two years. The last 18 months, we've been directing our members

1079 and those who are looking for employment within the veteran community directly toward the

1080 union trades, specifically because they're probably about the – veteran community is about the

1081 fastest you can OJT and get them up and running economically, if you will.

1082 We are opposed to this ordinance for a couple reasons. One, when you have a situation where

1083 you have blight, every City Council ward, based on the surrounding areas, has to take their own

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1084 measures in regards to both engagement in the community and looking at what businesses would
1085 actually bring that neighborhood out of blight or other developments that can be used.
1086 Obviously, as veterans, we also appreciate the open lands as far as recreation. But I think that
1087 this prevents every City Councilmember, it denies them a certain level of flexibility when it
1088 comes to dealing with what the residents want in their ward and then putting a blanket statement
1089 on saying that this should be a – blanket ordinance to make this apply to every single situation
1090 when every ward has their own issues, their own amenities.
1091 And obviously, the other issue that we have is the size of area. We have everything from the size
1092 of the Badlands – Golf Course, where you can put a master plan community in it, and it applies
1093 to the – very, you know, the smallest parcel of land where you can put a minimart. So I don't
1094 think that this is the best balance in regards to development. And I think that the City Council, if
1095 – they want to maintain the open lands, need to probably reengage with their own communities,
1096 see what direction they want to see their wards in, probably engage with some of the other
1097 elected officials, along with maybe going back to the drawing board. Thanks.

1098

1099 **COUNCILMAN ANTHONY**

1100 Okay. Thank you.

1101

1102 **LAUREN CHASE**

1103 My name is Lauren Chase. I live at 9101 Alta Drive here in Las Vegas, Unit 1601. I would like
1104 to speak in favor of this ordinance. I've witnessed for three and a half years what uncertainty
1105 does to a development, the peace of mind of the residents, property values, and very sadly what
1106 this protracted argument has done to the wildlife. We have buzzards over the golf course. Food,
1107 water was just withdrawn very quickly. And I can imagine that, time and again, the same
1108 scenario will play out if there is not a – process that is understood in the beginning.
1109 The uncertainty that addressing every open space or every potentially redeveloped area, the
1110 uncertainty is, is it destructive for property values? And I think it's very good just to have

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1111 something that says in advance to developers and future homeowners, present homeowners this
1112 is what can be expected.

1113

1114 **COUNCILMAN ANTHONY**

1115 Thank you. Yes, ma'am.

1116

1117 **CASEY MOSEMAN**

1118 Hi, there. My name is Casey Moseman, and I live at 8337 Normandy Shores, which is inside
1119 Silverstone Ranch. And I want to say that I think this should be abeyed today. I'm for an
1120 ordinance. I don't think I'm for the way that this one is specifically drafted.
1121 I do believe that those that are most affected by the changes in open space and golf courses are
1122 the homeowners that bought specifically in a designated area and purchased some of them at
1123 above property value prices because of that open space. They paid extra for where they live. And
1124 to come in 10, 15 years after the fact, where these people have no choice, they're the, they
1125 become the most affected over the changes to open space. They have zero to little say to
1126 somebody who wants to come in and develop their backyard where they thought it was going to
1127 stay that way. In our specific case, it was supposed to be in perpetuity.
1128 Now, we're not telling somebody that they should have to run and operate the golf course. But
1129 for a developer to come in and in the Badlands case purchase a golf course on buildable land at
1130 \$13,000 an acre so that he could make immense profits and make his margins grow, I think
1131 something needs to be in place, an ordinance needs to be in place to protect the homeowners that
1132 had zero say as to what was going on there, and that they bought there with an expectation set as
1133 well as the people in The Lakes, as well as the people at Grand Legacy, as well as us out in
1134 Silverstone.
1135 I think it does affect a massive scale, and this is just the bare beginning. We've been going
1136 through ours for three years now. And this isn't the end that you guys will see of this being an
1137 issue. Thank you very much.

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1138 **COUNCILMAN ANTHONY**

1139 Thank you.

1140

1141 **JERRY ENGEL**

1142 Good morning. My name is Jerry Engel. I live at 700 Pont Chartrain Drive in Badlands. And I
1143 was, you heard the statement I was for it before I was against it. And when I first saw the initial
1144 renderings by Mr. Lowie, I was for it. It was three and a half years ago. It looked like open
1145 spaces, a lot of greenery.

1146

1147 **COUNCILMAN ANTHONY**

1148 Sir – we don't want to get into a Badlands thing here.

1149

1150 **JERRY ENGEL**

1151 Oh. Well, all right, then.

1152

1153 **COUNCILMAN ANTHONY**

1154 We just need to know if you're interested.

1155

1156 **JERRY ENGEL**

1157 Why we need the, why we need the ordinance.

1158

1159 **COUNCILMAN ANTHONY**

1160 If you're in support of the ordinance, tell us why –

1161

1162 **JERRY ENGEL**

1163 All right.

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1164 **COUNCILMAN ANTHONY**

1165 – you're in support.

1166

1167 **JERRY ENGEL**

1168 I'm sorry. But we need the ordinance to protect against using of words, because I attended
1169 meetings where they used the words "compatible." And – all we're asking is that something
1170 remain compatible with what we presently have.

1171 And the only thing I can say is, Councilman Anthony, where you're sitting is about maybe 50
1172 feet to that wall, and then that goes up about 30 feet, and what is now being proposed right
1173 outside of my house 100 feet away is going to be 40 feet high. That's not compatible. We need
1174 protection with an ordinance that will not allow such tremendous abuse of our view. Thank you.

1175

1176 **COUNCILMAN ANTHONY**

1177 Thank you. Thank you, sir.

1178

1179 **LARRY SADOFF**

1180 Good morning. My name is Larry Sadoff, and I live at 9101 Alta Drive, 89145, and I support the
1181 ordinance, and I'll be very quick. There are many words or adjectives you could describe, to
1182 describe the ordinance. One I'd like you to consider is fair. It's a fair ordinance.

1183 And you've heard people come up here before. And contrary to Miss Allen, I think the ordinance
1184 will allow developers to make a profit. I think it will allow workers to get a fair wage and get
1185 work, and it will allow homeowners and people around, no matter where we are in all of Las
1186 Vegas, to have input on the process.

1187 So no special interest group, and I've just mentioned three of them, gets an advantage. It makes a
1188 fair, level playing field for everybody. And for that reason, I ask you to recommend this
1189 ordinance to the City Council. Thank you very much.

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1190 **COUNCILMAN ANTHONY**

1191 Thank you, sir. Thanks. Come on.

1192

1193 **AMANDA MOSS**

1194 Hi, Amanda Moss with the Southern Nevada Home Builders Association. Almost good
1195 afternoon. We're here today testifying in neutral on this ordinance. SNHBA has been at the table
1196 since October as the only industry representative on the Advisory Panel put together by your
1197 staff.

1198 And since October, we've focused our concerns mainly on the scope of the ordinance. And we
1199 appreciate that the exemptions in Section B apply to the entirety of the design standards that are
1200 outlined in Sections C through G and that we also appreciate the clarification on the record for
1201 phase one and hope the same clarification is made for phase two of the ordinance, that this does
1202 not apply to communities with planned open space, and it only applies to open space that has
1203 been proposed or approved but not yet completed.

1204 We appreciate the sponsor as well as staff reaching out to us and – some dialogue this weekend
1205 to clarify their timeline for the first amendment of the ordinance, and we hope that that includes
1206 additional limitations to avoid unintended consequences. But, you know, we are concerned that
1207 we still haven't seen that draft yet. And, you know, it's kind of difficult to speak right now on an
1208 ordinance that will be changed, but I appreciate the – comments that staff has put on the record.

1209

1210 **NAT HODGSON**

1211 Good morning, Chairman, City Council. Today, Nat Hodgson, for the record, the Executive
1212 Officer, Southern Nevada Home Builders Association. Today, however, we're in a tough spot in
1213 this ordinance. We received Board direction to oppose any draft that doesn't include our third
1214 piece, as Amanda just went over as well, that we proposed back in March.
1215 City management has assured our concept of making it a draft and go before City Council, but
1216 we have very little communication and language that addresses communities with CC&Rs,
1217 which of course, when you buy, everything that can be dealt with on a property, is in your

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1218 CC&Rs, and as a homeowner, you have control, or the development agreement that clearly
1219 contains provisions governing relocation or redevelopment of the open space. So it would be by
1220 the homeowners.
1221 Our goal of this language is to avoid the following. If the residents undergo a process to change
1222 CC&Rs owned by an HOA, then why would this Council or adjacent communities be able to
1223 intervene and place additional requirements on amenities that they're not paying for? The second
1224 one is to clarify that it is in the City's interest that these private, non-profit associations remain
1225 viable for the City's and historically made efforts not to interfere with these private contractors.
1226 Lastly, this is a big one here. We want to point out that these provisions, prior to entitlements
1227 that have been read to you, will build an additional layer of uncertainty and spending a lot of
1228 money before you even know if you can go forward with the project when developing in the city
1229 of Las Vegas will likely disincentivize many of our members or anyone else, for that matter,
1230 from coming into the city, if this ordinance passes, due to significant increase in cost and time
1231 and not even knowing if you can do it. Thank you for your time.

1232

1233 **COUNCILMAN ANTHONY**

1234 Thank you. Yes?

1235

1236 **COUNCILWOMAN FIORE**

1237 So before Mrs. Hill begins, with the Southern Nevada Home Builders, I just want to make sure,
1238 because as we've all been working with this ordinance and asking for language that is not there,
1239 and so when I make my motion later, you'll understand why we need more time.

1240

1241 **COUNCILMAN ANTHONY**

1242 Hi.

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1243 **MELANIE HILL**

1244 Good – morning, Melanie Hill. I'm a Silverstone homeowner, and I'm speaking out in support of
1245 the ordinance, but have spoken to Councilwoman Fiore and Councilman Seroka. And we believe
1246 that there is stuff that can be added to the ordinance to make it stronger and to make it clearer as
1247 to what it applies to.

1248 As a homeowner who bought in Silverstone when the community was first developed and paid a
1249 lot premium, I expected, when I bought there, that I would be looking at a golf course and have
1250 my open space, and all of my open space in that development is the golf course. So it's
1251 concerning to me that developers bought our golf course for less than \$4 million and want to turn
1252 a \$20 million profit to be able to build homes and take away our open space.

1253 I think that this ordinance is helpful because they understand going in that if they buy a golf
1254 course, there's a closure maintenance plan. They have to maintain the golf course in some
1255 standard. They can't just close it and shut it down and kill it, like they did to us, and then require
1256 us to go to court and get injunctions and things like that. I think that the ordinance that's
1257 proposed will help other communities that live on golf courses and open space to have additional
1258 protections against developers coming in and taking that away from them. So –

1259

1260 **COUNCILMAN ANTHONY**

1261 Thank you.

1262

1263 **MELANIE HILL**

1264 – thank you.

1265

1266 **COUNCILMAN ANTHONY**

1267 Yes.

1268

1269 **ELIZABETH GHANEM HAM**

1270 Hello, Councilmembers. Good morning. Elizabeth Ghanem Ham on behalf of Seventy Acres,

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1271 180 Land, and Fore Stars. I just want to start by commenting that although your staff has had the
1272 inability or unwillingness to do the research as to what properties are impacted, these 300
1273 properties that were listed, we certainly have.
1274 Of the 300 properties, all of them are either owned by the City or by the HOA and accounted for
1275 by the CC&Rs. So this is selective enforcement. Selective enforcement is a violation of the equal
1276 protection clause as it makes this ordinance a class of one. It is, it is exclusive because it is
1277 targeted at a specific owner, specific land owner, which and it carries with it selective
1278 enforcement. Both of those things violate the Nevada and U.S. Constitution.
1279 Additionally, as you continue to narrow this, it becomes more and more clear that this is aimed at
1280 Badlands, which makes it unconstitutional. Section G, what I heard today, and that's the
1281 maintenance closure plan, is that it, in fact, will be retroactive. That's what I understood the
1282 explanation to be. It is four pages of what a land owner needs to do. It is restrictive and it
1283 encumbers the property, and it is a violation of the ex post facto clause, which forbids passage of
1284 laws that – carry with it punishment.
1285 This passage of this ordinance will be met with legal action, and I want to make clear that while
1286 you continue to mark that there will be no fiscal impact for the City, there surely will be. We will
1287 challenge any ordinance that takes away our constitutional land rights.

1288

1289 **COUNCILMAN ANTHONY**

1290 Thank you, ma'am.

1291

1292 **ELIZABETH GHANEM HAM**

1293 Thank you.

1294

1295 **COUNCILMAN ANTHONY**

1296 Okay. Whoever wants to come up, right or left.

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1297 **TOMMY WHITE**

1298 Tommy White, Laborers Local 872. Also my home residence is 8225 Old Cistern Court. We
1299 wish that you deny this ordinance. You know, this is kind of restricting building for us. We live
1300 on building. We live on – developing.

1301 And to watch something like this, where – we're going to start telling developers we're going to
1302 put them in jail if – they don't adhere to a law that's going to be, tried to be put in place. As the
1303 young lady said before us, we will be partnering up with anyone that's gonna have a lawsuit
1304 against this bill, because we feel that – anyone that wants to stop us from building, we're gonna
1305 have to take a stand with it.

1306 As far as part of the bill saying that maintenance, should this – maintenance of the golf course is
1307 going to wind up with the City, with all due respect to the City employees, they can't maintain
1308 the parks they have now. So throwing this back onto the City and allowing the City to pick up
1309 the maintenance on something that's already been, I mean, if you look going all the way back to
1310 1996, the developer has the option to build on this piece of property.

1311 And we wish that you deny this ordinance.

1312

1313 **COUNCILMAN ANTHONY**

1314 Thank you. And – we have your letter, Mr. White.

1315

1316 **YOHAN LOWIE**

1317 Good morning. Yohan Lowie, the owner of the Badlands Golf Course. The first thing I want to
1318 put on record that we do not believe this ordinance applies to us. We know that it –

1319

1320 **COUNCILMAN ANTHONY**

1321 Just speak a little, a little bit closer, Yohan, so we can hear you.

1322

1323 **YOHAN LOWIE**

1324 Yes.

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1325 **COUNCILMAN ANTHONY**

1326 Thanks.

1327

1328 **YOHAN LOWIE**

1329 I'd like to say first that we believe that the ordinance does not apply to us, because we are neither
1330 an open space nor a closed golf course. But I know the City wrote this order, and it's exactly,
1331 specifically toward to shut down any development and continue the extortionary measures of
1332 Councilman Coffin and his co-racketeers, Frank Schreck, Jack Binion, and others, and we intend
1333 to take it to court.

1334 Also, Mr. Coffin, you just said a few minutes ago, on the record, you said that we decided to
1335 close, to close the golf course and it was up to us. Have you ever looked at the design standard
1336 and the condition of approval of the golf course? Have you read them?

1337

1338 **COUNCILMAN ANTHONY**

1339 Yohan. Hold on. We're not here to debate. We just want to hear whether you're for or against the
1340 ordinance. If you want to have a debate with Councilman Coffin, you can do that later. Just tell
1341 us if –

1342

1343 **YOHAN LOWIE**

1344 Chairman, Mr. Coffin should not have made the comment and asked questions about lenders,
1345 who the lender is. I know you want to interfere with the lending. And you have much more
1346 problem coming from the lender than you have from me. So stay tuned and you'll get the brunt of
1347 it pretty soon.

1348 But I want to, again, since you opened it to a public meeting and he asked questions, I have a
1349 right to respond to these questions and ask him a question. Did you ever read the condition of
1350 approval for the golf course?

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1351 **COUNCILMAN COFFIN**

1352 I am not here to answer your questions, Mr. Lowie.

1353

1354 **YOHAN LOWIE**

1355 Good.

1356

1357 **COUNCILMAN COFFIN**

1358 Let me ask you one in trade, okay?

1359

1360 **COUNCILMAN ANTHONY**

1361 Okay. We're getting – hold on –

1362

1363 **COUNCILMAN COFFIN**

1364 You've sued a lot of people that live there.

1365

1366 **YOHAN LOWIE**

1367 Excuse me?

1368

1369 **COUNCILMAN COFFIN**

1370 You've sued the residents that live there who opposed –

1371

1372 **COUNCILMAN ANTHONY**

1373 Councilman Coffin, we're way off –

1374

1375 **COUNCILMAN COFFIN**

1376 Are you going to sue –

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1377 **COUNCILMAN ANTHONY**

1378 Bob. Bob.

1379

1380 **COUNCILMAN COFFIN**

1381 – any of the people who have protested?

1382

1383 **COUNCILMAN ANTHONY**

1384 Okay.

1385

1386 **YOHAN LOWIE**

1387 I am going to sue anybody –

1388

1389 **COUNCILMAN ANTHONY**

1390 Yohan.

1391

1392 **YOHAN LOWIE**

1393 – that interferes with my rights to develop the property and continue to put them into this –

1394

1395 **COUNCILMAN ANTHONY**

1396 Yohan. Yohan.

1397

1398 **YOHAN LOWIE**

1399 Okay.

1400

1401 **COUNCILMAN ANTHONY**

1402 See that's –

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1403 **YOHAN LOWIE**

1404 Fine. I got it. I got it. I got it.

1405

1406 **COUNCILMAN ANTHONY**

1407 That's why you get in trouble at meetings.

1408

1409 **YOHAN LOWIE**

1410 I got it. I got it. I got it. Let me just finish. Let me put my thing on the record.

1411

1412 **COUNCILMAN ANTHONY**

1413 I'm going to give you 30 seconds to finish whether you are for or against the ordinance. Okay?

1414

1415 **YOHAN LOWIE**

1416 Yes. No Councilman has read the condition of approval.

1417

1418 **COUNCILMAN ANTHONY**

1419 Okay.

1420

1421 **YOHAN LOWIE**

1422 That's my – That's, I want to make –

1423

1424 **COUNCILMAN ANTHONY**

1425 Are you for –

1426

1427 **YOHAN LOWIE**

1428 – including yourself.

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1429 **COUNCILMAN ANTHONY**

1430 Are you for or against the ordinance?

1431

1432 **YOHAN LOWIE**

1433 Your Honor, you let people here speak for 15 minutes from the other side, 10 minutes.

1434

1435 **COUNCILMAN ANTHONY**

1436 But you're not talking about the ordinance.

1437

1438 **YOHAN LOWIE**

1439 I said I'm against the ordinance.

1440

1441 **COUNCILMAN ANTHONY**

1442 Okay.

1443

1444 **YOHAN LOWIE**

1445 I said it's an extortionary measure –

1446

1447 **COUNCILMAN ANTHONY**

1448 Very good.

1449

1450 **YOHAN LOWIE**

1451 – that is intended specifically to pry this piece of property from us, that we intend to hold for
1452 many years to come. I want to say something to you so you get it in your head. This was never a
1453 golf course. It was never approved as a golf course. You don't have any land use for a golf course
1454 and it never went to an SDR.

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1455 **COUNCILMAN ANTHONY**

1456 Okay.

1457

1458 **YOHAN LOWIE**

1459 It was nothing but R-PD7.

1460 These homeowners here that are opposing here, you know, getting letters from Schreck to sent to
1461 everybody on the Council they're opposing to it, knew exactly what it is. They bought into it.

1462 And now you're asking to change my backyard landscaping, for that matter, and make penalties
1463 on backyard landscaping and put me in jail. I will go to jail, but when I come out of jail, believe
1464 me –

1465

1466 **COUNCILMAN ANTHONY**

1467 Okay.

1468

1469 **YOHAN LOWIE**

1470 – there will be a lot of hell to pay for.

1471

1472 **COUNCILMAN ANTHONY**

1473 Thank you, Yohan. Appreciate it.

1474

1475 **COUNCILMAN COFFIN**

1476 I'm not going to argue with him.

1477

1478 **COUNCILMAN ANTHONY**

1479 Greg, why don't you come on up here? We're good.

1480

1481 **COUNCILMAN COFFIN**

1482 I don't know what I did play for 20 or 30 times if it wasn't a golf course.

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1483 **COUNCILMAN ANTHONY**

1484 That's okay. Well, let's continue on. We're having good public comment here.

1485

1486 **COUNCILMAN COFFIN**

1487 That was a golf course I played a number of times, I swear, Mr. Chairman.

1488

1489 **COUNCILMAN ANTHONY**

1490 Very good.

1491

1492 **COUNCILMAN COFFIN**

1493 If it wasn't, I don't know what it is that he destroyed.

1494

1495 **COUNCILMAN ANTHONY**

1496 All right, Bob. Thank you. All right. Go right ahead.

1497

1498 **GREG ESPOSITO**

1499 I'm not going to be anywhere near as exciting as that.

1500

1501 **COUNCILMAN ANTHONY**

1502 You're fine.

1503

1504 **GREG ESPOSITO**

1505 Greg Esposito, 760 North Lamb, representing the Plumbers and Pipefitters Local 525, but also

1506 the Southern Nevada Building and Construction Trades Council, which, because they're in the

1507 room I have to be very clear, does not represent the carpenters, is not affiliated with the

1508 carpenters nor the laborers. We represent the other building trades unions.

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1509 And we agree with Mr. White and a couple of the other people who testified about jobs and job
1510 creation. We understand that developing this property would create jobs, and, of course, we're
1511 always in favor of that if it's intelligent growth.
1512 We are, we are in favor of the ordinance, not all the details and not all of the problems with it,
1513 because it sounds like, you know, for the past hour there have been a lot of problems. But our
1514 members are the ones who live on those golf courses and on those green spaces, and they deserve
1515 protections for their investment.
1516 While we do appreciate jobs, we – work to live. We don't live to work. And so, as we earn our
1517 money, we buy investment properties. We buy homes to raise our families and grow our fortune.
1518 And if those property values are then diminished through bad development, development that
1519 does not meet community standards or does not benefit the community, that doesn't serve our
1520 ultimate goal, which is building a community.
1521 We've opposed wind farms in ecological sensitive areas. We've opposed solar farms in areas that
1522 they don't belong, fracking. We believe in jobs and we want them, but not a temporary nine-
1523 month to one-year job at the expense of the value of someone's home.
1524 So we're in favor of the ordinance in how it protects homeowners, but understand that there
1525 seems to be a lot of problems with the – language. So we're not, we're not speaking on that, just
1526 speaking on how we'd like to make sure our members stay protected. Thank you.

1527

1528 **COUNCILMAN ANTHONY**

1529 Thanks for coming down, appreciate it. Yes, ma'am.

1530

1531 **COLLEEN MALANY**

1532 Hi. Good morning, still. My name is Colleen Malany, M-A-L-A-N-Y. I'm from 8617 Echo
1533 Grande Drive in the Silverstone community. And I just, you know, I'm basically just reiterating
1534 that we would love to see the abeyance happen, because there is some nebulous language in here
1535 that – needs to be changed, stronger language instead of saying might or suggest in – those

**RECOMMENDING COMMITTEE MEETING OF
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1536 terms. There's golf course and open space are interchanged, and – I believe that they shouldn't be
1537 able to be interchanged. They're totally different, as well as what is the definition of repurposing.
1538 What just transpired, I think, is – just a perfect example of why we do need some kind of
1539 ordinance. Developers need some reasonable restrictions. Otherwise, I feel like it could be a
1540 precursor to a fraud. So, we do need something, but as it is right now, I think we need to work on
1541 it.

1542

1543 **COUNCILMAN ANTHONY**

1544 Thank you.

1545

1546 **COLLEEN MALANY**

1547 Thank you.

1548

1549 **COUNCILMAN ANTHONY**

1550 Yes, ma'am.

1551

1552 **ANNE SMITH**

1553 Thank you. I have a quick question before I say my piece. At the back of this ordinance, there's a
1554 letter in there. So it's input for, it says, for the record, for the backup for this meeting. So we, I
1555 sent in, we sent in emails as well. So I was just curious as to what ends up being on the record or
1556 why there's some that's part of this but others that are not.

1557

1558 **COUNCILMAN ANTHONY**

1559 LuAnn can answer that for us.

1560

1561 **LUANN HOLMES**

1562 Good morning, LuAnn Holmes, City Clerk. All the emails that we received over the last week

**RECOMMENDING COMMITTEE MEETING OF
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1563 will be submitted as part of the record. And so it will not be scanned and put online until
1564 probably near the end of this week. But going forward, if this bill goes forward to Council, you'll
1565 see your emails as part of the record.

1566

1567 **ANNE SMITH**

1568 Okay. I'm sorry.

1569

1570 **COUNCILMAN COFFIN**

1571 We got all of the emails.

1572

1573 **COUNCILMAN ANTHONY**

1574 Okay.

1575

1576 **ANNE SMITH**

1577 Okay. You got all of them.

1578

1579 **COUNCILMAN ANTHONY**

1580 Okay, thank you.

1581

1582 **ANNE SMITH**

1583 Okay, just a process question.

1584

1585 **COUNCILMAN ANTHONY**

1586 Go right ahead. Did you state your name?

1587

1588 **ANNE SMITH**

1589 I'm sorry. Anne Smith, 653 Ravel Court, Queensridge.

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1590 **COUNCILMAN COFFIN**

1591 Hope you're not sued. Are you being sued?

1592

1593 **ANNE SMITH**

1594 We've had letters, but haven't been served.

1595

1596 **COUNCILMAN ANTHONY**

1597 Go ahead.

1598

1599 **COUNCILMAN COFFIN**

1600 Been threatened? Thank you.

1601

1602 **ANNE SMITH**

1603 We've been threatened.

1604

1605 **COUNCILMAN ANTHONY**

1606 Are you for or against the ordinance and tell us why?

1607

1608 **ANNE SMITH**

1609 Yeah. Okay. So I just want to say that I appreciate that you're hearing all of these points of view
1610 here. And although people are saying against or for, I think the underlying, you know, need out
1611 of this is common. So I don't see that this can't be handled with this ordinance. So the underlying
1612 need is we all want a good quality of life, whether it's through getting jobs for this develop,
1613 developing or for maintaining your quality of life if you're affected by it.

1614 So it seems like we all have the same underlying need out of this and that this ordinance is
1615 something that could provide that. It's a process. And rather than being reactive to what's
1616 happened on two golf courses so far, then you get to be proactive. And it seems like this
1617 ordinance has worked elsewhere in the country, so it seems like that would help.

**RECOMMENDING COMMITTEE MEETING OF
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1618 I think, really, the City's ordinances need to keep up with the changing times. So because these
1619 things keep coming up and it's new, then ordinances have to be done to – take those into account.
1620 And I, so I'd urge you to support this and recommend it to go forward for passage. And even
1621 though it's not perfect, you, you know, you amend ordinances all the time. So it seems to me
1622 something needs to be on the books before the next one comes in for you to review and take care
1623 of.

1624

1625 **COUNCILMAN ANTHONY**

1626 Thank you.

1627

1628 **ANNE SMITH**

1629 Thank you.

1630

1631 **COUNCILMAN ANTHONY**

1632 Anyone else? Come on up. If there are more people, come on down.

1633

1634 **STEVE CARIA**

1635 Steve Caria, 9101 Alta Drive. I'd like to make a couple of statements. First, I'm personally
1636 offended at the attacks of the Councilmembers, Councilmember Coffin, Seroka, and others that
1637 have been attacked as they've tried to do their job. Just because someone doesn't agree with
1638 someone else's opinion doesn't give anybody else the right to attack our Councilmembers that
1639 give their time, their energy, and their effort, and they deserve the respect that should come with
1640 that.

1641 The second thing is is that this should not be a conversation about Badlands. However, it has
1642 become one because many people have come up and represented issues. But I will tell you as
1643 being someone that's been involved in development, both nationally and internationally, what I
1644 can tell you is developers don't go forward without entitlements. As far as I know, there were no
1645 entitlements issued prior to the purchase of this land.

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1646 **COUNCILMAN ANTHONY**

1647 Steve, we really need you to focus on whether you're for or against the ordinance.

1648

1649 **STEVE CARIA**

1650 I understand, but all these other people addressed the same issue.

1651

1652 **COUNCILMAN ANTHONY**

1653 Okay.

1654

1655 **STEVE CARIA**

1656 I'm just trying to say, when attorney Newman says that the owner would be valueless, he should
1657 have thought of that before he purchased the property because that's what developers do. They
1658 know what they're getting into.

1659 So I'm in favor of transparency. I'm in favor of the bill. I'm in favor of government providing
1660 guidelines. So instead of this being a three and a half year process, as someone said, it would
1661 take a year and a half to get through this. It would have saved two years because it gave a
1662 process to work through. So I'm totally in – favor of the ordinance. Thank you.

1663

1664 **COUNCILMAN ANTHONY**

1665 Thank you, sir. Yes, come on up.

1666

1667 **TERRY HOLDEN**

1668 My name is Terry Holden. I live at 9101 Alta Drive. I am definitely in favor of the ordinance. I
1669 think we need the structure that's provided, and I think it's well thought out. There may be a few
1670 hiccups. But I think, for the most part, it's well thought out. Developers may think it's tough, but
1671 it isn't. You know, I grew up in Oregon, did development there. This is not a tough bill by
1672 standards in other parts of the country.

**RECOMMENDING COMMITTEE MEETING OF
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1673 And again, I'm in favor of it. And how has it worked so far? This is not a Badlands discussion.
1674 But how has that gone? Three and a half years later, meetings until 1:30 at night, we made no
1675 progress on either side. There's litigation. How has that worked? So I think we're in desperate
1676 need of some structure, some guidelines, and I think this bill provides it. Thank you.

1677

1678 **COUNCILMAN ANTHONY**

1679 Thank you, sir. Thank you.

1680

1681 **CHRIS EVANS**

1682 My name is Chris Evans. I live at 10824 Windrose Point Avenue, Las Vegas, Nevada 89144. I'm
1683 here to speak in favor of the ordinance. My views are colored by a past as a real estate developer
1684 in Southern California and also as a, as a resident here. I think the more information that the City
1685 Council has in reviewing projects and developments and the more stakeholders that are brought
1686 together to have active discourse and dialogue would be an improvement for the community and
1687 for the City at large. And for those reasons and for the reasons Councilman Seroka brought up
1688 earlier this morning, I'm in favor of it. Thank you.

1689

1690 **COUNCILMAN ANTHONY**

1691 Thank you, sir. Okay. That's it? All right. I will close public hearing. So I'll see if anybody has
1692 any discussion or motions up here.

1693

1694 **COUNCILMAN COFFIN**

1695 I move for approval of the ordinance.

1696

1697 **COUNCILWOMAN FIORE**

1698 **I move for a motion to abey for 45 days.** As my Silverstone members have come up and spoke,
1699 the ordinance, they would like to –

**RECOMMENDING COMMITTEE MEETING OF
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1700 **COUNCILMAN COFFIN**

1701 (inaudible)

1702

1703 **COUNCILMAN ANTHONY**

1704 Turn your microphone on.

1705

1706 **COUNCILWOMAN FIORE**

1707 – we need to work out the kinks. Also, for the record, since I'm very dedicated to this, I

1708 downloaded Title 19, staff, from the Planning Department's website this weekend and searched

1709 through all 595 pages. And the word "misdemeanor" only shows up six times, and I've provided

1710 those six pages for the record. Not once in Title 19 does it mention jail time.

1711 So, with that, **I'm going to motion to abey this for 45 days** so me and my constituents can have

1712 a big powwow.

1713

1714 **COUNCILMAN ANTHONY**

1715 Okay. So before we vote, let me just get the dates down for everybody. So, LuAnn, what would

1716 be the date of Recommending?

1717

1718 **LUANN HOLMES**

1719 October 15th.

1720

1721 **COUNCILMAN ANTHONY**

1722 October 15th. And it would go to what City Council?

1723

1724 **LUANN HOLMES**

1725 November 7th.

**RECOMMENDING COMMITTEE MEETING OF
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1726 **COUNCILMAN ANTHONY**

1727 November 7th. Okay. All right. October 15th. So I'm gonna support the motion. But we're gonna,
1728 we're gonna have to vote on this October 15th. We can't keep kicking this down the road. So I
1729 plan on having an up or down vote on October 15th. And this will go to the City Council for a
1730 final vote on September 7th, I'm, November 7th so we can, we can vote this up or down and
1731 move on to other things.

1732 So, okay. All those in favor. So we're doing this electronically because I was reminded. So go
1733 ahead and vote.

1734

1735 **COUNCILMAN COFFIN**

1736 On the motion, if I could say a word.

1737

1738 **COUNCILMAN ANTHONY**

1739 Go ahead.

1740

1741 **COUNCILMAN COFFIN**

1742 I'll be opposing the motion, but the reason is is because these homeowners, not just in that area
1743 of the Queensridge development, but all others are hanging on this, because anybody could
1744 intervene at any moment recognizing that there is a critical move time for them. And before the
1745 October meeting, before the late October meeting, you'd have a situation where anybody could
1746 then come in under the old – rule.

1747 And I think it's time for the Council to take a stand on this to support those neighbors in
1748 Silverstone and anywhere else that, you know, needs to have a say and have some protection,
1749 because it is one of those things where some members, this one included, have been accused of
1750 extortion today by a developer.

1751

1752 **COUNCILWOMAN FIORE**

1753 Bob, you misread that. Stop saying things like that on the record.

**RECOMMENDING COMMITTEE MEETING OF
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1754 **COUNCILMAN COFFIN**

1755 Excuse me. I have the floor. You learned the rules in the Legislature, so don't interrupt. If you
1756 have such charges flying around, can you imagine what they'll be like in 45 days? So I – will
1757 speak against this motion. Therefore, I am now going to shut up and let you vote for it.

1758

1759 **COUNCILMAN ANTHONY**

1760 Okay. Let's vote. Let's vote and let's post. Go ahead and vote.

1761 Okay. Motion carries. **(The motion carried with COFFIN voting No)** So those are the dates.

1762 Just as a reminder, because Stephanie Allen mentioned it, obviously anybody who spoke today,
1763 public comment, you're on the record, the way you spoke on October 5th at Recommending –

1764

1765 **COUNCILMAN COFFIN**

1766 October 15th.

1767

1768 **COUNCILMAN ANTHONY**

1769 I'm dyslexic today. October 15th, we'll have this Recommending. There will be public comment
1770 again. Anybody who wants to come down and – make public comment on the ordinance again,
1771 you can do that, or whatever you said today is on the record.

1772 On November 7th at the City Council meeting, normally we do not have public comment for
1773 ordinances and their vote at a City Council meeting. We just go ahead and make a motion and
1774 vote. But it's up to the Mayor whether she wants to have more public comment on November 7th
1775 at the City Council meeting. So that's how all the public comment works. So I'm hoping
1776 October 15th we'll vote here. November 7th, we'll vote this thing up or down.

1777 So thank you very much. I appreciate everybody coming down. It was very good public
1778 comment.

1779

1780 **(END OF DISCUSSION)**

1781 /dao

Exhibit 120



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

BRIAN SANDOVAL
Governor

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7921
Telephone (775) 684-2160
Fax (775) 684-2020

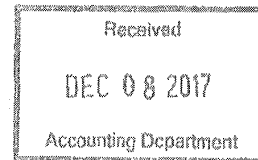
DEONNE E. CONTINE
Secretary

In the Matter of

Fore Stars LTD, 180 Land Co LLC, and
Seventy Acres, LLC
PETITIONERS

Michele Shafe, Clark County Assessor
RESPONDENT

)
) Case Nos. 17-175; 17-176; 17-177
)
)
)
)
)
)
)



NOTICE OF DECISION

Appearances

Andrew Glendon, appeared on behalf of Fore Stars LTD, 180 Land Co LLC, and Seventy Acres, LLC (Taxpayers).

Jeff Payson appeared on behalf of the Clark County Assessor (Assessor).

Summary

The matter of the Taxpayers' direct appeal of conversion of golf course property came before the State Board of Equalization (State Board) on October 17, 2017 via telephone conference in Carson City, Nevada. The cases were consolidated at the request of the parties.

The Assessor and Mr. Glendon presented the State Board with a signed stipulation for review and approval of the State Board for each case number.

DECISION

The State Board, having considered the signed stipulations, hereby approves, by unanimous vote, the signed stipulations presented by the Department. The stipulations provide that the Taxpayers stipulated to and accepted the Assessor's determinations with the Taxpayers reserving their rights to appeal the 2017/2018 tax year valuations.

BY THE STATE BOARD OF EQUALIZATION THIS 30th DAY OF NOVEMBER, 2017.

Deonne E. Contine

Deonne Contine, Secretary
DC/jm

Submitted at City Council
Date 5/16/18 Item 71 ^{for} (74-83)
By: MARK Hutchison

004220

8475

CERTIFICATE OF SERVICE

Fore Stars Ltd Case No. 17-175, 176, 177

I hereby certify on the 20th day of November 2017, I served the foregoing Findings of Fact, Conclusions of Law, and Decision by placing a true and correct copy thereof in the United States Mail, postage prepaid, and properly addressed to the following:

CERTIFIED MAIL: 7013 1090 0000 7280 8415

PETITIONER'S REPRESENTATIVE

17-175

FORE STARS LTD

ANDREW J GLENDON

C/O SANTORO WHITMIRE LTD

10100 W CHARLESTON BLVD SUITE 250

LAS VEGAS NV 89135

CERTIFIED MAIL: 7013 1090 0000 7280 8460

RESPONDENT

17-175


MS. MICHELE SHAFE

CLARK COUNTY ASSESSOR

500 SOUTH GRAND CENTRAL PARKWAY 2ND FLOOR

LAS VEGAS NV 89155-1401

Copy: Clark County Clerk
Clark County Comptroller
Clark County Treasurer


Christina Griffith, Program Officer
Department of Taxation
State Board of Equalization

004221

8476



MICHELE W. SHAFE

Clark County Assessor
APPRAISAL DIVISION
500 S. Grand Central Pkwy, PO Box 561401, Las Vegas NV 89155-1401
Telephone 702-455-4997
www.ClarkCountyNV.gov/assessor



Stipulation for the State Board of Equalization

September 21, 2017

180 Land Co LLC ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117

RE: Appeal No. 17-176
Parcel No(s). 138-31-801-002; 138-31-201-005; 138-31-601-008;
138-31-702-003; 138-31-702-004; 138-31-712-004 (collectively "Land")

The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Petitioner reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17

Jeff Payson
Appraisal Division

DATE: 9/25/17

Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: 180 Land Co LLC.



MICHELE W. SHAFE

Clark County Assessor

APPRAISAL DIVISION

500 S. Grand Central Pkwy, PO Box 561401, Las Vegas NV 89155-1401

Telephone 702-455-4997

www.ClarkCountyNV.gov/assessor



Stipulation for the State Board of Equalization

September 21, 2017

Seventy Acres LLC ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117

RE: Appeal No. 17-177
Parcel No(s). 138-31-801-003; 138-32-301-005; 138-32-301-007; 138-32-301-004 (collectively "Land")


The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

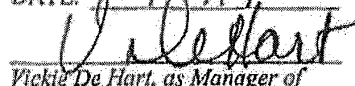
Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Taxpayer reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17


Jeff Payson
Appraisal Division

DATE: 9/25/17


Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: Seventy Acres LLC



MICHELE W. SHAFE

Clark County Assessor
APPRAISAL DIVISION

500 S. Grand Central Pkwy, PO Box 561401, Las Vegas NV 89155-1401

Telephone 702-455-4997

www.ClarkCountyNV.gov/assessor



Stipulation for the State Board of Equalization

September 21, 2017

Fore Stars, Ltd ("Taxpayer")
1215 S Fort Apache Road #120
Las Vegas, Nevada 89117


RE: Appeal No. 17-175
Parcel No(s). 138-32-202-001; 138-32-210-008; 138-31-212-002;
138-31-610-002; 138-31-713-002; 138-32-210-005 (collectively "Land")

The Appraisal Division of the Clark County Assessor's Office ("Assessor," and together with Taxpayer, the "Parties") has completed the review of the above referenced parcels and the Assessor has determined as follows ("Assessor Determinations"):

- (1) The Land was used as a golf course and therefore, under NRS 361A.170, designated and classified as open-space real property and assessed as an open-space use.
- (2) The Land ceased to be used as a golf course, as defined in NRS 361A.0315, on December 1, 2016. Therefore, the Land no longer falls within the definition of open-space real property, as defined in NRS 361A.040, and is no longer deemed to be used as an open-space use under NRS 361A.050. In accordance with NRS 361A.230, the Land has been disqualified for open-space use assessment.
- (3) The Land has been converted to a higher use in accordance with NRS 361A.031. Therefore, the deferred taxes are owed as provided in NRS 361A.280.

Taxpayer stipulates to and accepts the Assessor Determinations. Notwithstanding the foregoing, the Parties agree that the Taxpayer reserves its right to appeal the 2017/2018 tax year valuation of the applicable parcels identified above, in accordance with NRS 361.310.

By signing below, Taxpayer agrees to the above stipulation.

DATE: 9-25-17

Jeff Payson
Appraisal Division


DATE: 9/25/17

Vickie De Hart, as Manager of
EHB Companies LLC, its Manager
Taxpayer: Fore Stars Ltd.

Exhibit 121

From: Bob Coffin <lvccouncilman@hotmail.com>
Sent: Wednesday, August 29, 2018 10:10 AM
To: Bowling, Chuck; LuAnn D. Holmes; Carolyn G. Goodman; Lois Tarkanian; Stavros Anthony; Michele Fiore; Cedric Crear; Steven Seroka
Subject: Re: Recommend and VOTE FOR Ordinance Bill 2108 - 24

Follow Up Flag: Follow up
Flag Status: Flagged

I agree with you Chuck. Now that I have answered you from my home totally using personally paid-for resources like my personal cell phone thru a non-governmental server I have to submit this email to the aforementioned developer's lawyers. I could have said your characterization as dishonest would be improper but that would still be subject to discovery as interpreted by his lawyers since the Asshole is suing me and claiming I am anti-Semitic.

If this motherfucker gets his way in federal court I will not be able to vote anymore on Badlands. The sonofabitch asks for everything with the term "Badlands" including personal text messages, email, social media posts and comments, voice mail and written notes or letters, handwritten or not.

The guy seems to be in the grip of several mental disorders including but not limited to narcissism and much of the obsessive compulsive spectrum. Greed can be an uncontrollable manifestation of his needs caused by his disorders. There is no dishonesty if you are mentally ill but his illness has cost local government millions and innocent bystanders like you a horrible cost of security in your home and loss of values.

Better hope he does not win his harassment lawsuits against Seroka and me because we will be in the grip of dictatorial capitalism.

Bob Coffin,

(a pretty mean sonofabitch, himself, in his old age.)

Exhibit 122

To: Terry Murphy [REDACTED]
From: Bob Coffin
Sent: Thur 4/6/2017 11:59:10 PM
Subject: Re: FW: Fwd:

Just got word from city attorney office that someone has asked for letters from certain people in queensridge on badlands issue. The names are not familiar as they seem like ordinary objectors. Will share when I get it today or Friday

----- Original message -----

From: Terry Murphy [REDACTED]
Date: 4/6/17 4:39 PM (GMT-08:00)
To: Bob Coffin <lvCouncilman@hotmail.com>
Subject: Re: FW: Fwd:

I will see what I can find....

Terry Murphy
www.strategicsolutionsnv.com
Honorary Consul of Ireland for Nevada

On Apr 6, 2017, at 4:12 PM, Bob Coffin <lvCouncilman@hotmail.com> wrote:

It does not mention me by name but there will be other messages which tie a link.

----- Original message -----

From: Terry Murphy [REDACTED]
Date: 4/6/17 4:10 PM (GMT-08:00)
To: Susan Finucan <sfinucan@LasVegasNevada.GOV>
Cc: "Bob Coffin (lvCouncilman@hotmail.com)" <lvCouncilman@hotmail.com>
Subject: Re: FW: Fwd:

Thanks,

Got it.

Terry Murphy
www.strategicsolutionsnv.com
Honorary Consul of Ireland for Nevada

On Apr 6, 2017, at 4:04 PM, Susan Finucan <sfinucan@LasVegasNevada.GOV> wrote:

Terry,

This is from Councilman Coffin, please contact him directly should you need to.

Susan

From: Bob Coffin [<mailto:lvCouncilman@hotmail.com>]
Sent: Thursday, April 06, 2017 4:02 PM
To: Susan Finucan
Subject: Fwd: Fwd:

Forward this to terry murphy. I can't find her email

CLV000106

004226

LO 00002337

8483

----- Original message -----

From: "Schreck, Frank A." <FSchreck@BHFS.com>

Date: 4/4/17 8:33 PM (GMT-08:00)

To: Bob Coffin <lvCouncilman@hotmail.com>

Subject: Re: Fwd:

It was an allegation against Roush and Suroka

Sent from my iPhone

> On Apr 4, 2017, at 5:48 PM, Bob Coffin <lvCouncilman@hotmail.com> wrote:

>

> Frank, I can't open the email naming wjo is biased. Is it a printed or video attachment? Does it mention me? I sent Jack the letter I got from Jewish Federation.

>

> Bob Coffin

>

>

> ----- Original message -----

> From: "Schreck, Frank A." <FSchreck@BHFS.com>

> Date: 4/4/17 1:55 PM (GMT-08:00)

> To: "'lvCouncilman@hotmail.com'" <lvCouncilman@hotmail.com>

> Subject: FW: Fwd:

>

>

>

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Schreck, Frank A.

> Sent: Tuesday, April 04, 2017 1:53 PM

> To: "'lvCouncilman@hotmail.com'"

> Subject: FW: Fwd:

>

> Bob

> See below

>

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Schreck, Frank A.

> Sent: Tuesday, April 04, 2017 1:49 PM

> To: "'bcoffin@lasvegasnevada.gov'"

> Subject: FW: Fwd:

>

> Dear Bob

> See the email stream below and you will see you are not the only person charged by Yohan's spokesmen as being anti-semitic. At least you are not an extortionist like Jack Binion and I

> Frank

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Steve Caria [REDACTED]

> Sent: Monday, April 03, 2017 8:37 PM

> To: Schreck, Frank A.

CLV000107

004227

LO 00002338

8484

> Subject: Fw: Fwd:

>

> Have you seen this email?

>

>

> Sent from Yahoo Mail for iPhone<https://urldefense.proofpoint.com/v2/url?u=https-3A_yho.com_footer0&d=DwMFaQ&c=wT9hcAyWecHwFHlf1ZE3OA&r=PdKfJinmj-LxkRTZvAyODh-55YnJ1ZiiaM_Qj0gV5zM&m=ez81enhNEh5xMLAmMrTaSR6QYb30ZWMIawojSN7DXsU&s=GQQpzGQeKBGJSoTMQsIqIQsHWK08x9Zkz7oex8y08Eo&e=>

>

> Begin forwarded message:

>

> On Monday, April 3, 2017, 8:05 PM, Gregory Bigler [REDACTED] >> wrote:

>

>

> Sent from my iPhone

>

> Begin forwarded message:

> From: Sally Bigler [REDACTED]

> Date: April 3, 2017 at 8:00:51 PM PDT

> To: [REDACTED]

>

> [cid:image001.jpg@01D2AD4A.271B2040]

>

> [cid:image002.jpg@01D2AD4A.271B2040]

>

> [cid:image003.jpg@01D2AD4A.271B2040]

>

>

>

> Sent from my iPhone

>

>

> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

> <image001.jpg>

> <image002.jpg>

> <image003.jpg>

<image001.jpg>

<image002.jpg>

<image003.jpg>

CLV000108

004228

LO 00002339

8485

To: Steven Seroka[stevenseroka@live.com]
From: Bob Coffin
Sent: Sat 1/20/2018 2:14:11 AM
Subject: Re: Badlands. What else?

All ears next week.

----- Original message -----

From: Steven Seroka <stevenseroka@live.com>
Date: 1/19/18 6:12 PM (GMT-08:00)
To: Bob Coffin <lvCouncilman@hotmail.com>
Subject: Re: Badlands. What else?

I agree. And need an approach to accomplish the desired outcome. Let's chat soon.

Respectfully,
Steve

Steven Seroka
Cell: 702 249-1641
Email: StevenSeroka@Live.com
<https://www.facebook.com/Steve-Seroka-1808280539414177/>
<https://www.twitter.com/SteveSeroka>
<https://steveseroka.com/>

From: Bob Coffin <lvCouncilman@hotmail.com>
Sent: Friday, January 19, 2018 6:10 PM
To: stevenseroka@live.com
Subject: Badlands. What else?

Hi. If you have not read the transcript of the Judges decision you need to get it. After you read it you will see why I am scared of any talk of "mediation." This judge cannot see why the residents should give one inch in this battle. Mediation is another word for compromise and they, and we, should hang tough.
Bob

CLV000466

004229

LO 00002340

8486

To: Maria Jose Norero[mnorero@LasVegasNevada.GOV]
Cc: Susan Finucan[sfinucan@LasVegasNevada.GOV]; Felipe Ortiz[fortiz@LasVegasNevada.GOV]
From: Bob Coffin
Sent: Mon 5/8/2017 3:26:07 PM
Subject: Re: Anne Smith - resident of Badlands

Yesssssss.

----- Original message -----

From: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Date: 5/8/17 6:04 AM (GMT-08:00)
To: lvcouncilman@hotmail.com
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Fwd: Anne Smith - resident of Badlands

Councilman, I had a voicemail from Anne Smith asking about scheduling a time she and her neighbor could meet with you about the Badlands agenda item. Below is more information I sent you last week about it.

Can Susan schedule them to come in?

Thank you,

Maria

Sent from my iPhone

Begin forwarded message:

From: Bob Coffin <lvcouncilman@hotmail.com>
Date: May 1, 2017 at 8:40:45 PM EDT
To: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Re: Anne Smith - resident of Badlands

Also, do they know I am voting against the whole thing?

----- Original message -----

From: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Date: 5/1/17 5:31 PM (GMT-08:00)
To: Bob Coffin <lvcouncilman@hotmail.com>
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Anne Smith - resident of Badlands

Councilman,

You received a call from Anne Smith, resident of Badlands development. She and a small group of neighbors would like to speak with you about some concerns they have that they feel have been lost in the presentations in front of Council. They will be impacted in very specific ways by the development and they would like to share their concerns with you before May 17th City Council. I asked more specifics, but all she said is that the impact on their homes will be much greater and they have not had an opportunity to voice their specific concerns with the new development.

Her phone number is [REDACTED]

Would you like for them to come meet with you?

Thank you,

CLV000183

004230

LO 00002341

8487

To: Bob Coffin[lvcouncilman@hotmail.com]
From: Gordon Culp
Sent: Mon 5/14/2018 7:25:36 PM
Subject: RE: Your letter.

We've heard the same rumor but have no information.

From: Bob Coffin <lvcouncilman@hotmail.com>
Sent: Monday, May 14, 2018 11:35 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Re: Your letter.

There is a lot of buzz about Sheldon Adelson's possible investment in this. Does anyone know about that?

----- Original message -----

From: Gordon Culp <gordon@smithculp.com>
Date: 5/14/18 11:28 AM (GMT-08:00)
To: Bob Coffin <lvcouncilman@hotmail.com>
Subject: RE: Your letter.

FYI, we and many of our neighbors who have been critical of the development plans from Yohan have received letters from Jimmerson demanding that we preserve all emails, letter, notes, other documents related to Badlands. So he apparently anticipates going after personal materials as well. I don't think he has any legal basis for such a demand since we are not a party to any legal action – at least not yet. Yohan personally threatened me while I was out walking my dog a few weeks ago by yelling from his passing car that he "would see me in court and he was going to get me." So, he may be planning on some kind of legal action against the residents who have been critical of his plans.

Thank you for your quick response.

Gordon

From: Bob Coffin <lvcouncilman@hotmail.com>
Sent: Monday, May 14, 2018 10:12 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Your letter.

Understood. Right now I am fighting two fronts not even on the agenda. Yohan is suing me in Federal Court claiming I cannot vote because of anti-Semitism!

Also, his team has filed an official request for all txt msg, email, anything at all on my personal phone and computer under an erroneous supreme court opinion which just came down on Lyon Cty commissioners. Court might have been right on them but literal interp in our case is personally devastating because I take pride in confidentiality to anyone who writes me for their own privacy and safety.

So, everything is subject to being turned over so, for example, your letter to the cjty email is now public and this response might become public (to Yohan).

I am considering only using the phone but awaiting clarity from court.

Please pass word to all your neighbors. In any event tell them to NOT use the city email address but call or write to our personal addresses. For now.

Bob

And, of course, I agree with you.

CLV001116

004231

LO 00002342

8488

To: Gordon Culp[gordon@smithculp.com]
From: Bob Coffin
Sent: Mon 5/14/2018 6:36:35 PM
Subject: Re: Your letter.

Also, please pass the word for everyone to not use B...l..nds in title or text of comms. That is how search works.

----- Original message -----

From: Gordon Culp <gordon@smithculp.com>
Date: 5/14/18 11:28 AM (GMT-08:00)
To: Bob Coffin <lvCouncilman@hotmail.com>
Subject: RE: Your letter.

FYI, we and many of our neighbors who have been critical of the development plans from Yohan have received letters from Jimmerson demanding that we preserve all emails, letter, notes, other documents related to Badlands. So he apparently anticipates going after personal materials as well. I don't think he has any legal basis for such a demand since we are not a party to any legal action – at least not yet. Yohan personally threatened me while I was out walking my dog a few weeks ago by yelling from his passing car that he "would see me in court and he was going to get me." So, he may be planning on some kind of legal action against the residents who have been critical of his plans.

Thank you for your quick response.

Gordon

From: Bob Coffin <lvCouncilman@hotmail.com>
Sent: Monday, May 14, 2018 10:12 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Your letter.

Understood. Right now I am fighting two fronts not even on the agenda. Yohan is suing me in Federal Court claiming I cannot vote because of anti-Semitism!

Also, his team has filed an official request for all txt msg, email, anything at all on my personal phone and computer under an erroneous supreme court opinion which just came down on Lyon Cty commissioners. Court might have been right on them but literal interp in our case is personally devastating because I take pride in confidentiality to anyone who writes me for their own privacy and safety.

So, everything is subject to being turned over so, for example, your letter to the cjty email is now public and this response might become public (to Yohan).

I am considering only using the phone but awaiting clarity from court.

Please pass word to all your neighbors. In any event tell them to NOT use the city email address but call or write to our personal addresses. For now.

Bob

And, of course, I agree with you.

PS. Same crap applies to Steve as he is also being individually sued if Fed Court and also his personal stuff being sought.

This is no secret so let all your neighbors know.

CLV001233

004232

LO 00002343

8489

To: lvcouncilman@hotmail.com[lvcouncilman@hotmail.com]; [REDACTED]
From: [REDACTED]
Sent: Thur 6/22/2017 4:41:38 PM
Subject: Last night meeting Badlands

First off all thank you for your support in attempting to develop the deal best for all.

Two comments:

- I think your third way is the only quick solution. Phase one & two-negotiate three's current mode. Sell off the balance to be a golf course with water rights(key). Keeps the bulk of Queensridge green.

- You closing comment that the city attorney is getting compromised being further into the role as negotiator. A councilman needs to step in. If council has to go to court very awkward. He would have to recuse himself.

Thanks for listing.

Rick Kost
[REDACTED]

CLV000202

004233

LO 00002344

8490

Exhibit 123



City of Las Vegas

Bob Coffin
Councilman, Ward 3

March 27, 2017

Jewish Nevada
Todd S. Polikoff, President & CEO
2317 Renaissance Drive
Las Vegas, NV 89119

RE: Sent via email

Dear Todd,

I received your letter and I am surprised that you have taken such a leap to conclusion as to label me anti-Semite and anti-Israel. I do not know you and you do not know me but as I look at your Board I see friends who would disagree with your insulting and half-baked opinion of me. I have grown up in this city since 1951. In my youth there were only three kinds of friends; Jews, Catholics and Mormons, all friends.

First, I have been in mourning since the death of my son in late January. Marla Letizia is fully aware of this. I have not answered many communications, much less these odd claims and meeting demands as they were first put to me by Marla. So, in a sense I did respond to you through your Board Chair. I only participate in official meetings at City Hall and the conversation with her was by phone call. She asked for a formal meeting and I declined for the obvious reason. She seemed to understand so imagine my surprise when I received this letter, which I can only describe as odd, to be charitable.

In the context of the Council meeting in question I was describing a private meeting with Mr. Yohan Lowie and his colleagues at EHB. I said that I thought his opportunistic handling of the Badlands purchase and his arrogant disregard of the Queensridge neighborhood reminded me of Bibi Netanyahu's insertion of the concreted settlements in the West Bank neighborhoods. To me it is just as inconsiderate and Yohan looked upon them as a band of unruly Palestinians. I feel that it is such.

495 S. Main St. | Las Vegas, Nevada 89101 | (702) 229-6405 | FAX (702) 382-8558
bc Coffin@lasvegasnevada.gov | www.lasvegasnevada.gov

004234

8492

Just four days ago, at a building dedication, I asked Mr Lowie if he had said to people that he thought I was anti-Semitic and he said he told no one this but your letter describes how Mr Lowie informed your office of the "Incident." No wonder the Queensridge neighborhood has such frustration with his methods.

So, in the retelling of the story at Council I see from my transcript, which I had my staff prepare for Marla, that I said "Israel" instead of Netanyahu. Since neither you or Marla were at the meeting, I can see how you miss the context. I did not even realize it myself at the time. The point of the retelling of the private meeting was to emphasize to all present at Council that I had no secret agenda but was pushing for compromise.


It is certainly not anti-Semitic or anti-Israel to criticize Netanyahu, a loud-mouthed buffoon of a right-wing politician who feels free to meddle in our Presidential elections. I also do not believe that he represents the thoughts of all Israelis just as no Prime Minister represents the thoughts of any country. And, I do not object to the billions of dollars of US taxpayer support to Israel.

So, call me anti-Bibi but anything else is just not true. If you wish to make this dispute public I think you will find it unprofitable for everyone.

I am responding to your letter by email from my home so I apologize for not responding to you in kind.

I do hope you will exercise your best effort to undo the damage you cause me by your unfounded accusations.

Thank you,

A handwritten signature in black ink, appearing to read "Bob Coffin". The signature is fluid and cursive, with the first name "Bob" and last name "Coffin" clearly distinguishable.

Councilman Bob Coffin
City of Las Vegas, Ward 3
CC: copy of email

004235

8493

Exhibit 124

PLANNING COMMISSION MEETING

FEBRUARY 14, 2017

VERBATIM TRANSCRIPT – AGENDA ITEMS 21-24

868 **STEVE SEROKA**

869 Good evening. I'm Colonel Steve Seroka. I reside at 10100 Stony Ridge Drive, not in
870 Queensridge. I live in the neighborhood across the street, and I'm here to represent not only
871 myself and my neighbors, but my neighbors of Queensridge and the hundreds of thousands of
872 folks that are in our community as well. I think it's fair to say tonight that not just the majority of
873 people in this room, barring those that are being paid by the developer, but hundreds and
874 thousands of the people that I've talked to in my community are not happy and are not supportive
875 of this project.

876 On the issue of the waivers that we're discussing tonight, pre-recession, we had an attitude of
877 grow at all costs. We had an attitude of approve all waivers that are in the interest of the
878 developer and lobbyist. We don't need to emulate that now again in 2017. We don't need skinny
879 streets. We don't need streets where a fire vehicle cannot even turn around. We do not need to be
880 fearful of the complexity of this issue and the large terminology that is thrown out. We do not
881 need to be fearful of that.

882 In fact, we wouldn't be here today, if in the beginning we had said as responsible representatives
883 of the community, over my dead body will I allow a project that will drive property values down
884 30% in just a year; over my dead body will I allow those constituents to have a decrease
885 compared to their residents in other parts of our city at 45% relative property values; over my
886 dead body will I allow a project that will set a precedent that will ripple across the community
887 that those property values do not just be impacted in Queensridge, but throughout the
888 community.

889 I ask you to find that moral courage to stand up. I ask you to find that Fallujah moral courage,
890 that Pork Chop Hill moral courage, that Heartbreak Ridge and Doolittle Raid moral courage to
891 stand up for what you know is right. I ask you to stand up and be accountable to your
892 constituents. So tonight I ask you no waivers that only benefit the interest of the developer, and I
893 ask that you consider the precedent that you are setting in our community. Thank you.

894

895 **CHAIRMAN SCHLOTTMAN**

896 Thank you, sir. Good evening. Please hold your applause. Good evening, ma'am.



Las Vegas Planning Commission Meeting

2/14/2017

#LVPlanning

21. GPA-68385 180 LAND COMPANY, LLC Ward 2

004237

LO 00400921

8496

Exhibit 125



The Steve Seroka Badlands Solution

The proposed rezoning of the Badlands Golf Course land leaves the residents of Ward 2 in the City of Las Vegas faced with declining property values and a regulatory precedent that will stretch far beyond the golf course. This at a time when home values are finally on the rise following the worst economic crash of our lifetimes.

The Councilman representing Ward 2 has steadfastly defended the developer's land rights while ignoring the rights of the adjoining property owners, those he was elected to represent. Residents are being worn down and scared off by terms like "Inverse Condemnation" to force them into submission.

The *Review-Journal* recently reported property values in the Queensridge community have seen a 30% drop in value. Development should enhance neighboring properties, not devalue them. If the precedent is set, nothing would prevent a developer from intentionally running a golf course into the ground with the ultimate goal of building thousands of homes.

Every option must be explored to reach a solution that is beneficial to everyone involved. The incumbent has not looked beyond the developer's proposal. I have a plan that will benefit all parties while maintaining our property values and the quality of life we have come to enjoy in Ward 2.

With the cooperation of Clark County and the Bureau of Land Management, I propose an annexation of federally owned land so a swap of equal value can be made for the golf course land. I am focused on the property rights of existing homeowners, all of whom have a reasonable expectation to the open space that played heavily in their decision to purchase. This solution protects everyone's investment in the community, including the developer.

At the February 15th Las Vegas City Council meeting, the Mayor directed all parties to work together toward a global, holistic solution. We owe it to the residents of Ward 2 to explore every viable option to protect all concerned – the neighbors and the developer.

Together, we will work toward a common-good solution. A solution that enhances the quality of life – and the property values – of all Ward 2 residents, not just the wealthy developer and his lobbyists.



The Seroka Badlands Solution

- Work with Clark County and the Bureau of Land Management to annex a comparable piece of federally owned land.
- Coordinate a land swap of the annexed land with the golf course property.
- Work with the developer to create a master plan for the swapped land that allows him to build his desired product.
- Convert the golf course into a fitness park that protects the existing open space as well as the investment of the adjacent property owners.
- Partner with businesses that will utilize community groups such as veterans to build the park without raising taxes.

Paid for and authorized by the Committee to elect Steve Seroka
Printed in-house. Labor donated.

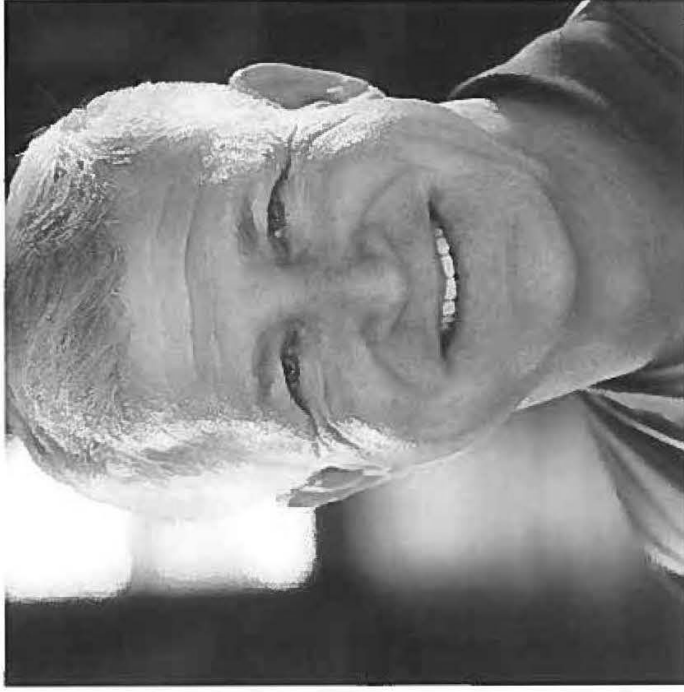
004239

LO 00001915

8499

knpr KNPR's State of Nevada

From Colonel to Council: Steve Seroka Says Bad Development Made Him Run

*Twitter*



Steve Seroka is challenging City Councilman Bob Beers for his seat.

<https://knpr.org/knpr/2017-03/colonel-council-steve-seroka-says-bad-development-made-him-run>

004240

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LO 00001916

8500

 **LISTEN (12:46)** Download***Mar 17, 2017 by Joe Schoenmann***

Steve Seroka is a third candidate seeking the seat representing Ward 2 on the Las Vegas City Council.

He is trying to take the job from Bob Beers, a former state lawmaker-turned-city councilman.

The main issue facing Ward 2 is the controversial effort to convert the Badlands Golf Course a neighborhood. Bob Beers voted for it.

In an interview with KPNR's State of Nevada, Beers said the property was zoned residential and if the city didn't approve the developers plan it could get sued for millions of dollars.

Seroka, a former Air Force colonel, disagrees. He said the decision by the council hurt the home values in the surrounding Queensridge development and throughout Ward 2.

He also said the decision will set a precedent.

"When developers realize that golf courses and open spaces are more valuable, financially, to be developed than to be continued as open space, all of Ward 2 and in fact all of Southern Nevada could be at risk," Seroka said.

Seroka said he has a plan to fix the problem that already has developers and homeowners sitting down to talk. He believes a land swap can be worked out where the developers take another piece of land and turn the golf course over to the city.

He doesn't have a specific piece of property in mind but believes there are solutions.

Support comes from

"That is what I do," he said, "I try to bring together both sides to try to find the win-win solution"

Seroka admits he didn't think about running for office until the dispute started with Badlands. He believes the situation with the developers, homeowners and the city council are indicative of how Bob Beers operates.

The former Air Force colonel said he'll bring his character and morals to the city council.

"I think my number one strength is that I'm independent," he said.

Seroka said if he's elected he'll "eliminate the influence of big donors and super lobbyists" from the council's process and restore the voice of the people.

Also on KNPR's State of Nevada:

[City Council Challenger Says Golf Course Development All Wrong](#)

[Beers Facing First Real Fight For City Council](#)

Guests: Steve Seroka, candidate, Ward 2 City Council

More from: Politics & Policy, Nevada & the Southwest, Ward 2, Las Vegas City Council, Bob Beers, Christina Roush, Badlands Golf Course, KNPR's State of Nevada

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our partners



Exhibit 126