

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

Electronically Filed
Aug 25 2022 01:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**JOINT APPENDIX,
VOLUME NO. 45**

LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.

Nevada Bar No. 2571

kermitt@kermittwaters.com

James J. Leavitt, Esq.

Nevada Bar No. 6032

jim@kermittwaters.com

Michael A. Schneider, Esq.

Nevada Bar No. 8887

michael@kermittwaters.com

Autumn L. Waters, Esq.

Nevada Bar No. 8917

autumn@kermittwaters.com

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.

Nevada Bar No. 4381

bscott@lasvegasnevada.gov

Philip R. Byrnes, Esq.

pbyrnes@lasvegasnevada.gov

Nevada Bar No. 166

Rebecca Wolfson, Esq.

rwolfson@lasvegasnevada.gov

Nevada Bar No. 14132

495 S. Main Street, 6th Floor

Las Vegas, Nevada 89101

Telephone: (702) 229-6629

Attorneys for City of Las Vegas

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

micah@claggettlaw.com

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

gogilvie@mcdonaldcarano.com

Amanda C. Yen, Esq.

ayen@mcdonaldcarano.com

Nevada Bar No. 9726

Christopher Molina, Esq.

cmolina@mcdonaldcarano.com

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702)873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

debbie@leonardlawpc.com

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

schwartz@smwlaw.com

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

ltarpey@smwlaw.com

California Bar No. 321775

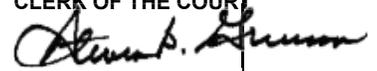
(admitted pro hac vice)

396 Hayes Street

San Francisco, California 94102

Telephone: (415) 552-7272

Attorneys for City of Las Vegas



1 **APPN**
2 **LAW OFFICES OF KERMITT L. WATERS**

3 Kermit L. Waters, Esq., Bar No. 2571
4 kermitt@kermittwaters.com
5 James J. Leavitt, Esq., Bar No. 6032
6 jim@kermittwaters.com
7 Michael A. Schneider, Esq., Bar No. 8887
8 michael@kermittwaters.com
9 Autumn L. Waters, Esq., Bar No. 8917
10 autumn@kermittwaters.com
11 704 South Ninth Street
12 Las Vegas, Nevada 89101
13 Telephone: (702) 733-8877
14 Facsimile: (702) 731-1964

15 *Attorneys for Plaintiff Landowners*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 180 LAND CO., LLC, a Nevada limited liability)
19 company, FORE STARS, LTD., DOE INDIVIDUALS,)
20 ROE CORPORATIONS I through X, and ROE)
21 LIMITED LIABILITY COMPANIES I through X,)

22 Plaintiffs,)

23 vs.)

24 CITY OF LAS VEGAS, political subdivision of the)
25 State of Nevada, ROE government entities I)
26 through X, ROE CORPORATIONS I through X,)
27 ROE INDIVIDUALS I through X, ROE LIMITED)
28 LIABILITY COMPANIES I through X, ROE)
quasi-governmental entities I through X,)

Defendants.)

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

**APPENDIX OF EXHIBITS IN
SUPPORT OF PLAINTIFF
LANDOWNERS' MOTION TO
DETERMINE TAKE AND FOR
SUMMARY JUDGMENT ON
THE FIRST, THIRD AND
FOURTH CLAIMS FOR RELIEF**

VOLUME 12

Plaintiff Landowners hereby submit this Appendix of Exhibits in Support of Their Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief.

Exhibit No.	Description	Vol. No.	Bates No.
1	Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	1	000001-000005
2	Map 1 of 250 Acre Land	1	000006

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3	Map 2 of 250 Acre Land	1	000007
4	Notice of Related Cases	1	000008-000012
5	April 15, 1981 City Commission Minutes	1	000013-000050
6	December 20, 1984 City of Las Vegas Planning Commission hearing on General Plan Update	1	000051-000151
7	Findings of Fact and Conclusions of Law Regarding Plaintiffs' Motion for New Trial, Motion to Alter or Amend and/or Reconsider the Findings of Fact and Conclusions of Law, Motion to Stay Pending Nevada Supreme Court Directives	2	000152-000164
8	ORDER GRANTING the Landowners' Countermotion to Amend/Supplement the Pleadings; DENYING the Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims	2	000165-000188
9	City's Opposition to Motion to Determine "Property Interest"	2	000189-000216
10	City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims	2	000217-000230
11	Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition	2	000231-000282
12	Supreme Court Order Denying Petition for Writ of Mandamus or Prohibition	2	000283-000284
13	Supreme Court Order Denying Rehearing	2	000285-000286
14	Supreme Court Order Denying En Banc Reconsideration	2	000287-000288
15	Motion to Dismiss Complaint for Declaratory and Injunctive Relief and in Inverse Condemnation, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000289-000308
16	City's Sur Reply Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint for Declaratory and Injunctive Relief and Inverse Condemnation, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000309-000319

1	17	City's Proposed Findings of Fact and Conclusion of Law Granting City's Motion to Dismiss Complaint, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000320-000340
2	18	Order Denying City of Las Vegas' Motion to Dismiss, <i>Fore Stars, Ltd. Seventy Acres, LLC v. City of Las Vegas, et al.</i> , Case No. A-18-773268-C	2	000341-000350
3	19	City of Las Vegas' Motion to Dismiss, <i>180 Land Co., LLC v. City of Las Vegas, et al.</i> , Case No. A-18-775804-J	2	000351-000378
4	20	2.15.19 Minute Order re City's Motion to Dismiss	2	000379
5	21	Respondents' Answer Brief, Supreme Court Case No. 75481	2	000380-000449
6	22	Order Granting Plaintiffs' Petition for Judicial Review, <i>Jack B. Binion, et al vs. The City of Las Vegas</i> , Case No. A-17-752344-J	2	000450-000463
7	23	Supreme Court Order of Reversal	2	000464-000470
8	24	Supreme Court Order Denying Rehearing	2	000471-000472
9	25	Supreme Court Order Denying En Banc Reconsideration	2	000473-000475
10	26	Findings of Fact, Conclusions of Law and Judgment Granting Defendants Fore Stars, Ltd., 180 Land Co LLC, Seventy Acres LLC, EHB Companies LLC, Yohan Lowie, Vickie Dehart and Frank Pankratz's NRCP 12(b)(5) Motion to Dismiss Plaintiffs' Amended Complaint	2	000476-000500
11	27	Notice of Entry of Findings of Fact, Conclusions of Law, Final Order of Judgment, <i>Robert Peccole, et al v. Peccole Nevada Corporation, et al.</i> , Case No. A-16-739654-C	2	000501-000545
12	28	Supreme Court Order of Affirmance	2	000546-000550
13	29	Supreme Court Order Denying Rehearing	2	000551-000553
14	30	November 1, 2016 Badlands Homeowners Meeting Transcript	2	000554-000562
15	31	June 13, 2017 Planning Commission Meeting Verbatim Transcript	2	000563-000566
16	32	Notice of Entry of Findings of Fact and Conclusions of Law Granting City of Las Vegas' Motion for Summary Judgment, <i>180 Land Co. LLC, et al v. City of Las Vegas</i> , Case No. A-18-780184-C	3	000567-000604

1	33	June 21, 2017 City Council Meeting Combined Verbatim Transcript	3	000605-000732
2	34	Declaration of Yohan Lowie	3	000733-000739
3	35	Declaration of Yohan Lowie in Support of Plaintiff Landowners' Motion for New Trial and Amend Related to: Judge Herndon's Findings of Fact and Conclusion of Law Granting City of Las Vegas' Motion for Summary Judgment, Entered on December 30, 2020	3	000740-000741
4				
5	36	Master Declaration of Covenants, Conditions Restrictions and Easements for Queensridge	3	000742-000894
6				
7	37	Queensridge Master Planned Community Standards - Section C (Custom Lot Design Guidelines)	3	000895-000896
8				
9	38	Custom Lots at Queensridge Purchase Agreement, Earnest Money Receipt and Escrow Instructions	3	000897-000907
10				
11	39	Public Offering Statement for Queensridge North (Custom Lots)	4	000908-000915
12				
13	40	Deposition of Yohan Lowie, <i>In the Matter of Binion v. Fore Stars</i>	4	000916-000970
14				
15	41	The City of Las Vegas' Response to Requests for Production of Documents, Set One	4	000971-000987
16				
17	42	Respondent City of Las Vegas' Answering Brief, <i>Jack B. Binion, et al v. The City of Las Vegas, et al.</i> , Case No. 17-752344-J	4	000988-001018
18				
19	43	Ordinance No. 5353	4	001019-001100
20				
21	44	Original Grant, Bargain and Sale Deed	4	001101-001105
22				
23	45	May 23, 2016 Par 4 Golf Management, Inc.'s letter to Fore Stars, Ltd. re Termination of Lease	4	001106-001107
24				
25	46	December 1, 2016 Elite Golf Management letter to Mr. Yohan Lowie re: Badlands Golf Club	4	001108
26				
27	47	October 30, 2018 Deposition of Keith Flatt, <i>Fore Stars, Ltd. v. Allen G. Nel</i> , Case No. A-16-748359-C	4	001109-001159
28				
	48	Declaration of Christopher L. Kaempfer	4	001160-001163
	49	Clark County Real Property Tax Values	4	001164-001179
	50	Clark County Tax Assessor's Property Account Inquiry - Summary Screen	4	001180-001181
	51	Assessor's Summary of Taxable Values	5	001182-001183
	52	State Board of Equalization Assessor Valuation	5	001184-001189

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

53	June 21, 2017 City Council Meeting Combined Verbatim Transcript	5	001190-001317
54	August 2, 2017 City Council Meeting Combined Verbatim Transcript	5	001318-001472
55	City Required Concessions signed by Yohan Lowie	5	001473
56	Badlands Development Agreement CLV Comments	5	001474-001521
57	Development Agreement for the Two Fifty, Section Four, Maintenance of the Community	5	001522-001529
58	Development Agreement for the Two Fifty	5	001530-001584
59	The Two Fifty Design Guidelines, Development Standards and Uses	5	001585-001597
60	The Two Fifty Development Agreement's Executive Summary	5	001598
61	Development Agreement for the Forest at Queensridge and Orchestra Village at Queensridge	5	001599-002246
62	Department of Planning Statement of Financial Interest	6	002247-002267
63	December 27, 2016 Justification Letter for General Plan Amendment of Parcel No. 138-31-702-002 from Yohan Lowie to Tom Perrigo	6	002268-002270
64	Department of Planning Statement of Financial Interest	6	002271-002273
65	January 1, 2017 Revised Justification letter for Waiver on 34.07 Acre Portion of Parcel No. 138-31-702-002 to Tom Perrigo from Yohan Lowie	6	002274-002275
66	Department of Planning Statement of Financial Interest	6	002276-002279
67	Department of Planning Statement of Financial Interest	6	002280-002290
68	Site Plan for Site Development Review, Parcel 1 @ the 180, a portion of APN 138-31-702-002	6	002291-002306
69	December 12, 2016 Revised Justification Letter for Tentative Map and Site Development Plan Review on 61 Lot Subdivision to Tom Perrigo from Yohan Lowie	6	002307-002308
70	Custom Lots at Queensridge North Purchase Agreement, Earnest Money Receipt and Escrow Instructions	7	002309-002501

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

71	Location and Aerial Maps	7	002502-002503
72	City Photos of Southeast Corner of Alta Drive and Hualapai Way	7	002504-002512
73	February 14, 2017 Planning Commission Staff Recommendations	7	002513-002538
74	June 21, 2017 Planning Commission Staff Recommendations	7	002539-002565
75	February 14, 2017 Planning Commission Meeting Verbatim Transcript	7	002566-002645
76	June 21, 2017 Minute re: City Council Meeting	7	002646-002651
77	June 21, 2017 City Council Staff Recommendations	7	002652-002677
78	August 2, 2017 City Council Agenda Summary Page	7	002678-002680
79	Department of Planning Statement of Financial Interest	7	002681-002703
80	Bill No. 2017-22	7	002704-002706
81	Development Agreement for the Two Fifty	7	002707-002755
82	Addendum to the Development Agreement for the Two Fifty	8	002756
83	The Two Fifty Design Guidelines, Development Standards and Permitted Uses	8	002757-002772
84	May 22, 2017 Justification letter for Development Agreement of The Two Fifty, from Yohan Lowie to Tom Perrigo	8	002773-002774
85	Aerial Map of Subject Property	8	002775-002776
86	June 21, 2017 emails between LuAnn D. Holmes and City Clerk Deputies	8	002777-002782
87	Flood Damage Control	8	002783-002809
88	June 28, 2016 Reasons for Access Points off Hualapai Way and Rampart Blvd. letter from Mark Colloton, Architect, to Victor Balanos	8	002810-002815
89	August 24, 2017 Access Denial letter from City of Las Vegas to Vickie Dehart	8	002816
90	19.16.100 Site Development Plan Review	8	002817-002821
91	8.10.17 Application for Walls, Fences, or Retaining Walls	8	002822-002829
92	August 24, 2017 City of Las Vegas Building Permit Fence Denial letter	8	002830

1	93	June 28, 2017 City of Las Vegas letter to Yohan Lowie Re Abeyance Item - TMP-68482 - Tentative Map - Public Hearing City Council Meeting of June 21, 2017	8	002831-002834
2	94	Declaration of Vickie Dehart, <i>Jack B. Binion, et al. v. Fore Stars, Ltd.</i> , Case No. A-15-729053-B	8	002835-002837
3	95	Supreme Court Order of Affirmance, <i>David Johnson, et al. v. McCarran International Airport, et al.</i> , Case No. 53677	8	002838-002845
4	96	De Facto Taking Case Law From State and Federal Jurisdictions	8	002846-002848
5	97	Department of Planning Application/Petition Form	8	002849-002986
6	98	11.30.17 letter to City of Las Vegas Re: 180 Land Co LLC ("Applicant"t - Justification Letter for General Plan Amendment [SUBMITTED UNDER PROTEST] to Assessor's Parcel ("APN(st") 138-31-601-008, 138-31- 702-003, 138-31-702-004 (consisting of 132.92 acres collectively "Property"t - from PR-OS (Park, Recreation and Open Space) to ML (Medium Low Density Residential) as part of applications under PRJ-11990, PRJ-11991, and PRJ-71992	8	002987-002989
7	99	January 9, 2018 City Council Staff Recommendations	8	002990-003001
8	100	Item #44 - Staff Report for SDR-72005 [PRJ-71990] - amended condition #6 (renumbered to #7 with added condition)	8	003002
9	101	January 9, 2018 WVR-72007 Staff Recommendations	8	003003-003027
10	102	January 9, 2018 WVR-72004, SDR-72005 Staff Recommendations	8	003028-003051
11	103	January 9, 2018 WVR-72010 Staff Recommendations	8	003052-003074
12	104	February 21, 2018 City Council Meeting Verbatim Transcript	8	003075-003108
13	105	May 17, 2018 City of Las Vegas Letter re Abeyance - TMP-72012 [PRJ-71992] - Tentative Map Related to WVR-72010 and SDR-72011	9	003109-003118
14	106	May 16, 2018 Council Meeting Verbatim Transcript	9	003119-003192
15	107	Bill No. 2018-5, Ordinance 6617	9	003193-003201

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

108	Bill No. 2018-24, Ordinance 6650	9	003202-003217
109	November 7, 2018 City Council Meeting Verbatim Transcript	9	003218-003363
110	October 15, 2018 Recommending Committee Meeting Verbatim Transcript	9	003364-003392
111	October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 1 of 2)	10	003393-003590
112	October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 2 of 2)	11	003591-003843
113	July 17, 2018 Hutchison & Steffen letter re Agenda Item Number 86 to Las Vegas City Attorney	11	003844-003846
114	5.16.18 City Council Meeting Verbatim Transcript	11	003847-003867
115	5.14.18 Bill No. 2018-5, Councilwoman Fiore Opening Statement	11	003868-003873
116	May 14, 2018 Recommending Committee Meeting Verbatim Transcript	11	003874-003913
117	August 13, 2018 Meeting Minutes	11	003914-003919
118	November 7, 2018 transcript In the Matter of Las Vegas City Council Meeting, Agenda Item 50, Bill No. 2018-24	12	003920-004153
119	September 4, 2018 Recommending Committee Meeting Verbatim Transcript	12	004154-004219
120	State of Nevada State Board of Equalization Notice of Decision, <i>In the Matter of Fore Star Ltd., et al.</i>	12	004220-004224
121	August 29, 2018 Bob Coffin email re Recommend and Vote for Ordinance Bill 2108-24	12	004225
122	April 6, 2017 Email between Terry Murphy and Bob Coffin	12	004226-004233
123	March 27, 2017 letter from City of Las Vegas to Todd S. Polikoff	12	004234-004235
124	February 14, 2017 Planning Commission Meeting Verbatim Transcript	12	004236-004237
125	Steve Seroka Campaign letter	12	004238-004243
126	Coffin Facebook Posts	12	004244-004245
127	September 17, 2018 Coffin text messages	12	004246-004257
128	September 26, 2018 email to Steve Seroka re: meeting with Craig Billings	12	004258

1	129	Letter to Mr. Peter Lowenstein re: City's Justification	12	004259-004261
2	130	August 30, 2018 email between City Employees	12	004262-004270
3	131	February 15, 2017 City Council Meeting Verbatim Transcript	12	004271-004398
4	132	May 14, 2018 Councilman Fiore Opening Statement	12	004399-004404
5	133	Map of Peccole Ranch Conceptual Master Plan (PRCMP)	12	004405
6	134	December 30, 2014 letter to Frank Pankratz re: zoning verification	12	004406
7	135	May 16, 2018 City Council Meeting Verbatim Transcript	13	004407-004480
8	136	June 21, 2018 Transcription of Recorded Homeowners Association Meeting	13	004481-004554
9	137	Pictures of recreational use by the public of the Subject Property	13	004555-004559
10	138	Appellees' Opposition Brief and Cross-Brief, <i>Del Monte Dunes at Monterey, Ltd., et al. v. City of Monterey</i>	13	004560-004575
11	139	Respondent City of Las Vegas' Answering Brief, <i>Binion, et al. v. City of Las Vegas, et al.</i>	13	004576-004578
12	140	Grant, Bargain and Sale Deed	13	004579-004583
13	141	City's Land Use Hierarchy Chart	13	004584
14	142	August 3, 2017 deposition of Bob Beers, pgs. 31-36 - <i>The Matter of Binion v. Fore Stars</i>	13	004585-004587
15	143	November 2, 2016 email between Frank A. Schreck and George West III	13	004588
16	144	January 9, 2018 email between Steven Seroka and Joseph Volmar re: Opioid suit	13	004589-004592
17	145	May 2, 2018 email between Forrest Richardson and Steven Seroka re Las Vegas Badlands Consulting/Proposal	13	004593-004594
18	146	November 16, 2017 email between Steven Seroka and Frank Schreck	13	004595-004597
19	147	June 20, 2017 representation letter to Councilman Bob Coffin from Jimmerson Law Firm	13	004598-004600

1	148	September 6, 2017, City Council Verbatim Transcript	13	004601-004663
2				
3	149	December 17, 2015 LVRJ Article, Group that includes rich and famous files suit over condo plans	13	004664-04668
4				
5	150	Affidavit of Donald Richards with referenced pictures attached	14, 15, 16	004669-004830
6				

7

8 DATED this 26th day of March, 2021.

9 **LAW OFFICES OF KERMITT L. WATERS**

10 By: /s/ Kermit L. Waters
 11 Kermit L. Waters, Esq.
 Nevada Bar No. 2571
 James J. Leavitt, Esq.
 Nevada Bar No. 6032
 Michael A. Schneider, Esq.
 Nevada Bar No. 8887
 Autumn L. Waters, Esq.
 Nevada Bar No. 8917

12 *Attorneys for Plaintiff Landowners*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 26th day of March, 2021, pursuant to NRCP 5(b) and EDCR 8.05(f), a true and correct copy of the foregoing document(s): **APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF LANDOWNERS’ MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF - VOLUME 12** was made by electronic means pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court’s electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail and addressed to each of the following:

MCDONALD CARANO LLP
George F. Ogilvie III
Amanda C. Yen
2300 W. Sahara Ave., Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com

SHUTE, MIHALY & WEINBERGER, LLP
Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
396 Hayes Street
San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

LAS VEGAS CITY ATTORNEY’S OFFICE
Bryan K. Scott, City Attorney
Philip R. Byrnes
Seth T. Floyd
495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101
pbyrnes@lasvegasnevada.gov
sfloyd@lasvegasnevada.gov

/s/ Evelyn Washington
Evelyn Washington, an employee of the
Law Offices of Kermitt L. Waters

Exhibit 118

In the Matter Of:

LAS VEGAS CITY COUNCIL MEETING, AGENDA ITEM 50

BILL NO. 2018-24

November 07, 2018

Discovery Legal Services, LLC 702-353-3110 production@discoverylegal.net

003920

8173

BEFORE THE LAS VEGAS CITY COUNCIL

-oOo-

LAS VEGAS CITY COUNCIL MEETING

AGENDA ITEM 50

BILL NO. 2018-24 - LVMC TITLE 19

ADOPT ADDITIONAL STANDARDS OF
CERTAIN GOLF COURSES AND OPEN SPACES

WEDNESDAY, NOVEMBER 7, 2018

Las Vegas City Council Chambers
Las Vegas, Nevada

Transcribed by:

STEPHANI L. LODER

A P P E A R A N C E S

COUNCIL MEMBERS PRESENT

CAROLYN G. GOODMAN, Mayor
LOIS TARKANIAN, Mayor Pro-Tem
STEVEN G. SEROKA, Councilman
BOB COFFIN, Councilman
CEDRIC CREAR, Councilman
MICHELE FIORE, Councilwoman

STAFF

SCOTT ADAMS, City Manager
ROBERT SUMMERFIELD, Director of Planning

LAS VEGAS CITY ATTORNEY'S OFFICE

CAMERON VAL STEED, Deputy City Attorney

1 LAS VEGAS, NEVADA; WEDNESDAY, NOVEMBER 7, 2018

2

3

-o0o-

4

5 MAYOR GOODMAN: Recommending committee bills
6 eligible for adoption at this meeting. And it's Bill
7 No. 2018-24. And Councilwoman -- Mayor Pro-Tem, would you
8 like to have the bill read?

9

MAYOR PRO-TEM TARKANIAN: Yes.

10

MAYOR GOODMAN: Yes, the answer. Please.

11

MAYOR PRO-TEM TARKANIAN: Please.

12

MS. DEPUTY CITY ATTORNEY: Thank you, Your Honor.

13

14

15

16

17

18

19

Bill No. 2018-24, an ordinance to amend Las Vegas
Municipal Code Title 19, the Unified Development Code, to
adopt additional standards for requirements regarding the
repurposing of certain golf courses and open spaces,
consolidate those provisions with previously adopted
public engagement provisions regarding such repurposing
proposals and provide for other related matters.

20

And please note that there is a proposed first
amendment in your backup.

22

MAYOR GOODMAN: Thank you very much.

23

24

At this point, Councilman Crear has taken a
moment, and I want to wait for him to come back because my

1 comments -- would you get him, please.

2 Before we go into the discussion/comments and I
3 turn to Mayor Pro-Tem on this item -- unless, Councilman
4 Crear, are you out walking around? No. We'll just wait
5 one moment, please.

6 Okay. Now I need a lasso to get Councilman
7 Coffin back here. Oh, my goodness. For those of you who
8 have children under five, let me tell you, this is exactly
9 the same. We have four children, and at one point --
10 they're 42 months apart, and it was something else raising
11 them.

12 So Councilman Coffin --

13 MAYOR PRO-TEM TARKANIAN: That was a long time
14 apart. I had -- I was just thinking, I got 18 months.

15 MAYOR GOODMAN: Yeah, and that's pretty good.

16 MAYOR PRO-TEM TARKANIAN: Yeah.

17 MAYOR GOODMAN: But anyway, congratulations.
18 We'll take this time to congratulate all those who were
19 successful in the election yesterday. And for those of
20 you who were in opposition to any of the positions, it's
21 finished. It's done. Everybody is elected, and we're
22 going to work together, everybody. And it's very
23 important because especially in this city where we pride
24 ourselves in our harmony and diversity.

1 Yay, he's back.

2 COUNCILMAN COFFIN: I needed that, man.

3 MAYOR GOODMAN: Okay. Well, that's fine.

4 COUNCILMAN COFFIN: I'm an old man.

5 (Applause.)

6 MAYOR GOODMAN: Okay. My comments -- and
7 basically, it's just what I said. This is about the
8 harmony of our community.

9 And so we have an ordinance that's in front of
10 us. You heard not the details of it, but you heard the
11 overview of this ordinance. And it's about golf courses
12 and open spaces.

13 And so as we know, around the United States in
14 particular, our responsibility has nothing to do with
15 anything abroad.

16 Why are you walking around, Councilman?

17 UNIDENTIFIED MALE SPEAKER: Well, I'm just
18 keeping an eye on things.

19 MAYOR GOODMAN: Are you listening, though?

20 UNIDENTIFIED MALE SPEAKER: You betcha.

21 MAYOR GOODMAN: Okay. Golf play --

22 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE).

23 MAYOR GOODMAN: Golf play is on the decline, as
24 we know, for a variety of reasons. Golf courses are

1 becoming extremely expensive to keep up. There's a huge
2 movement about sustainability and keeping our environment
3 healthy for future generations. And so here in the city,
4 we have been looking at these issues.

5 Certainly the younger people, the millennials
6 that we all like to call them, tend to be a little more
7 sedentary -- not all, but most -- and prefer using their
8 thumbs rather than play golf or do athletic things. Not
9 everybody, but certainly some.

10 And so in many places in our newer areas of Wards
11 2, 4, and 6, which are more western, most of the new
12 developments have homeowner associations and CC&R
13 regulations which prohibit -- who cares? -- short-term
14 rentals, whatever you want. But there are these processes
15 that are in place.

16 And how they operate, if they have a golf course
17 in their environment, certainly the Las Vegas Country
18 Club, it's written in perpetuity that that will always
19 stay a golf course. And how that was written, I don't
20 know.

21 But we also know, too, that there are several
22 lawsuits right now on the Badlands and Queensridge in
23 front of the Nevada Supreme Court. They're going through
24 several lawsuits that are on this issue, both sides. And

1 the resolves and actions are -- will be coming down at
2 some point.

3 But in front of us today is a new ordinance
4 concerning new consideration for golf courses, open
5 spaces, sponsored by our wonderful councilman and colonel,
6 Steve Seroka from Ward 2.

7 But as mayor, my responsibility, I believe, is
8 not only helping and being there for all the wards, each
9 ward for all the best it can be, but also what's the
10 greater good for the entire City of Las Vegas. In other
11 words, what's best for the whole. Sort of like a family.
12 You don't favor one child over another. You try to take
13 care of the whole, what's best for the whole.

14 And in reviewing the details of this proposed
15 ordinance, which I spent a lot of time talking about and
16 looking into, my sense is there's a great deal more
17 research and assessment that needs to take place in the
18 open spaces segment, especially as it pertains to citywide
19 and in our historically more challenged wards, 1, 3, and
20 5.

21 In the public perception of how this ordinance
22 would play out, it is defined any one acre as subject to
23 the open spaces specifics in this ordinance, in the public
24 perception, when you read through it detail by detail.

1 Now, we just heard from -- and I don't want to
2 mistake the name, but Pastor Hatcher -- yes? Is that your
3 right name? -- and Ms. Duncan about Ward 5.

4 Wards 1, 3, and 5 have a lot of open space.
5 Certainly we know on Ward 3 where Tony Shea has come and
6 purchased a lot of land and there's open space cobbled
7 together.

8 But this ordinance, even though it's written and
9 detailed differently, for the public perception, it
10 reduces even down to one acre issues that the developer
11 will have to address before the developer can move on.

12 I am all about redevelopment and development, but
13 specifically because there is no control in Wards 1, 3,
14 and 5 at large about these open spaces that we desperately
15 want to develop and make the City stronger, it is
16 imperative we do everything we can to encourage
17 redevelopment and development.

18 And so my concern and my request had been taking
19 the golf courses and looking at that and trying to do the
20 best we can as society changes is one issue.

21 The open spaces is a different issue. They may
22 join together at some point, but as far as the public
23 perception and investors and developers go, they are going
24 to look -- as Pastor Hatcher just mentioned, they want

1 development in Ward 5.

2 I live in Ward 1. Our neighborhood wants to see
3 the development, and we want to encourage the developers
4 and investors to come in and do wise and sound investing.

5 All that I have asked -- and I can turn to
6 Councilman Seroka on this. I asked them, please, if you
7 can -- this is in front of the Supreme Court of the State
8 of Nevada now -- separate out, let's spend some more time
9 on these open spaces and continue to work on this.
10 There's no urgency for this to be done right now.

11 And as he is the sponsor, he has the prerogative.
12 It's his bill. Any council member can make any ordinance
13 that they wish about any subject, and I defer to the
14 councilpersons and I just ask him, "Would you separate
15 these out and spend some more time?" To which he
16 responded, "No."

17 And so in light of this, I am going to be voting
18 against this passage of this ordinance --

19 (Applause.)

20 MAYOR GOODMAN: -- and -- and -- wait, wait,
21 wait -- and -- and, please, and just for the respect.

22 The issues we really do have with golf courses,
23 and all of us, no matter where you live. You're a
24 resident, and you deserve to have the protection of your

1 investment or your property.

2 So this isn't saying any one thing. All I'm
3 talking about is taking some more time. I am voting to
4 make sure we do a bigger, more thorough, so we are not
5 having people come in to -- for example, 1, 3, and 5, and
6 say: This is way too costly. They're asking too much up
7 front. I'm going to go to the southwest. I'm going to go
8 to Henderson. I'm going to go to North Las Vegas.

9 North Las Vegas is coming back, by the way. And
10 there's a lot of residential property investment going on
11 there. I don't want to see that happen to Ward 1, 3, and
12 5. I want to see those challenged to start neighborhoods
13 have the same excitement and energy coming into them
14 because we're the best.

15 The City of Las Vegas is phenomenal. It doesn't
16 mean 2, 4, and 6 shouldn't have that same opportunity.
17 But where we are in 1, 3, and 5 historically is we don't
18 have those pieces in place yet.

19 So I wanted to explain to you all, this is really
20 to take more time and do it right, yet keep the energy
21 excitement of investors coming.

22 Now, you will hear any comments from this because
23 it goes back to Mayor Pro-Tem because she had the bill
24 read coming out of recommending. And I don't know -- in

1 recommending, was there a decision?

2 MAYOR PRO-TEM TARKANIAN: No. It was forwarded
3 on to the council without a recommendation.

4 MAYOR GOODMAN: Okay. So at this point, at the
5 request, but having heard my comment, please, you know,
6 see if you can get representatives to speak in groups.
7 And so we're going to make this public comment time.

8 MAYOR PRO-TEM TARKANIAN: Madam Mayor?

9 MAYOR GOODMAN: Yes?

10 MAYOR PRO-TEM TARKANIAN: Could I just clarify on
11 the record --

12 MAYOR GOODMAN: Yes?

13 MAYOR PRO-TEM TARKANIAN: -- what you're saying
14 is even -- even if there's an actuality where it wouldn't
15 occur that the developer might be able to go ahead, the
16 perception is it would turn off the developers. You are
17 concerned about perception because we're working so hard
18 in getting developers in our area.

19 And what you're saying is you could approve half
20 of this, Councilman Seroka's bill, and the other half,
21 however, you would then refer to --

22 MAYOR GOODMAN: You can't do it that way. You're
23 right about exactly what I'm talking about, the public
24 perception. The reality is this has to be reagentized as

1 a different ordinance or with the changes.

2 So I'm just saying, the way it's written right
3 now, I cannot support it. That's it.

4 MAYOR PRO-TEM TARKANIAN: Well, couldn't he just
5 take out open spaces and just have the other? I know he
6 said no before --

7 MAYOR GOODMAN: Well, he said no. He wouldn't do
8 it anyway.

9 COUNCILMAN SEROKA: Mayor, if I could address
10 that.

11 MAYOR GOODMAN: Yes.

12 COUNCILMAN SEROKA: I appreciate your comments.
13 And before we go forward, it would be nice if we could --
14 if I could address that briefly. But it would also be
15 nice if our staff who was central in this could address it
16 as well.

17 But I didn't say no. What I said was golf
18 courses are open space. So they are one and the same. So
19 when we address open space, we're talking golf courses.
20 And it's a planning term. It's not empty space. It's
21 open space.

22 So and further, if the one-acre lot in that case
23 wouldn't require any further studies, Public Works is the
24 determinate of that. And it would let that go forward.

1 But if I could, I would like to have Robert
2 Summerfield address this because, as you know, this was
3 directed by council to be developed last September because
4 we don't have a process in place for this kind of
5 development, and the council directed us to put this
6 together.

7 In over 15 months, there's been comments.
8 There's been committees that have -- of developers.
9 There's been committees of stakeholders that have
10 addressed this very issue.

11 And it's important to understand it is a planning
12 document, not a public perception document. It is
13 specifically defined planning processes that I've become
14 very familiar with. And our expert staff has put this
15 together as a citywide comprehensive approach to the
16 problem as you described.

17 And any redevelopment is welcome as long as it is
18 smart redevelopment with respect and consideration for
19 those that invested in the promise of the City that that
20 land would remain open space into perpetuity. So this
21 addresses only those pieces of property that we have
22 promised them and that we're reconsidering that promise.

23 So Robert, could you talk to this issue of us
24 developing it, how it came about, and some of the

1 specifics of --

2 MAYOR GOODMAN: Before you go to that, please --
3 thank you, Councilman.

4 I'm going to turn to the king of development, our
5 city manager who was hired to -- hired as the chief of
6 development here.

7 The only question that I'd like to ask you,
8 Mr. Adams, is does this ordinance encourage or discourage
9 development and redevelopment?

10 MR. ADAMS: That's a tough one.

11 MAYOR GOODMAN: No. It's just -- specific --

12 COUNCILMAN SEROKA: I'm not sure he's been a part
13 of the development process of this ordinance --

14 MAYOR GOODMAN: No, no, no.

15 COUNCILMAN SEROKA: -- to know the specifics of
16 it because it actually encourages --

17 MAYOR GOODMAN: Excuse me. Councilman --
18 Councilman --

19 COUNCILMAN SEROKA: -- development and expedites
20 it.

21 MAYOR GOODMAN: No, no, no. You're missing the
22 whole thing. I'm talking about public perception. I'm
23 specifically speaking to Wards 1, 3, and 5 where the
24 public perception to the developer is going to be a

1 discouraging piece.

2 I am passionate about 1, 3, and 5 getting
3 redevelopment and bringing this City back. It has nothing
4 to do with everything you've said -- you're absolutely
5 correct -- and the amount of time, effort, and energy
6 that's been put into it.

7 We want it comprehensively to work. And as a
8 golf course becomes an independent piece bought by a
9 developer and it becomes an open space, you don't want to
10 take a huge paintbrush and paint everything the same
11 because of a specific.

12 So my question to the guru of development and
13 redevelopment, if you would announce your name.

14 COUNCILMAN SEROKA: Your Honor -- Your Honor,
15 could I --

16 MAYOR GOODMAN: No. Please, let's hear from --

17 COUNCILMAN SEROKA: I think I -- think I should,
18 as a member of the council, be at least recognized.

19 MAYOR GOODMAN: No, no, no. I have to ask the
20 question. Just wait. I'll let you speak --

21 COUNCILMAN SEROKA: But you're asking him to make
22 a Hobson's choice, Your Honor.

23 MAYOR GOODMAN: No. I'm asking him about --

24 COUNCILMAN SEROKA: There is no one answer to

1 that.

2 MAYOR GOODMAN: -- development. Please.

3 MR. ADAMS: Can I take the Fifth on this?

4 MAYOR GOODMAN: Yes. Yes. You may. From your
5 expert professional base.

6 MR. ADAMS: So Councilman Seroka is correct in
7 that I've not been there blow by blow in the evolution and
8 development of this ordinance. Although, I did ask for
9 and receive and read a copy of the latest draft. And I'm
10 not going to really directly answer your question, Mayor.
11 I'm going to leave that interpretation to the --

12 MAYOR GOODMAN: Excuse me, if you would.
13 Councilman. He's talking. Could you please listen?

14 UNIDENTIFIED MALE SPEAKER: Oh, I'm sorry. I was
15 in a conversation.

16 MR. ADAMS: So I didn't -- Scott Adams, city
17 manager.

18 As I appreciate what this ordinance does -- and I
19 think I've imparted this in a previous meeting to a number
20 of folks, including council members -- that I've had some
21 experience in my career in areas that more regulate
22 development. I've had a great deal of experience in the
23 state of Florida and other places where there's a greater
24 burden put on a developer in the front end of development

1 than we generally place.

2 And as I appreciate this ordinance, it takes
3 things that we would normally expect from a developer as a
4 condition of approval as part of the entitlement that
5 happens after that approval and moves some of those items
6 to the front end of a development process prior to the
7 actual approval by city council of an entitlement.

8 I'll leave it up to you to make an interpretation
9 of --

10 MAYOR GOODMAN: Thank you.

11 MR. ADAMS: -- how that creates an impact on the
12 perception or the willingness of development to go -- a
13 developer to go forward. I think Robert could probably
14 more specifically enumerate those things that go from the
15 point after a council approval that might be a condition
16 of approval to things that are now required on the front
17 end.

18 There are precedents in other states for doing
19 this where there's an expectation that these things are
20 done before you actually get to it. And you can make an
21 interpretation, your own interpretation about whether you
22 think that negatively or positively impacts the
23 development process.

24 MAYOR GOODMAN: The only thing I was asking --

1 and thank you for your answer because I think it was
2 clear -- but in lay terms, can you repeat that in lay
3 terms by what you mean, front end, so that --

4 MR. ADAMS: Well, I --

5 MAYOR GOODMAN: There's a cost, is what I'm
6 saying.

7 MR. ADAMS: Well, I think when I say those items,
8 there are certain studies and things that we usually ask
9 somebody to do after you approve it.

10 Instead of having those be required after you
11 make approval with conditions, we're asking you to spend
12 that money before you come to council.

13 MAYOR PRO-TEM TARKANIAN: Madam Mayor, what
14 you're --

15 MR. ADAMS: So that's as lay term as I can make
16 it.

17 MAYOR GOODMAN: No. If I may just finish on
18 here, because I think what I understood from speaking with
19 Robert and also with Tom Perrigo, former planning, that
20 how we operated up to this point was conditional approval
21 on certain blocks or certain tunnels or whatever they call
22 them, containers, so that the investor, the developer --
23 and again I'm thinking 1, 3, and 5 -- is encouraged to
24 keep looking at it. And then is as the developer goes

1 through the process, there's a finite line that has to be
2 approved.

3 Conditional only keeps them moving forward to
4 continue to see if this is worthy of the investment. At
5 the time that anything is finalized, there has to be total
6 compliance with everything, but the heavy upfront costs
7 you're talking about or inferring to is at the end of the
8 whole conditional process and not at the beginning.

9 This ordinance will put the burden, the financial
10 burden on the front end as a potential investor. And
11 again, it could be anywhere in the entire city, but
12 specifically in 1, 3, and 5, they're going to have to come
13 up on the front end with the funds. And they're going to
14 say, nah, I'm going to the southwest; I'm going to
15 Henderson; I'm going somewhere else.

16 And so that's all -- and you have answered it
17 because I know you have been in development. You're at
18 least 15 years here, but knowing back in Fort Lauderdale
19 and New Orleans and everywhere else.

20 MR. ADAMS: Well, I did the best I could to
21 objectively answer that question without --

22 MAYOR GOODMAN: Thank you.

23 MR. ADAMS: -- making it as opinion as to whether
24 it's positive or negative.

1 MAYOR GOODMAN: You did not give an opinion. I
2 just interpreted it.

3 Am I incorrect -- I'm looking down to Mr. Perrigo
4 at the end -- with the conditional that we've been
5 operating on to move projects forward?

6 MR. PERRIGO: Well, yes, that is correct, Your
7 Honor. But let me make sure I understand clearly what
8 you're saying before I say that's correct.

9 And that is that there are certain studies that
10 are required: traffic, drainage, flood control, sewer.

11 UNIDENTIFIED MALE SPEAKER: Schools.

12 MR. PERRIGO: Those are typically either
13 conditionally approved prior to the action by council or
14 at least Public Works staff looks at that.

15 Once council has made a determination and that
16 entitlement package -- the site plan, the zoning, whatever
17 happens to be part of that -- that development project is
18 approved, then the developer invests in those studies with
19 an engineering firm, and they have to be reviewed by
20 Public Works staff, and then they're finalized before they
21 can pull a building permit and actually develop.

22 What this does in the circumstance where it's a
23 project in an existing neighborhood that's talking about
24 taking an amenity that currently exists and repurposing

1 that to something else, this ordinance would ask those
2 studies be done in advance so that information about the
3 impacts on traffic and sewer and drainage and flood
4 control, all that stuff, all those impacts are known in
5 advance before council makes a decision as to whether or
6 not to grant entitlements for that project.

7 MAYOR GOODMAN: Thank you. That's very clear.
8 And that's --

9 MAYOR PRO-TEM TARKANIAN: Can I just --
10 (Applause.)

11 MAYOR GOODMAN: Absolutely.

12 MAYOR PRO-TEM TARKANIAN: Okay. I just want --

13 UNIDENTIFIED SPEAKERS: Boo.

14 MAYOR GOODMAN: No. Please, don't. Please. I
15 mean, you know, we've been working on this for four years,
16 all parts of it. And it is really something we want best
17 for everybody. We just keep trying to make it right for
18 everybody. And my whole issue is just -- if we can just
19 take the piece to look at it more in depth.

20 I understand it. You've confirmed it in what I
21 understood in my explorations. And so the open spaces
22 piece as it affects Wards 1, 3, and 5, to me, is where I
23 really am -- if we don't develop these inner city wards,
24 these challenged wards with encumbrances of having to have

1 investors do it up front, which is what you said, and it's
2 just asking for time. Spend some more time on this.

3 I understand where we are, and I understand --
4 and all I'm saying, I'm one person up here of six today.
5 And so I just can't approve it today in this ordinance.
6 That's all I'm saying. And I tried to share the reasons.
7 Wanted to get expert comments. And that's all I've done.

8 So everybody else is free to vote how they see
9 fit. I'm passionate about fixing the historical center of
10 town.

11 So at this point --

12 UNIDENTIFIED MALE SPEAKER: Your Honor.

13 MAYOR GOODMAN: -- Councilwoman Mayor Pro-Tem was
14 in line first. Then you'll be next.

15 MAYOR PRO-TEM TARKANIAN: I'd like to get
16 something on the record here. I've had times where we've
17 had developments, and I did not have a traffic study
18 because I said that came -- I was told that came later,
19 after our vote. I did not have a school study. That came
20 later, after our vote.

21 And I objected to that because how could I make a
22 good vote if I don't know those things? So it comes
23 later.

24 (Applause.)

1 MAYOR PRO-TEM TARKANIAN: But you say that it's
2 temporary, and so if it doesn't fit in. But nobody told
3 me that. I will tell you, it was not on the record on
4 some of those developments that I had. Nobody said it's
5 temporary unless, you know, something happens and the
6 traffic isn't right or this isn't right.

7 I just want it on the record, if you're saying
8 temporary, that's a lot different.

9 UNIDENTIFIED MALE SPEAKER: Conditional.

10 MAYOR PRO-TEM TARKANIAN: Excuse me?

11 MAYOR GOODMAN: Conditional, I think, was the
12 word.

13 MAYOR PRO-TEM TARKANIAN: Oh, excuse me.
14 Conditional. It's conditional upon a traffic study
15 turning out all right.

16 But I've had many residents question -- because
17 you know, in the older wards, too, you have traffic. Why
18 make these votes before having a traffic study? And I
19 want to just make sure that it's on the record that if we
20 have those votes, it's conditional in all cases.

21 Is that correct?

22 MR. PERRIGO: I think you can say all cases, but
23 I'm going to defer to Mr. Summerfield.

24 MAYOR GOODMAN: And you've been asked to make a

1 report so I didn't want to preempt that, and you're
2 standing here so long. But if you would respond to Mayor
3 Pro-Tem.

4 MR. SUMMERFIELD: Of course, Mayor. For the
5 record, on this side, I'm Robert Summerfield. I'm
6 director of planning.

7 So Madam Mayor Pro-Tem, so on a site development
8 review that you would approve, one of the standard
9 conditions that Public Works includes is that they must
10 receive approval of the traffic study.

11 Again, all of these are conditional on the
12 intensity of the development because there's thresholds at
13 which certain levels of studies are required for all
14 categories: drainage, sewer, traffic --

15 MAYOR PRO-TEM TARKANIAN: But, Robert, do you
16 understand -- excuse me for interrupting.

17 MR. SUMMERFIELD: Yes. You're --

18 MAYOR PRO-TEM TARKANIAN: You're asking me to
19 vote on it before I know any of this stuff.

20 MR. SUMMERFIELD: Correct. So you -- when you
21 make your motion to approve a site development review,
22 you're approving it with the as-approved conditions. And
23 that's a part of the standard conditions is that they have
24 to satisfy the traffic study requirements if it's

1 required.

2 MAYOR PRO-TEM TARKANIAN: I'm so happy. 13 and a
3 half years on the council, I finally learned that. That's
4 very wonderful. That's good. Thank you very much.

5 And by the way, Robert, your last report on the
6 STRs was excellent. Thank you.

7 MAYOR GOODMAN: Yes, Councilman.

8 COUNCILMAN COFFIN: Thank you, Mayor.

9 The problem we face here today is that without
10 the public meetings, without the provisions of these --
11 that this bill encompasses, we don't know what the
12 conditions should be. Our offices don't know because no
13 public meetings have not -- been held in a formal
14 structure.

15 I don't like the idea that we set the table here
16 for a discussion on this thing -- and I don't even know if
17 we're going to have a vote today, Your Honor. But I'm
18 saying I don't think we should set the table as a zero-sum
19 game. You're either up for developers and down for
20 developers. That's not correct.

21 We are first representing the citizens, and the
22 developers can come and go as they please with their money
23 as there is big, big money, the biggest in Nevada behind
24 this project up there, not in Ward 3.

1 So we have to deal with rich people and
2 middle-class people and poor people. We try to treat them
3 all the same. And for some reason or another, everything
4 we've done here has not turned one developer away.

5 The developers in this town have been for this
6 bill. They say it doesn't hurt them. It won't hurt their
7 future prospects.

8 (Applause.)

9 UNIDENTIFIED SPEAKERS: Boo.

10 COUNCILMAN SEROKA: So I don't think that we
11 should frame the debate in such a fashion as it's
12 either/or, or -- that just doesn't work out, you know,
13 with the voters, with the people that we're trying to
14 protect, the ones that we really want to protect, the ones
15 that live near these things.

16 MAYOR GOODMAN: Okay. Mr. Summerfield, your
17 report per the request of Councilman Seroka.

18 MR. SUMMERFIELD: And I apologize, Madam Mayor.
19 If I might, if I could ask Councilman Seroka just to
20 repeat what he wanted me to speak on? Because there's
21 been a little delay, and I want to make sure that I hit
22 what he requested.

23 COUNCILMAN SEROKA: Mayor and Robert, you know,
24 we sat down in my office 14 months, 15 months ago, and we

1 looked at the lay of the land in our city, across the
2 entire city, and said, hey, we don't have any processes in
3 place to address this first-of-a-kind request in the city
4 of Las Vegas to -- for the City to walk back on its
5 promise of maintaining open space and then to have a
6 process which -- a process's purpose is to take
7 controversial, very complicated issues and move them
8 forward.

9 And you were in the room, along with Tom Perrigo
10 and Robert and Peter Lowenstein. Could you walk through
11 how we -- the concept of taking the national best
12 practices of success and then how we vetted them and how
13 we came forward to how this applies to all of the City of
14 Las Vegas. It's comprehensive.

15 MR. SUMMERFIELD: Thank you. So Madam Mayor, the
16 process began, as Councilman Seroka said, approximately
17 14 months ago. A resolution was brought before this body
18 that outlined some best practice information that we had
19 gleaned from other communities that have faced this issue
20 in Florida and South Carolina. Actually, here in Northern
21 Nevada, they've had this as an issue, and in California,
22 are some of the more predominant locations that have faced
23 this.

24 At that time, the council wanted a deeper dive

1 into what was in the resolution, and so they asked staff
2 to prepare ordinances for their consideration to address
3 the two components that were outlined in that resolution.

4 The first component was a public engagement
5 process. One of the things that we've learned through the
6 best management or best practice review is that in order
7 for these repurposings to occur as -- I think you talked
8 on it a couple of times -- as conversationally as
9 possible, without some of the acrimony that some
10 communities have seen, that public engagement is a key
11 component of that.

12 Having the developer the property come forward to
13 the community, engage the community, and the community
14 have some participation in what that new development may
15 look like as it's being put into an area that's already
16 previously developed. So that was one of the key pieces.

17 That actually -- we worked through the
18 councilman's office, worked with constituents. We had a
19 policy advisory panel that included representatives from a
20 number of organizations that helped provide advice to the
21 department's staff as well as stakeholder meetings with
22 HOAs, property owners, that, based on those maps that
23 we've all seen, we pulled all of those property owners.
24 We sent them notices requesting that they attend and

1 participate in those meetings and that discussion.

2 So this council has already passed a amended
3 version of that policy engagement program. And so that's
4 already passed. That's already in code. That's already a
5 requirement.

6 The second element of that was to look at
7 development standards. One of the things, as Mayor
8 Pro-Tem was just addressing, was that in these older areas
9 of town or in the case of an infill development like is
10 contemplated under the open space ordinance, you have an
11 area that's already built up, roads have already been
12 established, drainage systems, so on and so forth.

13 Now, you're taking that space that was previously
14 nonidentified or calculated in those development patterns
15 and repurposing it for something of some level of
16 intensity. It could be two homes per acre. It could be,
17 you know, a ten-story apartment building. It could be
18 whatever ultimately is requested.

19 So part of the development standards conversation
20 was, as we looked in those other communities, in the
21 communities that are similarly situated to us, meaning
22 they don't require those studies up front as a part of the
23 entitlement application, they did in these unique
24 circumstances of a repurposing say, okay, were our elected

1 body to make their decision, we feel they need to have
2 this information up front instead of it coming later in
3 the processes that have already been described.

4 So we prepared a set of development criteria
5 here. Again, with the exception of two elements in the
6 development requirements, everything is what is already
7 required of a developer. It's just requiring it forward
8 in the process instead of later.

9 There are two elements again for staff I just
10 want to make clear. There is the environmental worksheet
11 which is basically just a narrative saying how you're
12 going to address any impacts on environmental issues.
13 Specifically many of these open spaces, because they've
14 been in the community for a long time, have wildlife, may
15 have other things going on. So you just complete a
16 worksheet. It's a narrative. It's not an involved
17 process.

18 The second element, as technology has improved,
19 as we're trying to move into a more electronic review
20 process, this process also requires a 3D model be
21 submitted as a part of that development package. That is
22 already something many developers do as a part of their
23 pro forma. It helps them visualize that space and better
24 understand how things will fit.

1 And so as staff, we don't believe that that is
2 going to be a significant burden as many of the developers
3 that we work with already on a day-to-day basis are
4 already doing things like that in regular development.

5 So that's how we got here. Again, we wore both
6 faces of this ordinance. We worked with the policy
7 advisory panel. We conducted stakeholder meetings. And
8 as the members of the recommending committee are aware, we
9 have held multiple hearings as a part of the recommending
10 as well to receive input.

11 And there have been iterations of this bill since
12 its original drafting in both the policy or the public
13 engagement program as well as in this more recent
14 development standards program where we've done things like
15 originally in the bill, we didn't identify a size
16 threshold at which point studies would be required.

17 Originally it was if you're going to do one of
18 these projects, the studies are required if deemed
19 appropriate by Public Works, again, based on the intensity
20 of the development.

21 Based on some research that we did with
22 requirements under our -- under the stormwater permit that
23 we have for stormwater quality, one of the size
24 determinations on whether or not you need to comply with

1 their development requirements is if you do a re --
2 redevelopment or new development of an acre or more,
3 you've got to do some mitigation measures for stormwater
4 quality.

5 And so that's where we had recommended to the
6 councilman if he was interested in including some size
7 threshold, that that is legitimate, established, already
8 in our development process size threshold for determining
9 if you need additional information.

10 COUNCILMAN SEROKA: So Mayor, as you can see,
11 there's lots of research put into this.

12 MAYOR GOODMAN: One thing. I want to apologize
13 that I asked -- you're the director of planning. But
14 because Tom had been director of planning for several
15 years prior, I knew he had a historical base. And then
16 too, because of our city manager's background is all in
17 development, it was all about the front load that I was
18 trying to get to. That was not there.

19 We had been operating under the conditional piece
20 always, and it's only become because of the golf course
21 issues with which we're dealing now.

22 And so again, I want to apologize to you for
23 going to other people before you responded. But that was
24 my reasoning, one, and so the public would know because

1 Tom Perrigo had been the head of planning and been working
2 under the conditional approval agendas up to this point,
3 as were you, and then our city manager, his background is
4 in development. So and I apologize.

5 So thank you. Your report confirms everything
6 that I have said. So thank you.

7 COUNCILMAN SEROKA: And Mayor -- yeah, thank you.

8 And basically we're saying nobody's trying to
9 stop development. Just have a little additional
10 consideration when you're building in somebody's backyard
11 so we know in advance how it will impact our residents.

12 But what you heard was a conceptual piece there
13 from Robert. The legal language was put into place by Val
14 Steed, one of our city attorneys. And I'd like him to
15 address elements of the document from a legal standpoint.
16 And from -- he sat in our three recommending committee
17 hearings, and this is the second time it's been addressed
18 at city council. So we've heard a lot of the concerns of
19 people, and he'd like to -- I'd like him to address,
20 piggyback on what Robert said and how -- the development
21 of the language and to address what he's heard in the
22 past.

23 MR. STEED: Thank you, Councilman.

24 As staff indicated, we did look at other

1 jurisdictions that have developed things to address this
2 issue. We always tried to determine some means that would
3 be constitutional, that would be fair, that would be
4 sustainable in court. A lot of issues have been raised to
5 suggest that this bill has legal problems.

6 Feel free to vote on the bill however you would
7 like as far as the policy matter's concerned, but I do
8 want to talk about some things that you needn't worry
9 about legally that have been raised and will be raised
10 perhaps here today.

11 The first of which is that this is directed at
12 one property owner. It could have been directed at one
13 property owner, but it wasn't. It was written to cover
14 golf courses of all kinds, whether existing now, whether
15 it might exist in the future, whether it might pass from
16 public ownership to private ownership. It was to address
17 all kinds of open spaces that were not exempted
18 originally, including a lot of property.

19 Now, you will notice that some of those -- there
20 have been some exemptions added and some exemptions to
21 particular portions of the bill for particular types of
22 property, but in no event does that reduce that down to a
23 small number.

24 There's been a representation that this doesn't

1 apply to PD or PC zoning or other zoning. It does unless
2 you're in one of the exemptions, and one of the
3 exemptions, if you have a development agreement, there are
4 a couple others. But this focuses on a great number of
5 parcels.

6 Now, certain parts of the ordinance provide an
7 exemption for those who have CC&Rs that address
8 repurposing of golf courses or open spaces. We don't know
9 today what those properties would be. We would have to
10 examine them to see -- a lot of properties have CC&Rs, but
11 not all of them address those things that are provided for
12 in the exemption.

13 So there potentially are a lot of properties out
14 there still subject to the ordinance. More could come
15 into scope if property changed hands from public to
16 private ownership.

17 There's also been a representation that you can't
18 focus on a single property. Even if this was focused on a
19 single property owner, which it isn't, there's no rule
20 that says you can't.

21 You can imagine the first contraption that was
22 ever invented or the first medicine. The idea that you
23 have to wait until three or four of those existed before
24 you could adopt a regulation on the subject just doesn't

1 fly.

2 Let me talk a little bit about the private
3 contractual rights that are said to be interfered with.

4 Every zoning ordinance we have, every ordinance
5 on nuisances, every ordinance on building construction
6 interferes with private relationships in that sense. If
7 you want to rent a place to somebody that doesn't have --
8 and the place doesn't have plumbing, doesn't have a roof,
9 government's going to intervene and interfere with that
10 private relationship. That's what government does when it
11 talks about the public interest.

12 Whether this bill is anti development or not,
13 I'll take the same position that your city manager did.
14 It's up for you to decide, but we don't have a lot of
15 developers standing up here and saying, we'll never come
16 here again. And we've adopted many ordinances that I
17 think impose a greater burden on development than this
18 one. We haven't heard from them in the past.

19 As far as the impact on a lender, we've had a
20 lender say that this is a taking. If there is such a
21 thing as a giving in the law, this ordinance would be a
22 lot closer to a giving than a taking.

23 Trust me; there's no taking here. Taking is when
24 you deprive a property owner of his rights to develop.

1 And all this does is put some procedure in front of his
2 development.

3 UNIDENTIFIED MALE SPEAKER: Val, if I could,
4 there seems to be a discourteous action taking on. Mayor,
5 could we ask that to stop before we continue?

6 MAYOR GOODMAN: Yeah. Whoever has the cricket,
7 could you please silent your little pet cricket.

8 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE) when
9 it speaks, Your Honor.

10 MR. STEED: Thank you, Mayor.

11 MAYOR GOODMAN: Thanks. Thanks.

12 MR. STEED: I know all of you are anxious for me
13 to finish so I will do that.

14 MAYOR GOODMAN: Because we do want to hear from
15 the public. Thank you.

16 MR. STEED: I want it understood that I don't
17 care whether this bill is adopted or not, but I do think
18 it's important for the council to receive guidance about
19 the legal issues.

20 The final thing I want to raise is the -- I lost
21 my train of thought here.

22 The retroactivity provision. The only way that
23 this becomes retroactive -- and everybody has their own
24 definition of what that means. There's a potential for a

1 property that has a golf course or open space that's --
2 that either has been or will be withdrawn, and they have
3 to propose a closure maintenance plan.

4 That's no different than our ordinances that
5 prohibit nuisances. That's no different than our
6 ordinance that requires people who have mortgages to let
7 us know when their mortgage goes in default so that we can
8 make sure that they secure their property. We do that all
9 the time.

10 MAYOR GOODMAN: Thank you.

11 MR. STEED: You'll hear that we don't --

12 UNIDENTIFIED MALE SPEAKER: Just point of --

13 MR. STEED: -- but we do.

14 UNIDENTIFIED MALE SPEAKER: -- of clarification.
15 Would this require a golf course -- an owner of a failed
16 golf course to restore it to pristine golf course
17 conditions when it was operating as a fully functional
18 business?

19 MR. STEED: The ordinance recognizes that that's
20 not going to happen. So it asks the owner of such a
21 property to come in and develop a closure maintenance plan
22 that takes into account current conditions.

23 MAYOR GOODMAN: Thank you very much because, in
24 fact, what you have done is discuss it as it -- really, it

1 does apply to golf courses. And again, I just reiterate,
2 I'm talking open spaces, which in a particular sense right
3 now, we may have a golf course that will be considered or
4 is considered an open space.

5 Let's hear from council --

6 MR. STEED: Mayor, just to clarify that, golf
7 courses are open space by definition and planning. So
8 they're one and the same. They're just --

9 MAYOR GOODMAN: Right. That's fine. The.

10 MR. STEED: -- a different recreational use --

11 MAYOR GOODMAN: That's fine.

12 MR. STEED: -- of the open space.

13 MAYOR GOODMAN: I'm not questioning any of that.
14 I'm just saying I'm talking about the -- how this takes a
15 big brush and paints everything, which at this point, I
16 want more research. And so that's my vote.

17 Councilwoman, and then we're going to go to the
18 public. You've all been very patient.

19 COUNCILWOMAN FIORE: So thank you. Thank you,
20 Mayor. And thank you for -- I'm hearing everyone's
21 testimony up here.

22 I just want to make it crystal clear that golf
23 course may be open space, but open space is not golf
24 courses. And between 1, 3, 5, and my ward, 6, we have

1 open space. And we're down to like an acre.

2 When you create an ordinance that literally
3 paints the whole city of Las Vegas because you have one
4 problem child in one specific ward, that is not okay.

5 Understand that I've talked about this ordinance.
6 Our Mayor has asked for time because it's just not clear.
7 I sit on the recommending committee. It's been to
8 recommending three times. Once I was in Singapore, and
9 the other two times, everything the developers have come
10 and asked for and that has been in exchange, that is not
11 on any of these amendments on this open space that we're
12 hearing today. So there's a lot of work that needs to
13 happen on this.

14 And rushing it through -- and then the biggest
15 thing is this city, this city is in several lawsuits, as
16 our Mayor has stated before. And as we continually make
17 ordinances, we're creating more lawsuits that the
18 taxpayers of the City of Las Vegas are paying for. We're
19 over a million dollars outside the door just on a few of
20 these lawsuits.

21 And let me tell you, Ward 6, okay, I have a golf
22 course in my community. And our golf course, our
23 Silverstone golf course, you know, there's -- I'm going to
24 read an email from our Silverstone Ranch Community

1 Association because, understand, we have 1572 Silverstone
2 members. Some members of Silverstone are for it; some are
3 not for it. And this is where my Silverstone Ranch
4 Community Association sits on this. Okay?

5 From Tom Masson:

6 There may be a few Silverstone residents
7 who plan to attend, but please note that
8 these individuals that are there do not
9 represent the SRCA, which is Silverstone
10 Ranch Community Association, board of
11 directors. The board has not taken a formal
12 position while this ordinance evolves and
13 has not formally polled all the members for
14 sentiment. It would be good to hear another
15 ordinance checkpoint with you in the near
16 term, perhaps a block of time when you're at
17 the Centennial Hills.

18 So understand, Ward 6 -- and I'm asking my peers,
19 let's take the time and do this right. This again -- golf
20 courses are open space, but open space is not golf
21 courses. And in all of our wards, besides golf -- I have
22 a golf course and open space. It's very, very important.

23 And you know, and then some of the other damaging
24 language that's in here about putting developers in jail

1 and fining them. I mean, it's really, I have to tell you,
2 quite a disturbing ordinance. And I -- I cannot support
3 this at all in this form.

4 (Applause.)

5 UNIDENTIFIED SPEAKERS: Boo.

6 MAYOR GOODMAN: Please, please, please. Okay.
7 All right. Please, let's be respectful. We're going to
8 open up public comment now. So for any of you that are in
9 large groups, I would highly ask -- I'm just trying to
10 figure out a way to do it that -- for every five people,
11 find a spokesperson. That would be helpful. And we are
12 going to start.

13 I will give every person -- we're going to start
14 with two minutes. If, in fact, it becomes -- and you get
15 another four people to give you their two minutes, we can
16 go beyond it.

17 So what we'd like to do is not reiterate, not
18 repeat something that's already on the table but, then
19 again, to say your name very clearly.

20 The gentleman was first, even though it's the day
21 of always the lady, but since he was first, we'll start
22 with the gentleman. And then you'll be second, and you'll
23 be third.

24 So please -- and we'll set the time at two

1 minutes, please. And if your name is unusual, if you
2 would spell it for our city clerk, please. Welcome.

3 MR. MASON: Hi.

4 MAYOR GOODMAN: And thank you for coming.

5 MR. MASON: I'm David Mason. I live in a
6 community next to an open space which is trying to be
7 converted now. But I've only been there 11 years, but
8 I've been in town 56 --

9 MAYOR GOODMAN: Oh, and could you tell us now,
10 this is germane to whether it's --

11 MR. MASON: I live in Queensridge Towers.

12 MAYOR GOODMAN: Okay. That would be very helpful
13 to us if you live -- who knows -- in Ward 5, 3, 1,
14 wherever you are. This -- now, I'm just going to ask.
15 That's fine. Thank you. Please continue.

16 MR. MASON: Okay. And I would say in the last
17 40 years, I've been more of a developer than just a
18 resident of a neighborhood.

19 When you talk about the broad brush being
20 everywhere from an acre to an unlimited number of acres,
21 if you take a look downtown and see what can be built on
22 an acre, you'll realize why an acre of land can put a very
23 large development on it.

24 So I'm in agreement that it covers all kinds of

1 development, whether it's on an acre or 200 acres.

2 The other thing is is, as a developer, anybody
3 that's worth their salt does their homework before they
4 come here. I've always been bothered a little bit by the
5 council approving things without having traffic reports,
6 school reports, all of that information, because -- and
7 it's -- but then the staff will review that and make a
8 decision.

9 Well, that doesn't give the people making the
10 decision, the real decisions, the information they need.
11 And I can tell you, as a developer, I've developed a lot.
12 I'm doing it right now in the city and in the county. And
13 in all of those, I have to do what I have do to have a
14 successful development. Forget whether it's what the City
15 wants or doesn't. You need to have the roads work. You
16 need to have the parking. You need to have all of those
17 elements.

18 So I don't think you're scaring one developer
19 away by saying, why don't you give us those up front.

20 Thank you.

21 MAYOR GOODMAN: Thank you very much.

22 (Applause.)

23 MAYOR GOODMAN: Yes, ma'am.

24 MS. STRONG: My name is Terry Strong. I'm a

1 resident of Silverstone Ranch. And, Madam Mayor, you
2 stated earlier that you were going to recuse yourself from
3 voting on any of the things on the agenda today having to
4 do with the marijuana business.

5 MAYOR GOODMAN: Correct.

6 MS. STRONG: And yet you are going to vote on
7 this ordinance which another son of yours, or maybe the
8 same son, is representing and possibly has a financial
9 interest in the developer who has bought and is wanting to
10 develop Silverstone Ranch.

11 Your words in your opening statement could have
12 been straight out of Ross's mouth in our court hearings
13 that we've had about the state of the golf industry and
14 how profitable it is or not. And I would ask that you
15 recuse yourself from this vote seeing as how if your
16 family is involved in the marijuana business, they are
17 also involved in the business of representing the
18 developers of a golf course. So --

19 MAYOR GOODMAN: I will turn that to counsel on
20 that, please.

21 MS. STRONG: Ross represents --

22 MAYOR GOODMAN: Do we call --

23 MS. STRONG: -- the original buyer. He is still
24 involved in our legal activities because we still have an

1 open case in front of Federal Judge Boulware. And I
2 believe that if we're having family conflict here, that
3 Ross is involved in our business at Silverstone as --

4 MAYOR GOODMAN: Let me --

5 MS. STRONG: -- he is --

6 MAYOR GOODMAN: Let me find out --

7 MS. STRONG: -- as your other son may be in the
8 marijuana business.

9 MAYOR GOODMAN: Thank you. I appreciate that. I
10 have four children who are all in their 40s now. They're
11 involved in lots of things. And maybe I do have to recuse
12 myself. So let me go to legal and ask, and then you'll
13 have to subpoena my son to find out what his involvement
14 is because he is an attorney. And unfortunately or
15 fortunately, I don't know who his clients are, and that's
16 an attorney-client privilege. So I'm going to turn to
17 counsel on this.

18 MS. STRONG: Thank you for considering that.

19 MS. DEPUTY CITY ATTORNEY: Madam Mayor, I mean,
20 just as you have just spoken, doesn't seem like you are --
21 are you aware of your son's representation in whatever it
22 is having to do with the golf course --

23 MAYOR GOODMAN: That he is currently involved in
24 any of this? Absolutely not.

1 (Indiscernible Shouting and Applause.)
2 MAYOR GOODMAN: No, no, no. Wait, wait, wait.
3 (Applause.)
4 MAYOR GOODMAN: Please, let's -- I mean, in fact,
5 I -- I defer to you on this.
6 MS. DEPUTY CITY ATTORNEY: Unless it can be
7 confirmed.
8 MAYOR GOODMAN: The only thing I can confirm is
9 somebody from the neighborhood had mentioned to me, which
10 I did ask my son, I'm going to say three, four years ago,
11 that he was involved in some golf course something. And
12 that's all I can assure you.
13 MS. DEPUTY CITY ATTORNEY: So quite frankly, at
14 this point in time, I think at best, a disclosure --
15 MAYOR GOODMAN: It does not prejudice me one way
16 at all.
17 MS. DEPUTY CITY ATTORNEY: A disclosure, at most,
18 of what you may possibly know. Doesn't sound like it's
19 definitive.
20 MAYOR GOODMAN: Thank you.
21 MS. DEPUTY CITY ATTORNEY: So we can be aware of
22 that.
23 MAYOR GOODMAN: Thank you.
24 Next, please, sir.

1 MR. KERN: Hi. My name is Patrick Kern. I'm a
2 resident of Queensridge currently. Yeah. Hello, Mayor
3 Goodman.

4 MAYOR GOODMAN: Former student of mine. So maybe
5 that creates something special, too.

6 Hi, Patrick. Good to see you.

7 (Laughter.)

8 MR. KERN: Soon to be a resident of downtown
9 Las Vegas, and I love the involvement --

10 MAYOR GOODMAN: We love that. Thank you.

11 MR. KERN: -- that's going on down here.

12 MAYOR GOODMAN: Welcome.

13 MR. KERN: I am in support of this ordinance. I
14 don't think it's unreasonable to ask for a strategic plan
15 from a developer to consider how things are going to work
16 out ahead of time. Anyone who has ever gone to a Trader
17 Joe's can understand the value of a parking study.

18 So I mean, I understand what you're saying with
19 respect about it painting with a wide brush, but simply
20 asking developers to plan their developments is not a
21 bridge too far.

22 And that's all I have to say. Thank you.

23 MAYOR GOODMAN: Thank you. Welcome back.

24 MR. KERN: Oh, and, Councilwoman Fiore, Mayor

1 John Ingram of Murrieta speaks very highly of you. He's a
2 friend of mine. I've recently moved back from there. And
3 I would request that I get on your Christmas card list.

4 (Laughter.)

5 COUNCILWOMAN FIORE: Got it.

6 MR. ARPEN: Dave Arpen, 7635 Maggie, Ward 6. I
7 ask that you please support this bill. This bill forces
8 investors/developers to seek your permission to build
9 rather than beg your forgiveness afterwards with variances
10 and retroactive problems after the fact.

11 We are homeowners, and we're not against jobs.
12 We're not against building. We're not against
13 development. But we do have a problem with the taking of
14 property through some very nefarious ways at below --

15 UNIDENTIFIED SPEAKERS: Boo.

16 MR. ARPEN: -- market values.

17 UNIDENTIFIED MALE SPEAKER: Hey, hey, hey.

18 MAYOR GOODMAN: Please.

19 MR. ARPEN: -- for the development which
20 basically robs the homeowner.

21 You have talked about not wanting to rush this
22 bill through. How about passing the bill so as not to
23 rush the development through beforehand? Thank you.

24 MAYOR GOODMAN: Thank you very much.

1 (Applause.)

2 MAYOR GOODMAN: Yes, sir.

3 MR. JOHNSTON: Hi. My name is John Johnston.
4 I'm a community organizer in Ward 5. I wanted to come up
5 here and actually speak on something that Michele Fiore
6 had said, and that's why, you know, I wanted to come and
7 speak today because, like she said, you know, golf courses
8 are open spaces, but there's a lot of open spaces that's
9 not golf courses.

10 And specifically in Ward 5, there is a lot of
11 open spaces; there are a lot of vacancies. And we hope,
12 you know, working with the new councilmen, that we can
13 come in and develop that stuff. So I'm very curious how
14 that would affect our development in Ward 5.

15 Secondly, like she said, you know, it seems like
16 you guys are putting this ordinance together for one
17 problem child that's going to affect everybody in
18 Las Vegas as well as the money situation.

19 What a lot of people don't know is that when the
20 City gets sued, the City doesn't have insurance, you know.
21 They pay everything out of pocket. So therefore, the more
22 lawsuits that is piled up, you have to pay your attorney
23 fees; you have to pay legal fees. Then if you lose your
24 case, you have to pay the settlement. You know.

1 So like she said, if we pass this, what stops
2 them from making another lawsuit? It seems like this
3 battle and the whole thing is just like one drawn-out, you
4 know, horror story or something. It's like it's a
5 never-ending battle.

6 MAYOR GOODMAN: Thank you.

7 MR. JOHNSTON: And you know, it seems like this
8 is just going to continue to pile on the fight, and you
9 guys are not getting anywhere. So you know, I would
10 really urge you guys, especially Councilman Crear, you
11 know, maybe not to approve it. Maybe look, you know, at
12 how we can make it better, but I just see this as being a
13 problem, not a solution.

14 MAYOR GOODMAN: Thank you very much.

15 MR. JOHNSTON: Thank you.

16 (Applause.)

17 MAYOR GOODMAN: Please, please. Yes, ma'am.

18 MS. OLANDER: Kathleen Olander. I live in Ward 6
19 next to Silverstone Ranch. And I just want to reiterate,
20 I've worked in development projects. I think this open
21 space ordinance is necessary because it's going to put
22 forward a level playing field so especially in the infill
23 areas.

24 I don't think it's going to stop development in

1 1, 3, and 5, but what it's going to do is provide a
2 environment so that all these studies could be done first.

3 Mayor Goodman, you've been an educator. You,
4 Councilwoman Fiore, you're a grandmother as well. And how
5 would you feel if your grandchildren were in an area
6 that's infilled when the studies were done as an
7 afterthought, the schools are overcrowded because we
8 didn't do the homework first?

9 So I just implore that you change your mind
10 because in Las Vegas, going forward, it will affect our
11 quality of life if we infill without doing the studies
12 first.

13 MAYOR GOODMAN: Thank you. Thank you.

14 Yes, sir.

15 (Applause.)

16 MR. WASHINGTON: Stanley Washington, community
17 organizer and diversity advocate primarily in Ward 5, but
18 I do dip into other parts of the county as well.

19 October 25th, this year means 25 years for me in
20 this town. I don't think anybody up there has been on
21 there 25 years there. So as I move forward, learned a
22 little bit about something about what was going on in
23 Ward 5 there.

24 I just want to go ahead and say that, Councilman

1 Crear, this item came to our normal Tuesday meetings.
2 Came there before. I think deserves an opportunity to
3 come back before. There is an interest here in finding
4 out more about this here.

5 I believe you're going to be invited, if you
6 haven't already been invited, to our next Tuesday meeting.
7 You were invited to this last one, but the election
8 prevented that from taking place.

9 We're very serious about this. We need to learn
10 more about this. In this building, on November 27th, the
11 governor's office, along with the Federal Reserve Bank of
12 San Francisco, is holding an opportunity zone meeting.
13 And according to the information that I have, there's at
14 least 6 trillion, 6 trillion, with a T, in the total
15 marketplace to be dealt with.

16 And the specific purpose of the old zone
17 ordinance that was put together by two African-American
18 U.S. senators and two African-American U.S. congressmen,
19 specifically for poor areas, specifically for the black
20 community for development, that meeting is taking place in
21 this hall on November 27th.

22 And I'm bringing forth of that 6 trillion, a
23 hundred billion dollars of it to 5 for discussion because
24 I have the knowledge, the wherewithal to do that. And

1 what we're talking about here flies in the face of that
2 situation.

3 I'm sorry, Mr. Roka, who got there for his own
4 means, and everyone knows that, but councilmen, we are
5 talking about what the Mayor is talking about. Hold up
6 and pause while we have an opportunity how it affects our
7 ward. I could care less about the rest of them.

8 Thank you very much.

9 MAYOR GOODMAN: Thank you.

10 (Applause.)

11 MAYOR GOODMAN: You go first, and then we'll hear
12 from the lady. Thank you. Please.

13 MR. HOLDEN: My name is Terry Holden. I live at
14 Queensridge Towers. I am in favor of Bill 2018-24.

15 I have been in the real estate business. I've
16 done development. And I would never, ever consider not
17 doing the front-end work beforehand. I don't want
18 surprises. I don't want to be arguing over what is a
19 conditional approval. Did I qualify or not?

20 So a developer is a damn fool for not doing the
21 work up front. Or lazy or whatever.

22 The other thing, have any of you been through
23 Queensridge recently, in the last month? It is horrible.
24 Trees are cut down. Vegetation is dying. There's the

1 ugliest red signs right in front of people's homes. No
2 consideration is being given to the homeowners. We're
3 talking about developers -- we're not chasing them away,
4 but we're crucifying the homeowners, the families.

5 Kids could be looked at having -- you know, they
6 move into a home. They love their home, and they end up
7 being bussed to a different school. There's so much that
8 is just wrong with this whole process. Thank you.

9 (Applause.)

10 MAYOR GOODMAN: And golf course specific -- and
11 golf course specific. So you know, your words are well
12 taken for anyone who lives on a golf course that either is
13 going to be repurposed or whatever.

14 So again, too, I mean, I think there's a sense
15 here trying to do always the right thing. But thank you
16 for your comments. You -- you know, it comes from your
17 heart. We can tell that.

18 MR. HOLDEN: Well, Mayor, I heard you many times
19 tell the developer to keep watering the course. And I
20 think after you said it the last time, he threw it right
21 in your face, cut the water off, decimated the community.

22 That -- boy, that doesn't bode well. And it was
23 foolish.

24 MAYOR GOODMAN: Thank you.

1 Yes, ma'am.

2 MS. SALVADOR: Good morning, Mayor Goodman and
3 councilpeople. My name is Patricia Salvador. I bought my
4 home in the first development of Summerlin 24 years ago.
5 It's the Pueblos. Very close to this golf course that
6 we're speaking about.

7 When I bought there, it was a planned community.
8 And they say there were going to be six golf courses, open
9 public spaces, shopping centers, churches. Everything was
10 going to be planned as a planned community.

11 I bought there because that was my retirement
12 home. My forever, everlasting home. And now, 24 years
13 later, what was promised to me when I bought my home to
14 retire in -- and believe me, there's a lot of people that
15 were older than me that's no longer here, but that's no
16 excuse for what was promised and what we paid for to be
17 taken away.

18 I agree with you, Mayor Goodman, that Las Vegas
19 is like a lot of children. And everybody is saying, I
20 want. And some people want development; some don't. I
21 agree with that.

22 I have no problem with development, but you know
23 what? I don't want my retirement home to be a busy, busy
24 street. As I get older, I don't want to be driving and

1 worry about a whole bunch of people being late to work, a
2 whole bunch of people trying to get their kids to school,
3 get kids home.

4 Overdevelopment for seniors, as you may well know
5 in a few short years, is not kind. The hardest things for
6 seniors is to be taken away with their driving privileges
7 to get to the doctor, to get their shopping done. If we
8 overdevelop Summerlin area, it's going to be a problem for
9 many seniors. I'm not quite there yet, but my husband is.
10 He's 82. So I --

11 MAYOR GOODMAN: He's a young man.

12 MS. SALVADOR: -- really want to -- I really want
13 to keep seniors on the roads safely.

14 MAYOR GOODMAN: Thank you. And so do we. Thank
15 you.

16 MS. SALVADOR: Okay. Thank you.

17 MAYOR GOODMAN: I think you were next.

18 MR. CONST: I think I'm next.

19 (Applause.)

20 MAYOR GOODMAN: Thank you.

21 MR. CONST: Hi. My name is Rick Const. I'm at
22 9813 Queen Charlotte. That is in Queensridge.

23 A couple points. I think if we'd have had this
24 ordinance in place when Queensridge was bought, there

1 wouldn't be this fight because it would still be green.
2 We wouldn't have a hostile situation because certain
3 actions were done on both parts. You wouldn't have the
4 lawsuits because all these issues would have been handled
5 before; it would have been addressed before. This solves
6 the lawsuit issue.

7 MAYOR GOODMAN: May I interrupt you? You get
8 your two minutes, but I want to turn to Mr. Perrigo,
9 please, on this.

10 According to -- your statement was, had this
11 ordinance as it's written been in place -- just repeat
12 your statement if you want -- I want to hear truth.

13 MR. CONST: Basically what I said is I think that
14 we would have not been in this spot. We wouldn't have
15 been as adversarial, and it would have been a logical
16 sequence of decisions that people would have gone along
17 with.

18 MAYOR GOODMAN: Would it have been different had
19 this been in place? Yes or no?

20 MR. PERRIGO: Your Honor, I can't say if it would
21 have been different or not, but most of the steps that are
22 required in this ordinance were followed through that
23 process because there was a requirement for a development
24 agreement which requires all those studies in advance.

1 MAYOR GOODMAN: So what he's saying is, really,
2 those pieces were already in the process at the time.
3 There's a uniqueness to the issue with which you're
4 referring. And so --

5 MR. CONST: Well --

6 MAYOR GOODMAN: -- this ordinance wouldn't
7 have -- what I'm interpreting there, those pieces were
8 already in place. It's just different right now because
9 the front end --

10 MR. CONST: Well, but they would have been moved
11 up -- it would have been moved up front, and the point of
12 even maintaining the golf course, which immediately
13 polarized both sides.

14 MAYOR GOODMAN: Well, that is true.

15 MR. CONST: Both sides got adversarial rather
16 quickly --

17 MAYOR GOODMAN: Right.

18 MR. CONST: -- and lost even the point of the
19 development because of that particular point. You have
20 had -- and our series of points became after the fact. If
21 you had rolled these up front and had been able to address
22 and negotiate together, we probably wouldn't have seven,
23 eight, nine lawsuits. I'm not saying there wouldn't be
24 any, but you would have resolved some of these things

1 before they got to that environment where neither side
2 wanted to listen or pay attention.

3 MAYOR GOODMAN: You're absolutely right. In
4 fact, the issue four and a half years or four years ago
5 was that the private sector get together, both together,
6 and work out resolution. But lawyers got involved
7 immediately, but the question that I specifically asked is
8 what you're bringing up.

9 Had we had this particular ordinance in place,
10 would it have made any difference to where we got? And
11 the answer was...

12 UNIDENTIFIED MALE SPEAKER: Your Honor --

13 MR. PERRIGO: Well, again, Your Honor, I can't
14 say how that would have changed the course of history, but
15 the requirements in this ordinance were met. If this
16 ordinance were in place, that process would have been the
17 same up front because those studies were required in
18 advance, and they were part of that entitlement package.

19 MAYOR GOODMAN: So I just wanted you to have the
20 facts. Thank you.

21 MR. CONST: The only reason I said when you first
22 approved the first apartment thing, all those things
23 weren't in place yet. They came after the fact, not
24 before. When you did that first 453 units, or whatever it

1 was, all those other parts weren't in place.

2 MAYOR GOODMAN: Right. They were conditioned --
3 they were conditions that were being met as had been
4 processed before that. So I just wanted you to have the
5 actual facts --

6 MR. CONST: Well, what happens with the
7 developer, and he doesn't think conditional. He thinks
8 that's a go. And all he's got to do is here's my
9 stepladder. It's a go.

10 MAYOR GOODMAN: Well, and again --

11 MR. CONST: It's not conditional, but --

12 MAYOR GOODMAN: -- too, while the issues at the
13 golf course, this specific golf course and perhaps other
14 golf courses, absolutely. That's why we're trying to fix
15 this so we don't have recurring problems. But again, too,
16 this is all about a -- it's not specific to one. It
17 shouldn't be specific to one or two. It should be golf
18 courses perhaps because of the change of society and the
19 interest and how do you keep them up and keep the investor
20 and the resident having the priority of what he envisioned
21 for his future looking out the windows? How do you
22 protect that?

23 So all I was saying is my piece is the open
24 spaces piece, to take it out.

1 MR. CONST: It should just say for --

2 MAYOR GOODMAN: So I just wanted you --

3 MR. CONST: -- open space.

4 MAYOR GOODMAN: -- to know, according to what I
5 heard just again reiterated, that had this been in place,
6 we would still be where we were because the conditions
7 were there.

8 And the only thing I'm objecting to is the
9 upfront cost to the developer which may preclude -- it's a
10 cost. It's not that the studies shouldn't be done, but
11 it's the heavy cost that is imposed upon the developer in
12 other areas.

13 I have had no question with the -- helping for
14 the golf courses now and in the future.

15 MR. CONST: If a --

16 COUNCILMAN SEROKA: Your Honor.

17 MR. CONST: -- developer cannot afford those
18 costs up front --

19 COUNCILMAN SEROKA: Please.

20 MR. CONST: -- he probably should not be
21 developing it.

22 COUNCILMAN SEROKA: Please, Mayor.

23 MAYOR GOODMAN: Well, I thank you so much for
24 your comments.

1 (Applause.)

2 COUNCILMAN SEROKA: Please, Mayor. Please.

3 MAYOR GOODMAN: Yes, sir. Who is next? Yes,
4 please.

5 COUNCILMAN SEROKA: Please. I'd like to be --
6 I'd like to ask something of the witness, if I may. Thank
7 you, Mayor.

8 The issue is -- and I'll ask you because, you
9 know, you have an impression. Probably a couple of years
10 ago, we had a public meeting on this here, and I announced
11 then that I had had a meeting with the developer to
12 present a compromise before this got really litigious in
13 order to help save the taxpayers some money and, frankly,
14 the developer and, of course, the grief that fell on the
15 people there.

16 I think that should have been essentially part of
17 what would be happening, that other members of the other
18 council -- the council representing other wards have an
19 interest in all other wards as I share interests in
20 Ward 3.

21 And I think that it should be remembered that the
22 developer ignored and then rejected that and then, of
23 course, sued me because that's his prerogative to go ahead
24 and spend the taxpayers' money as he sees fit. But he's

1 the richest guy in the state of Nevada. You know, that's
2 kind of easy for him.

3 MAYOR GOODMAN: Well, I think the issue is here,
4 obviously, we all know that there are real issues that we
5 have been working for to encourage the sides to come
6 together from day one, three and a half years ago. So the
7 issue is broader than that, and that's what the issue of
8 the ordinance is in its breadth.

9 He understand the Badlands, and we've all
10 encouraged trying to pull the sides together. We got
11 really close. We almost had it. But the reality, it's
12 not only Badlands. This issue is about everything in the
13 city. So that's all.

14 And I appreciate your coming down. And you said
15 it so nicely, and it was really helpful. And hopefully,
16 the water will be turned on. One day it will be
17 magnificent.

18 MR. CONST: Thank you.

19 MAYOR GOODMAN: Thank you.

20 I think you're next.

21 MR. IVERSON: I believe I'm next. Good morning.
22 My name is Ron Iverson. I reside at 9324 Verlaine Court
23 in Queensridge. And I'm here today in favor of the
24 ordinance.

1 And I'm a little bit chagrined that it's golf
2 course and open space because I agree with Councilman
3 Fiore that golf courses are certainly included in this,
4 but this is more than just about golf courses. It's about
5 open space in all of our communities.

6 I'm in favor of the proposed open space
7 ordinance. First, a proposed ordinance is both good for
8 the developer, the residents, and city officials. It
9 ensures city expectations and development requirements are
10 clearly defined for developers up front and not made up
11 along the way in terms of interpretation. It ensures that
12 residents are made aware of development activity and given
13 the opportunity to engage, ask questions, surface
14 concerns, and determine whether or not that development is
15 good for their individual community.

16 And then finally, it ensures that city officials
17 have all the right information before they are asked to
18 make critical decisions on the improvement within our
19 city.

20 Second, the proposed ordinance is not overly
21 burdensome as some would have you believe. In fact, if
22 you read what's gone on in South Carolina, in Florida, in
23 Texas, in California, this is really a light version of
24 the requirements that are established there. In fact,

1 staff has selected the best practices of a national wave
2 of like ordinance to bring the very best to Las Vegas.
3 And this ordinance just asks for that due diligence be
4 done before you're asked to make your decision. And so I
5 would urge you to value their research as well as their
6 recommendation.

7 Finally, before voting today, I would ask you to
8 reflect on the model of this council that's on this sheet
9 of paper in your agenda. All your pictures are on here,
10 and so I believe you all support it. And it says building
11 community to make life better.

12 And how better to uphold and to fulfill that
13 pledge than to adopt this ordinance that protects
14 community rights, ensures clear and timely process while
15 encouraging thoughtful and smart development in our
16 community?

17 And for those reasons, I would urge you to vote
18 yes for this ordinance.

19 MAYOR GOODMAN: Thank you very much, sir.

20 (Applause.)

21 MAYOR GOODMAN: Yes.

22 MR. SPILOTRO: Hi. My name is Pat Spilotro, 8177
23 Bay Colony. I live in Silverstone Ranch. I'm the
24 homeowner that was here in February of 2017 when you guys

1 passed the 420 on the 17 acres of Queensridge.

2 I came in that morning for a specific reason.
3 That was to give the Mayor an opportunity to recuse
4 herself because of the fact I did inform you that your son
5 is still representing, and today is still representing,
6 Ron Richards who is a named defendant in the Silverstone
7 Ranch golf course. His plaintiff benefits greatly by any
8 development of any golf course. It's what these people do
9 for a living. They're in 12 golf courses. Not one, 12.

10 Second of all, when you're looking at some of
11 these ordinances and you're talking about open spaces, how
12 many open spaces are actually classified as vacant and not
13 actually classified as open space? Because a lot of the
14 stuff you're going to find in Wards 1, 3, and 5,
15 specifically in 5, you're going to find that a lot of
16 those are vacant spots, not open spaces. It doesn't
17 govern open spaces. It actually governs -- I'm sorry. It
18 doesn't govern vacant. It actually governs open spaces.

19 When the City gets a proposal from a developer,
20 developer goes out and buys a piece of vacant land. He
21 doesn't buy a golf course, close it, and then try to
22 develop it.

23 A real developer goes out to Skye Canyon, buys a
24 piece of land, puts all these people to work. An actual

1 developer.

2 These people are scavengers. They're going in
3 and buying small pieces of property. They're asking for
4 exemptions. They're screwing all the homeowners that live
5 there and invested into these neighborhoods. I'm sorry,
6 but that's just the plain and simple language of it.
7 Everybody has an investment, and they did the investment
8 based on this city council's actions.

9 You guys okayed these projects. You okayed the
10 open space. You allowed the developers to charge extra
11 for the residential areas, and you have an obligation to
12 protect that because of the fact that you allowed the
13 homeowners to get that equitable servitude. That's what
14 was established.

15 In Silverstone Ranch, 624 acres -- I know I'm
16 over my limit.

17 Silverstone Ranch has 624 acres. 272 of that is
18 golf course. Pulte was allowed under the previous Mayor
19 Goodman to build 1873 units. They built 1526. They're
20 only entitled to 1026. Not 1520 -- I'm sorry, 1056.
21 That's --

22 MAYOR GOODMAN: Please take your two minutes.
23 Finish up, please.

24 MR. SPILOTRO: That's 352 acres times RPD-3, hard

1 zoning for Silverstone Ranch. City --

2 COUNCILWOMAN FIORE: Mr. Spilotro, just to be
3 crystal clear -- thank you for your time. Also, our legal
4 has addressed the issue with the Mayor's son. So thank
5 you, and that issue is not -- thank you. Have a great
6 day, Mr. Spilotro. Thank you.

7 (Applause.)

8 MR. GRUCHOW: Good morning, esteemed chair and
9 council members. My name is Kirby Gruchow. I'm with the
10 law firm -- .

11 MAYOR GOODMAN: Wait. Start again, and your
12 name, please.

13 MR. GRUCHOW: I'm sorry. Good morning, esteemed
14 chair and council members. My name is Kirby Gruchow. I'm
15 with the law firm Leach, Kern, Gruchow, Anderson, Song.
16 We represent approximately seven to eight hundred
17 homeowners associations in the state of Nevada.

18 Our specific concern arises from paragraph F(4)
19 in the ordinance that talks about the exclusion from
20 CC&Rs.

21 While that might be appropriate while the
22 developer and declarants are in control of the association
23 and they're allowed to do with what development they need
24 to do, it would not be appropriate, in our opinion, to

1 allow a volunteer board to take over the City's role in
2 overseeing the governing documents and the applications
3 that are submitted to the association.

4 The way the city code has always worked is the
5 CC&Rs work in harmony with the ordinance. So our concern
6 is that this potentially could be read to say that the
7 CC&Rs trump and supersede the ordinance, trump and
8 supersede at least paragraph F. Paragraph F deals with
9 existing channels and washes, could put the association's
10 volunteer board in a situation where it's making decisions
11 and development plans involving what should be public
12 flood control planning purposes that are overseen by the
13 City.

14 We want to make sure that either legislative
15 intent is clarified that this is not intended for this
16 provision to supersede -- be superseded and replaced by
17 the CC&Rs, and that the volunteer boards are not intended
18 to take on the City's responsibility to review development
19 plans, hire architects, determine what can and cannot be
20 put on their golf courses.

21 They should be read in harmony with the CC&Rs
22 either by removing that paragraph, modifying it so that it
23 only applies during the declarant control period, or
24 making it clear on the record that that's not the

1 legislative intent, that the legislative is not for the
2 CC&Rs to take the place of this ordinance for any or all
3 purposes under this ordinance.

4 Thank you.

5 MAYOR GOODMAN: Thank you. That's very helpful
6 because of the fact if, in fact, this does go through
7 further review before it's finally passed -- and it may
8 pass today; I don't know -- that's very helpful
9 information which helps us do a better job with what we're
10 supposed to be doing.

11 Yes, sir.

12 UNIDENTIFIED MALE SPEAKER: Mayor, if possible,
13 the city attorney could address that concern and clarify.

14 MAYOR GOODMAN: Sure.

15 MR. STEED: Yeah, I appreciate the representation
16 made by Mr. Gruchow, but CC&Rs operate completely
17 independently of zoning. The failure to adopt one doesn't
18 implicate the other. The adoption of one doesn't affect
19 the other. There's nothing in -- if he wants legislative
20 intent, there's no intent in this ordinance to turn
21 government responsibility over to a homeowners
22 association. The City would be powerless to do that
23 anyway.

24 MAYOR GOODMAN: Thank you. Thank you.

1 MR. KERR: My name is Greg Kerr. I'm the
2 attorney with the law firm of Wolf, Rifkin, Shapiro,
3 Schulman & Rabkin. We represent Peccole Ranch Community
4 Association. Also represented by Mr. Gruchow's firm as
5 well. We represent about 800 different homeowners
6 associations here in Clark County and throughout the
7 state. Many of them have golf courses and open space.

8 One of the concerns -- the concern we have is,
9 just to echo what Kirby was saying, was the F(4)
10 subsection stating that, you know, we believe that it
11 could be read that it's an exception to the requirements
12 in the ordinance leaving the association as the entity in
13 charge of making the decisions that the city council or
14 planning or whoever it may be would otherwise be making.

15 We don't want to place that responsibility on
16 homeowner -- volunteer board members who are homeowners
17 who have lives outside of their HOA service who don't have
18 the expertise that the County or the City has or the
19 developers have.

20 I know Councilwoman Fiore mentioned earlier,
21 basically made a statement stating that more regulation
22 means more litigation. And as an attorney, ironically,
23 it's my job to keep my clients out of litigation. And if
24 my client associations are in charge of or charged with

1 the responsibility of making determinations as to what a
2 developer can and can't do with some open space, a park, a
3 golf course, whatever the case may be, that's certainly
4 going to open the association and its owners up to
5 liability and judgment.

6 So we would ask that whatever the disposition of
7 this ordinance becomes or is, that it would at least
8 strike that particular subsection.

9 MAYOR GOODMAN: Thank you very much for your
10 input.

11 UNIDENTIFIED MALE SPEAKER: And Mayor.

12 MAYOR GOODMAN: Yes.

13 UNIDENTIFIED MALE SPEAKER: Again, Val could
14 address that one more time if that's helpful.

15 MAYOR GOODMAN: Well, why don't you just take
16 that under consideration later. Your points are well
17 taken and it's more information --

18 UNIDENTIFIED MALE SPEAKER: And I think he
19 addressed it and clarified that that was not the intent of
20 that, that the city --

21 MAYOR GOODMAN: No. He was just saying for --

22 UNIDENTIFIED MALE SPEAKER: -- policies apply in
23 all cases.

24 MAYOR GOODMAN: -- change going forward. So

1 let's move on. Let's hear from the public --

2 UNIDENTIFIED MALE SPEAKER: City policies apply.

3 MAYOR GOODMAN: Thank you for your input.

4 Yes, ma'am.

5 MS. GOODSSELL: Maryanne Goodsell. I am currently

6 a board member of the Peccole Ranch Homeowners

7 Association. We have nearly 3,000 units that we work

8 with, and I've been serving there for the past seven

9 years. I'm just representing our board at this time.

10 We've had a chance to review this ordinance that

11 you're proposing, and our concern is of specific

12 subsection 4. And the wording, the languages the two

13 attorneys mentioned makes us, as a homeowners association

14 board, very vulnerable because the language is not clear.

15 Our main concern is that this may allow the

16 developers to be -- to exempt themselves specifically to

17 following the zoning laws, the CC&Rs because it's not

18 especially clear as to what the final -- the final ruling

19 would be. And that would leave us, as a board of

20 directors, in a very vulnerable position. We would no

21 longer proceed as we have with our architectural view

22 committees, our design review committees, and that -- we

23 are not protected in the same way that public officials

24 are protected. And that makes us very susceptible to

1 liability.

2 So whether, again, this is removed or there are
3 very clear clarifications made, as a board of directors
4 member, I think that would be appreciated and would leave
5 us in a position where we can continue to enforce our
6 CC&Rs and not worry about a developer or a private
7 property owner leaves us vulnerable. Thank you.

8 MAYOR GOODMAN: Thank you. And you as well, it
9 was pink day in your home.

10 MS. GOODSSELL: I got the memo.

11 MS. PORTER: My name is Jan Porter. I'm the
12 general manager for Peccole Ranch Community Association.
13 And I thank you for hearing this issue today and
14 especially for the clarification, which I am assuming will
15 be on record to say that the HOA's CC&Rs are not
16 responsible for this.

17 And so it will go as we all expect it to under
18 federal, state, county, and city laws first and save our
19 boards. So thank you so much for this consideration. And
20 thank you for putting it on the record.

21 MAYOR GOODMAN: Thank you. Thank you very much.

22 Yes, ma'am.

23 MS. WENGER-ROESENER: Hi. Good morning. My name
24 is Elaine Wenger-Roesener, and I reside at 9811 Orient

1 Express Court. And although I do serve on the board of
2 the HOA for Queensridge community, I'm here to speak to
3 you as a resident of Queensridge.

4 And I would like to submit 92 names, 92
5 signatures I have. This represents one signature per
6 household. Had we thought to get two, I think you could
7 almost double that number of people in support of the open
8 space ordinance.

9 I would just like to put on the record that
10 Henderson has adopted an open space ordinance, and it
11 started this process after the City of Las Vegas, and it's
12 already adopted the ordinance. It's in effect.

13 And, Mayor, you mentioned sound and wise
14 investing, and I support sound and wise redevelopment and
15 development.

16 And speaking to public perceptions, I would like
17 to ask the city council to consider the cost to our City
18 if and when this City is perceived as being so pro
19 redevelopment or so pro development, it's at the expense
20 of neighborhoods.

21 MAYOR GOODMAN: Never.

22 MS. WENGER-ROESENER: Okay. Thank you.

23 MAYOR GOODMAN: Yes, ma'am.

24 MS. THOMAS: Hi. I'm Eva Thomas at 652 Ravel

1 Court. I also am in favor of the ordinance Bill 2018-24.
2 And I have 90 signatures here of people that were not able
3 to come today that also support the ordinance. So I'd
4 like to give that to you. Thank you.

5 And I'd just like to make the comment that the
6 environment and open space has to be protected from
7 overdevelopment. And that's it.

8 MAYOR GOODMAN: Thank you.

9 MS. THOMAS: Thank you.

10 MAYOR GOODMAN: Thank you. Yes, ma'am.

11 MS. QUALIATA: I'm Paula Qualiata, 9621 Orient
12 Express. I am for Mr. Seroka's ordinance. But today, I
13 have been very concerned in listening to certain words
14 that I hear from different people on the council. For
15 instance, upfront costs for developers. This is what
16 we're going to focus on. Upfront costs for developers.
17 May I remind you about the upfront losses of the
18 homeowners?

19 (Applause.)

20 MS. QUALIATA: Do you have any idea what the last
21 three years of going into a development where it's a fire
22 sale for every home? Do you have any idea what real
23 estate agents tell people who need to move out because of
24 health reasons? They tell them, I can't help you because

1 nobody knows what's going to happen in here.

2 With his ordinance, as one other homeowner said,
3 that issue should go away. We should know, as residents,
4 people who are workers, we've worked -- my husband and
5 myself -- as hard as these people to get the home that
6 we're in. I'm not against them. I'm for them. Everyone
7 is entitled to work. Everyone would want that. But let
8 me assure you of one thing.

9 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE).

10 MS. QUALIATA: This is a democracy as Mayor
11 Goodman said. A democracy, as far as I can see, is
12 justice for all. Not for some, but for all. That means
13 that when you work hard and you buy your home -- and if
14 there's one thing I learned in this town because this is
15 my second house that's ruined -- it's never in your
16 backyard that you want something to go wrong. So think of
17 this.

18 MAYOR GOODMAN: Excuse me. You're addressing us,
19 please.

20 MS. QUALIATA: When they come to you, when they
21 come for you, you're not going to want that.

22 UNIDENTIFIED SPEAKERS: Boo.

23 MAYOR GOODMAN: Please. Everyone, please. Let's
24 be respectful.

1 But you are speaking with us, please. I know
2 your passion is strong, and we understand that. And we
3 know because we've been with you for four years on this.
4 So it's just everybody. So thank you. Thank you.

5 MS. QUALIATA: (INDISCERNIBLE) --

6 UNIDENTIFIED MALE SPEAKER: Wait, the mic is not
7 on.

8 UNIDENTIFIED FEMALE SPEAKER: Your mic is off.

9 MS. QUALIATA: -- my backyard.

10 MAYOR GOODMAN: Thank you.

11 Yes, you're next. Yes. Please, please, please,
12 everybody.

13 Yes, ma'am.

14 MS. LANE: My name is Beth Lane. I reside at
15 7630 Brent Lane. We are adjacent to the Silverstone golf
16 course.

17 MAYOR GOODMAN: You want to pull the microphone
18 closer to your mouth, if you would, please. Thank you.

19 MS. LANE: We're adjacent to the Silverstone golf
20 course. The expansive view across the golf course was a
21 factor in our decision to purchase the two-and-a-half-acre
22 property where we reside. And I suspect it was a factor
23 for many of the decisions that were made by property
24 owners in Silverstone.

1 We are here because we've chosen to be where we
2 can see the mountains, unhindered view of the stars at
3 night, and pursue an active lifestyle that the acreage
4 affords. For the City to allow the sale of the golf
5 course without agreement of the property owners is a
6 travesty.

7 I'd like to point out that the City and County
8 have spent large sums to construct and plan a flood
9 protection for the area of Northwest Las Vegas, including
10 two large retention basins that are nearly adjacent to
11 Silverstone. They also constructed an overflow
12 underground culvert which empties directly into the
13 Silverstone golf course.

14 Building homes or apartments in that basin is
15 asking for flood damage.

16 Las Vegas actively recruits new industry and
17 employees to this valley. Desirable homes with parks and
18 green space are always an issue for recruiting. Let us
19 not destroy what we have here, but remember John Locke's
20 insight that life and liberty are secure only as long as
21 property is secure.

22 MAYOR GOODMAN: Thank you very much.

23 MS. LANE: Thank you.

24 MAYOR GOODMAN: Thank you.

1 Yes, ma'am.

2 (Applause.)

3 MS. COBB: My name is Alice Cobb. Can you hear
4 me?

5 MAYOR GOODMAN: Yes. Thank you.

6 MS. COBB: I -- I serve on the board at
7 Queensridge, 1 Queensridge Place. But I'm here as an
8 individual, an individual who has been coming here for
9 four years on the same subject. And I think that should
10 broadly inform all of us that we need to come to some
11 conclusions on this subject.

12 Somewhere around the second year, the thought was
13 tabled here that we needed to develop a global plan, one
14 that addressed the issues more broadly for more
15 neighborhoods and for more developers than just the
16 Badlands.

17 Four years is too long. We are not spending --
18 or we are spending too much money and we're not getting
19 any smarter than we are today.

20 I agree that it took a while to kind of vet
21 through a lot of these things, and in fact, the council is
22 now 50 percent changed than when this conversation first
23 started. So I would recommend strongly that we have the
24 courage of our convictions and start somewhere. Let's

1 support the tabled ordinance and move forward. Thank you.

2 MAYOR GOODMAN: Thank you, ma'am.

3 (Applause.)

4 UNIDENTIFIED SPEAKERS: Boo.

5 MAYOR GOODMAN: Let's be kind, please.

6 MR. INGLE: Hello.

7 MAYOR GOODMAN: Hi.

8 MR. INGLE: Can you hear me okay?

9 MAYOR GOODMAN: Yes, you're fine.

10 MR. INGLE: My name is Jerry Ingle. I live at
11 700 Pont Chartrain in Queensridge. And I took a break
12 earlier. I hadn't planned to talk today, but I took a
13 break earlier, and I spoke to a gentleman who is in a
14 bright yellow shirt. We see lots of them in the audience.
15 And the shirt says: Collateral Damage, Las Vegas
16 residents support jobs.

17 And I said, "What are you doing here?"

18 He says, "We're here to fight for jobs."

19 I says, "So what's that got to do with this
20 ordinance?"

21 He says, "We're told the people who have these on
22 the golf course are against building."

23 And that couldn't be further from the truth. I
24 mean, just think if we had this ordinance in place, she

1 said, four years ago, there would have been thousands of
2 people working on that course now because we are not
3 fighting the development on the course. We are fighting
4 what was approved years ago.

5 And just to give you an idea, I have a beautiful
6 view. And I was given a rendering that was rolling hills,
7 green belts, and I said, "This is beautiful." And the
8 developer has a good reputation. And then I found out
9 later that a 70-foot corridor -- a 70-acre corridor, there
10 was a development proposed of 3,000 condominium units in
11 70 feet, and it was going to come within a hundred feet of
12 my home, and it would have been 50 stories -- 50 feet
13 high.

14 Now, had this ordinance been in place, these
15 people would be working today instead of saying we're
16 against it. We're not against development.

17 And so what I appeal to you is this ordinance
18 is -- puts all of these things to bed. I'm not worried
19 about the developers. Believe me, they'll come up with
20 the upfront money.

21 MAYOR GOODMAN: Thank you.

22 MR. INGLE: When you have 258 acres, you're not
23 going to not spend the money to do it right.

24 MAYOR GOODMAN: Thank you.

1 MR. INGLE: But the word "compatible" is what's
2 in this ordinance. There's nothing compatible about my
3 beautiful view looking at a 50-foot-high residential
4 four-story building.

5 MAYOR GOODMAN: Thank you. Thank you.

6 MR. INGLE: Thank you.

7 MAYOR GOODMAN: Thank you, Mr. Ingle.

8 UNIDENTIFIED SPEAKERS: Boo.

9 (Applause.)

10 MAYOR GOODMAN: Please, please, everybody.

11 Please. Yes.

12 MR. RAISNER: My name is Dale Raisner, 9811
13 Orient Express, Las Vegas, Nevada.

14 UNIDENTIFIED MALE SPEAKER: Other people got to
15 live somewhere, too.

16 MR. RAISNER: I just wanted to encourage all the
17 council member and women and the Mayor to vote in favor of
18 this ordinance today. I know there's been focus group
19 meetings. There has been a lot of procedures and
20 processes that have gone through and versions and new
21 versions of this ordinance. My wife actually attended
22 some focus meetings. And I think --

23 MAYOR GOODMAN: Many, many. Your wife -- you
24 married very well.

1 MR. RAISNER: Thank you. And I think --

2 MAYOR GOODMAN: She attended many.

3 MR. RAISNER: Yeah. I think the process has come
4 a long way. You know, best practices, from what I have
5 heard, have been incorporated into this ordinance from a
6 lot of prior learning. And we have to start somewhere,
7 and I think today is the time.

8 And this ordinance, we've been through a lot as
9 one neighborhood, but hopefully, it will help, you know,
10 neighborhoods in Councilman Crear's -- his ward and
11 Fiore's ward.

12 When you -- when people have an expectation of
13 what was required and the residents have an expectation of
14 what they will receive, and it's documented, it's most
15 likely to happen. And I think you'll have a good outcome.
16 So please vote in favor of this today so that we can move
17 our lives forward. Thank you.

18 (Applause.)

19 MR. TADOFF: Good afternoon.

20 MAYOR GOODMAN: Okay. You're going -- are we
21 there?

22 MR. TADOFF: My name is Larry Tadoff, and I live
23 at 1 Queensridge Place. And obviously, I have a vested
24 interest. But I would say to you --

1 MAYOR GOODMAN: Wait, wait, wait. Where do you
2 live?

3 MR. TADOFF: 1 Queensridge Place, Towers.

4 MAYOR GOODMAN: Okay. Thank you.

5 MR. TADOFF: And obviously, I have a vested
6 interest. But I would state to you, as I listen to the
7 people speak and I thought about a slot, one word pops out
8 to me over and over again. Fair. Fair. This ordinance
9 is fair. I would ask you, the city council, to do what is
10 fair.

11 I should not have an undue influence because I'm
12 a resident. The developer should not have an undue
13 influence because he or she is development. This makes a
14 level playing field.

15 I respect very much these men and women who came
16 out in the yellow jerseys, and I respect their right to
17 come out. But as the other gentleman said, this is not
18 anti work. If it's done right, the jobs will be there.

19 And the last point I'd like to make, as the lady
20 made earlier, about the process. I have lived in Vegas
21 not as long as you folks, but five and a half years.
22 Before that, I was in the U.S. military and I was
23 stationed overseas quite a bit, in Vietnam, Germany. I
24 lived in 12 different states in the United States. And I

1 was in leadership role in the Army Corps of Engineers,
2 which we had a lot of contentious hearing about wetlands
3 and waters. And sometimes I sat up there; sometimes I sat
4 back here. Sometimes I testified, city council, planning
5 competition, as a private citizen.

6 But frankly, I've been involved in this for four
7 years, and I have never seen such a contentious and
8 drawn-out process. I remember sitting in a planning
9 commission meeting which Councilman Crear was on planning
10 commission, lasted until almost 2:00 o'clock in the
11 morning.

12 So I'd say I think you have enough information to
13 make the right decision, and I would ask you to consider
14 it, do what's fair, and make the right decision. Thank
15 you very much.

16 MAYOR GOODMAN: Thank you for your service.

17 (Applause.)

18 MAYOR GOODMAN: Yes, sir.

19 MR. BARTH WHITE: Mayor Goodman and city council,
20 you guys are all elected to protect the people.

21 MAYOR GOODMAN: Your name, please, sir.

22 MR. BARTH WHITE: Oh, I'm sorry. My name is
23 Barth White. I live on 929 Collingtree, Queensridge.

24 MAYOR GOODMAN: Thank you.

1 MR. BARTH WHITE: All of you are here to protect
2 the people and the people's rights. And before you make a
3 decision or voice an opinion, I think you should hear all
4 the pros and cons of anything that's going to affect the
5 people.

6 Mrs. Goodman, you have already made an opinion to
7 go with construction, which I think is incorrect. You
8 should hear all the pros and cons because it is going to
9 affect people and the way of their lives and their
10 investments.

11 Now, the little dog and pony show behind me are a
12 bunch of people that are coming and getting a job for a
13 year, and then they're going to go. We have to put up
14 with everything that is left behind.

15 (INDISCERNIBLE SHOUTING.)

16 MAYOR GOODMAN: Be kind. Be kind, people.

17 MR. BARTH WHITE: So we appreciate if you put a
18 little concern and hold your opinion back until you know
19 all the facts.

20 MAYOR GOODMAN: We've been doing this for four
21 years, and asking, please, everyone --

22 MR. BARTH WHITE: I'm sorry, I can't hear her.

23 MAYOR GOODMAN: We've been doing this for four
24 years on council. Granted, we have new councilpersons.

1 The reality is, from day one, we asked for the
2 private parties, both sides, to get together and work to a
3 common resolution. What has resulted is all the lawsuits
4 are taking us to the Supreme Court of the State of Nevada.

5 What I was trying to say is this is a very
6 definitive brush. I want to make sure it works for the
7 whole of this City. Most of the people are here because
8 of Queensridge and/or the Badlands and because of
9 Silverstone.

10 So we are very concerned. We want residents to
11 have the enjoyment of what they buy. But this is a much
12 bigger ordinance, and that's all I'm saying. It's in
13 favor of nothing and no one except equity and making sure
14 we have gone very thoroughly through it, which we have not
15 yet done, in my opinion. I am one person.

16 So thank you. We appreciate that you care.

17 MR. BARTH WHITE: Thank you.

18 (Applause.)

19 MAYOR GOODMAN: Who's next? And where do you
20 live, please?

21 MR. PERLMAN: Howard Perlman. I'm an architect.
22 My office is at 450 Fremont Street, and I happen to live
23 in Green Valley.

24 MAYOR GOODMAN: You live in Green Valley --

1 MR. PERLMAN: I'm sorry.

2 MAYOR GOODMAN: -- and you're coming here to city
3 council?

4 MR. PERLMAN: Yeah.

5 MAYOR GOODMAN: Okay.

6 MR. PERLMAN: Well, because the ordinance is
7 important to me. We do a lot of work for a lot of
8 developers all over the country, but most of our work is
9 right here in Las Vegas. And just in reading some of the
10 articles in that new ordinance, some of them are just so
11 onerous on the developer.

12 And I know there's a perception that all
13 developers are rich and they've got a lot of money and
14 it's only money, money, money, and they've got all the
15 money to spend. But to ask somebody that's going to come
16 in and do even just a smaller project and just the
17 standard -- all the studies and drainage studies and all
18 these other things that are required just to do a normal
19 zoning case are quite expensive for some of the smaller
20 projects.

21 And to also throw in 3D modeling and things like
22 that, I do think that it's going to affect development
23 along with some of the penalties that are in this
24 ordinance. Thousand-dollar-a-day penalties, imprisonment

1 penalties.

2 We're trying to -- we have a city that's growing.
3 We want it to keep growing.

4 But I do want to read one little petition to you.
5 It will take me just ten seconds, and I think you'll find
6 it very interesting.

7 We, writers, painters, sculptors, architects, and
8 passionate devotees of the hitherto untouched beauty of
9 Paris protest with all our strength, with all our
10 indignation in the name of slighted French taste against
11 the erection of this useless and monstrous Eiffel Tower.

12 MAYOR GOODMAN: Beautiful. Thank you.

13 MR. PERLMAN: So the point is -- the point is
14 that emotions are so high.

15 MAYOR GOODMAN: Yes.

16 MR. PERLMAN: Emotions are so high.

17 MAYOR GOODMAN: Thank you.

18 MR. PERLMAN: But you guys are the elected
19 officials. And it's -- we depend on you to make the right
20 decisions for everybody. Thank you so much.

21 MAYOR GOODMAN: Thank you for coming into the
22 heart of the city. Thank you.

23 (Applause.)

24 MAYOR GOODMAN: You're next. Then the lady.

1 MR. NEWMAN: Yes, hello. I'm Craig Newman, and
2 I'm here on behalf of Vegas Venture Funding, LLC, who is
3 the lender on this property. And I've been here before.

4 MAYOR GOODMAN: The lender on which property?

5 MR. NEWMAN: The lender on the property that is
6 formerly the Badlands golf course. We provided a loan
7 to -- I provided a letter to each of your councilmen, to
8 council members and the Mayor, expressing my client's
9 position. And so I'm not going to repeat it here, but I
10 am going to make some comments for those of you which may
11 be undecided here today.

12 First of all, Mayor, I'm going to answer your
13 question. Is the perception of developers and investors
14 that this ordinance is anti development? Clearly, yes.
15 That is the perception of it.

16 (Applause.)

17 MR. NEWMAN: And, you know, whether that's
18 reality or not, I guess we'll find out. But the
19 perception is definitely yes.

20 Okay. Now, as far as those of you who are
21 undecided, I wanted to point a couple of things out.
22 Clearly this ordinance has not necessarily been
23 originated, but it's been supported primarily by the
24 residents of Queensridge. No question.

1 And this ordinance also is written in the face of
2 the fact that everyone who purchased their house at
3 Queensridge was aware of the zoning or should have been
4 aware of the zoning if they had done their homework as far
5 as --

6 (Applause.)

7 MAYOR GOODMAN: Please, let's be respectful.
8 Please. Please, everyone. Please. Give him a chance.
9 He has his time.

10 MR. NEWMAN: -- as far as how the property where
11 the Badlands golf course was zoned. It was zoned
12 residential. Still is. And in fact, my client, when my
13 client loaned the money on this property, received a
14 zoning verification letter from the City clearly stating
15 what the zoning was. Would not have made the loan without
16 it. And certainly, to the extent that this ordinance is
17 passed and the closure provisions are enforced against my
18 client, we'll be involved in litigation.

19 The Mayor has pointed out that there's already
20 existing litigation, three cases in front of the Supreme
21 Court. I understand there's nine, nine pieces of
22 litigation, none of which my client is a member of at this
23 point.

24 But I can tell you that those are pending.

1 There's going to be some resolution on those, and it may
2 result in some guidance for all of these issues. And it
3 certainly would not make sense for you to intervene and
4 give further ammunition to the homeowners in their
5 litigation, which is what they want you to do.

6 MAYOR GOODMAN: Well, I do think, in response to
7 what you said, it is -- we will have to abide by what the
8 Supreme Court says on either side. So I appreciate it.
9 And yes, I do recall your letter so thank you for coming
10 down.

11 MR. NEWMAN: One last comment only, Your Honor,
12 is that you're not just a zoning board. You're also here
13 to represent the citizens of Las Vegas and the residents
14 of Las Vegas in its entirety.

15 MAYOR GOODMAN: That's first.

16 MR. NEWMAN: Absolutely. And a lot of them are
17 sitting behind us right now. They want to go to work.
18 They don't live in Queensridge.

19 (Applause.)

20 MR. NEWMAN: But they want to build houses. They
21 want to build houses --

22 (Applause.)

23 MAYOR GOODMAN: Thank you.

24 Yes, ma'am. Your name and where you live,

1 please.

2 MS. TOBERGTE: Hi. Kimberly Tobergte, 7205
3 Cypress Run Drive.

4 I first of all would like to thank --

5 MAYOR GOODMAN: I'm sorry. I missed that. I
6 didn't hear where you lived.

7 MS. TOBERGTE: Sorry. 7205 Cypress Run Drive in
8 Silverstone Ranch golfing community.

9 MAYOR GOODMAN: Okay. Last name?

10 MS. TOBERGTE: And I want to first of all thank
11 Colonel Seroka for bringing this ordinance to play, and
12 I'm glad we're kind of looking at all different angles of
13 it now. But I'm not going to argue any point whatsoever.
14 I'm just solely tasked to be up here reading names. And I
15 would rather be anywhere else in this world than standing
16 here right had now. But thank you for your service. Here
17 I am.

18 I'm just going to really, really fast read these
19 names. Just in the past 24 hours --

20 MAYOR GOODMAN: Just how many are there? You
21 don't have to read their names. If you'll give your list
22 to our city clerk, we'll make sure their name is a matter
23 of record.

24 MS. TOBERGTE: Yes. So it's Curt William Flugler,

1 Tom and Lynn Else, Robert and Vivian Gonzalez, Mike and
2 Carolyn Mozine, Brian and Louise Welch, Tom Stinson, Harry
3 and Lori Kelman, Alchess Dine Dittrich, David and Gail
4 Smith, Dan and Dean Duphresne, Bob Thomas, Gene and Debbie
5 Long, Robert and Habeen Donovan, Vince and Dale Gardner,
6 Mandy Wilkins, Ron Cossa, Harriet and Steve Helstein, John
7 and Michelle Bradford, Arturo and Evelyn Lucio, Nancy
8 Weiss, Ann and Bob Shelton, Carol and Rich Campbell, Pete
9 Figer, Rick and Roxy Shields, Dan and Gail Van Luet, Ruth
10 Rogers, Leslie Elvers, William --

11 COUNCILMAN SEROKA: Mayor --

12 MAYOR GOODMAN: Okay, ma'am. I asked you just to
13 give it to the clerk. You don't have to read it. Their
14 name will be included in the record.

15 MS. TOBERGTE: Okay. Thank you very much.

16 (Applause.)

17 COUNCILMAN SEROKA: Your Honor. Your Honor --

18 MS. TOBERGTE: And I just urge that the city
19 council consider passing this ordinance today.

20 MAYOR GOODMAN: Thank you very much.

21 MS. TOBERGTE: Thank you.

22 COUNCILMAN SEROKA: Mayor.

23 MAYOR GOODMAN: Okay. (INDISCERNIBLE) is next.

24 COUNCILMAN SEROKA: Mayor, if I could, to ask our

1 people in the audience to be respectful of the time. It
2 is a very -- it is very unnerving to stand up here. When
3 you have your time, they will be respectful of you. Ask
4 that you do that as members of the audience. And if need
5 be, ma'am, if this continues, maybe, as you have said in
6 the past, we'll just have to escort people out. It's very
7 inappropriate and discourteous to this body.

8 MAYOR GOODMAN: Okay. Let's go on. Sir, I think
9 you were next. Then ma'am. And then --

10 MS. MAYO: He was just a gentleman in
11 (INDISCERNIBLE) allowing me to go first.

12 MAYOR GOODMAN: Okay.

13 MS. MAYO: My name is Lisa Mayo, and I'm here
14 today with one of my roles in the community, which is
15 working with developers.

16 And believe me, perception is reality. And
17 people do perceive this ordinance as being overreaching.
18 Developers that I'm working with, that I've shown it to
19 that have considered looking at the city are wary of this.
20 It is overreaching.

21 And you know, I just would ask the question maybe
22 of Tom or something. I know that in the county, I'm doing
23 a huge project right now, and we have to have a traffic
24 study before we can even have a planning meeting, a

1 preplanning meeting. We have a traffic study, has to be
2 submitted. I don't know if the City does that.

3 But there's all the things and all these hoops
4 that are adding this ordinance is already in our planning
5 code and has already been there.

6 But I wanted to send the message of this: You
7 have two big areas in this community. I would look to
8 Lois with the medical community. That is right now -- we
9 have a \$57 million library issue. There's all that land
10 that needs to be developed, and people are not going to
11 want to come and participate in that in the future. You
12 have a 2030 plan, and they won't want to come here. I
13 promise you that.

14 The other message you're sending, I'm coming to a
15 meeting here on behalf of clients November 17th to an
16 opportunity zone meeting in this very chamber for
17 developers that I have interested in Ward 5, Ward 3, and
18 anywhere you have opportunity land that's been identified
19 through the economic -- the governor's office.

20 What kind of a message, when I come and sit --
21 and we're talking about bringing private investment here,
22 and I sit through an all-day meeting to learn this, and
23 you pass this ordinance, and I go back to a private
24 developer and says, oh, by the way, in Ward 5, where we

1 have lots of open space land around there, you're going to
2 be subject to upfront CAD drawings. Who does that? A
3 prison term. It's just overreaching. And it does -- it
4 does send a message.

5 And I live in this city. I want this city to be
6 great. But right now, Clark County is kicking our butts.

7 MAYOR GOODMAN: Thank you.

8 MS. MAYO: They're developing all sorts of stuff.
9 We need to get on the train. So please, deny this
10 ordinance. It's completely overreaching. Thank you.

11 (Applause and cheers.)

12 MAYOR GOODMAN: Thank you. Please, everyone.

13 Sir.

14 Please, please, please.

15 Yes, sir.

16 MR. ALLERS: I am Herman Allers. I live at 9731
17 Orient Express Court, and I've been here before over the
18 last --

19 MAYOR GOODMAN: Yes, you have.

20 MR. ALLERS: -- few years.

21 MAYOR GOODMAN: You're part of the family.

22 MR. ALLERS: Can you hear this?

23 MAYOR GOODMAN: Can you pull the mic up? We
24 can't ask him -- if you pull -- there you go. Now lean in

1 a little bit. There you go.

2 MR. ALLERS: Okay. First of all, I want to thank
3 Mr. Seroka, one of the council, who has brought forward
4 the first piece of legislation that could help solve this
5 issue. Not just for Badlands, but for all of the big open
6 space areas that are beautiful that are being attacked.

7 Now, perception against the developer? I think
8 the perception of this ordinance is to tell the developer,
9 if you want to come in, like they did at Badlands, we're
10 going to increase the density 400 percent. We're going to
11 build 3,000 condos. We're going to do this. We can --
12 the perception is they could do anything they wanted to do
13 without respecting the homeowners that have been there for
14 15 and 20 years.

15 This perception of this ordinance is going to
16 give the developer pause. And they don't have to spend
17 ten -- millions of dollars for three years to try to get
18 undone -- totally incompatible project approved.

19 And within one vote, the planning commission
20 approved them. They even approved septic tanks. The
21 council, thank God, by one vote, turned that down. Now we
22 finally got an ordinance. We got some pretty smart
23 councilpeople. And this is a right step in the right
24 direction.

1 MAYOR GOODMAN: Thank you. You have a nice
2 smile.

3 (Applause.)

4 MAYOR GOODMAN: Hi.

5 MR. SCHRECK: Mayor -- I guess this is on.

6 MAYOR GOODMAN: Now, where do you live?

7 MR. SCHRECK: I think I've been here before on
8 this matter.

9 MAYOR GOODMAN: But you are, and where do you
10 live?

11 MR. SCHRECK: My name is Frank Schreck, and I
12 live at 9824 Winter Palace Court in Queensridge. And I've
13 been appearing here for almost three and a half years on
14 the same matter.

15 I have -- I know there's a time limit, but I have
16 a whole group of homeowners back there that aren't
17 speaking, and I'm speaking for them.

18 MAYOR GOODMAN: Okay. They raised their hands.

19 MR. SCHRECK: Okay.

20 MAYOR GOODMAN: So we'll give you five minutes.

21 MR. SCHRECK: So I may go a little bit longer
22 because --

23 MAYOR GOODMAN: Okay.

24 MR. SCHRECK: -- I want to do some little

1 history, and I also want to bring back some reality to
2 this.

3 I'm in support of the ordinance, obviously, but
4 this ordinance doesn't paint Las Vegas with a large brush.
5 This ordinance, has been said before, this ordinance only
6 deals with open space that's been dedicated and approved
7 by the City of Las Vegas for residents that live in
8 master-planned communities and other open space where
9 people bought near it because they thought it brought
10 value to their property.

11 It doesn't deal with all the open -- the vacant
12 space in Ward 6, Ward 5, Ward 3, and Ward 1. It doesn't
13 apply to them. It applies to the open space. And not
14 just golf courses. It applies to all of the parks and all
15 of the walking trails in Summerlin, which are acres and
16 acres. It applies to the lake in Lake Las -- in The
17 Lakes. It applies to a lot of different properties, not
18 just Queensridge and not just golf courses.

19 But everybody that bought into the golf course
20 bought into the golf course with an understanding in a
21 master-planned community that that -- what you see is what
22 you get. Not 4,000 -- not 3,000 condominiums, you know,
23 built on 70 acres and then construction for how many
24 years, we don't know.

1 But no community should be put through the
2 emotional and financial trauma that Queensridge residents
3 have been put through to protect their master-planned
4 community.

5 If this ordinance was in place -- I'm going to
6 take issue with Mr. Perrigo, which I have done constantly
7 for three and a half years and been proven right in the
8 courts.

9 When he says that the approval of the development
10 agreement somehow solves that problem, it doesn't. The
11 approval of the development agreement approves all the
12 entitlements before there are ever any of the traffic,
13 drainage, school issues resolved. Just like we've been
14 talking about before, conditional approvals.

15 Conditional approvals are fine if you have, you
16 know, 200, 300 acres out in the middle of nowhere. In
17 this case, we're talking about developments that are right
18 in the middle of a built, established community. And
19 that's what open space -- and it's an open space that was
20 granted by the City. And now you want to take it away
21 with giving developers the right to come in as Mr. -- as
22 Councilman Seroka has done. If you're going to do that,
23 let's at least establish a procedure to do that.

24 But I believe that if in this -- if this

1 ordinance had been in place at the time the developer of
2 Queensridge was -- and Badlands was looking at that golf
3 course, if this development -- if this ordinance was in
4 place, my guess is he wouldn't have bought the property.
5 He would not have brought the property because, as he told
6 you and as he told us in your meetings, it was a done deal
7 when he bought the property. He already had the promises
8 from you, Mayor, three councilmen that no longer exist
9 here. He told you right at this podium that he had your
10 promise that he could develop before he ever filed an
11 application, before he ever met with Queensridge, before
12 he ever did any of it.

13 MAYOR GOODMAN: And I have to interrupt you. And
14 if you'll go back to that meeting, I said I absolutely
15 deny that, what you are saying, and I'm sure we can go
16 back to it. That was --

17 MR. SCHRECK: I didn't say -- I didn't say you
18 agreed. I said that's what he said.

19 MAYOR GOODMAN: Right. But that's an inference
20 for everybody that's listening. And for those who are
21 on -- watching on TV, that inference is incorrect. I
22 never --

23 MR. SCHRECK: It's the same interest that Judge
24 Crockett --

1 (Indiscernible Shouting.)

2 MR. SCHRECK: -- that Judge Crockett drew in his
3 decision.

4 MAYOR GOODMAN: Well, go ahead with your -- and
5 now we're at the Supreme Court. So please. And they will
6 make the decision.

7 MR. SCHRECK: But I think that if that ordinance
8 was in --

9 MAYOR GOODMAN: Please go ahead.

10 MR. SCHRECK: If that ordinance was in place, we
11 wouldn't be here today. If a developer would have gone
12 through the normal procedures that are set forth in this
13 ordinance, I think that we could have probably reached
14 some kind of a compromise for development on the golf
15 course.

16 MAYOR GOODMAN: And as you say, that's your
17 opinion, which is opposed to Tom Perrigo's opinion, former
18 head of planning.

19 MR. SCHRECK: Right. And my opinion was
20 different than his, and the courts ruled in our favor each
21 time.

22 So when I started appearing before this council
23 in September of 2015, it was because there was an
24 ordinance, there was an amendment to the City's general

1 plan that was proposed, supposedly by staff, that no one
2 knew about and we accidentally found out about, that would
3 have changed the -- eliminated the residential density
4 protection on every single master-planned community in the
5 city of Las Vegas that was over 40 acres.

6 Fortunately, we found out about it. We came
7 before the planning commission. The planning commission
8 abeyed. And how we knew the developer was involved in
9 this was that eight days before this staff amendment to
10 the general plan was to be heard by the planning
11 commission, he filed an application to change our golf
12 course into a planned development.

13 So he was in -- he was working hand in hand with
14 your city staff, you know, to do this, without anybody
15 knowing about it. Fortunately, the planning commission
16 had the wisdom to abey it. During that abeyance, the
17 developer withdrew that application, and then the staff
18 tabled that amendment, and we've never seen it again in
19 three years. So obviously, it wasn't something that was
20 really important except to the developer.

21 We began this process understanding and knowing
22 that our master-planned community, the Peccole Ranch
23 master development plan was approved by this city council
24 in 1990. And there was specifically no residential

1 allowed on the golf course.

2 In 1992, this City adopted by ordinance an update
3 of its general plan that designated not only Badlands but
4 the open space throughout Summerlin, the open space at
5 Canyon Gate, at Painted Desert, at Silverton, all of those
6 master-planned communities as park recreation open space,
7 PROS, by ordinance with no residential density allowed.

8 So those are two things we learned when the
9 developer filed his first set of applications and his
10 second set of applications.

11 Your city planning department, in their staff
12 reports with respect to the first three applications on
13 90 -- 17.9 acres, and then four more applications with
14 respect to 250 acres, your staff, in both of their reports
15 dealing with those, stated very clearly there was no
16 residential on the golf course, which was consistent with
17 our general plan, your general plan, and our master plan.

18 Finally, in March of 2018, the Queensridge
19 residents obtained a judgment from Judge Crockett which
20 confirmed and validated all of our positions with respect
21 to our rights on the golf course and the developer's lack
22 of rights to develop anything on the golf course without
23 getting a major modification.

24 Judge Crockett's decision --

1 UNIDENTIFIED MALE SPEAKER: Your Honor, I'm
2 sorry. I'm sorry, Frank.

3 Your Honor, please establish order. These guys
4 out here are making a lot of noise. And I understand what
5 they're here for, but Tommy, would you please slow them
6 down a little bit. We get the message. Please.

7 UNIDENTIFIED MALE SPEAKER: Would you like me to
8 answer that?

9 UNIDENTIFIED MALE SPEAKER: Judge --

10 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE).

11 MAYOR GOODMAN: Okay. No, no, no. It's all
12 right. It's okay. Just could we let Mr. Schreck finish
13 up? Because he's speaking to the ordinance.

14 We have the history. We've all heard it so many
15 times. Please get to --

16 MR. SCHRECK: I -- I --

17 MAYOR GOODMAN: Please.

18 MR. SCHRECK: Okay. This is pretty recent. In
19 October of this year --

20 MAYOR GOODMAN: Okay.

21 MR. SCHRECK: -- Judge Jerry Williams basically
22 affirmed and confirmed Judge Crockett's decision. That's
23 the most recent one.

24 And Judge Crockett's decision says something

1 really simple. And that is that the developer has no
2 existing rights and never had any existing rights to
3 develop residential units on the Badlands golf course.

4 MAYOR GOODMAN: But this has all gone to the
5 Supreme Court. Can you get to the point of this?

6 MR. SCHRECK: No, no. Now, wait a second. It
7 was a decision by Judge Crockett that this City didn't
8 appeal. So it binds you now. Okay?

9 COUNCILWOMAN FIORE: Mayor, are we on eight
10 minutes with this guy?

11 MAYOR GOODMAN: No, no, no. I have plenty -- I
12 have hands back there. He's fine.

13 MR. SCHRECK: So Judge Crockett's --

14 MAYOR GOODMAN: No, you're --

15 MR. SCHRECK: Here's the irony of that. The
16 Queensridge residents, through their persistence and
17 through a lot of money that we've spent, actually got
18 judicial decisions to protect the City from inverse
19 condemnation because these decisions say that the
20 developer has no rights to develop on the golf course.
21 Therefore, there are no rights for you to take away from
22 him. So his inverse condemnation claims are not valid.

23 And as Judge Crockett said, he bought a pig in a
24 poke. And as the attorney that was up here discussing,

1 you know, the lender on this, well, if he would have done
2 his due diligence -- because we did, and Crockett
3 confirmed it -- is that he has then loaned and is secured
4 by a pig in a poke.

5 Now, what has happened to Queensridge in the last
6 three years? Aside from all the money, time, and emotion
7 that we've put forth to protect our master-planned
8 community, the Queensridge residents have had to endure
9 the closing of the golf course, a depreciation of our
10 property values in excess of \$200 million for the
11 developer's \$7.5 million investment, the inability to sell
12 our residences at greatly reduced prices.

13 And if closing the golf course wasn't enough for
14 this developer, I'd like to have the -- this on your
15 overview.

16 UNIDENTIFIED FEMALE SPEAKER: Can you make it
17 bigger?

18 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE) zoom
19 in?

20 UNIDENTIFIED FEMALE SPEAKER: Can you zoom in?

21 MAYOR GOODMAN: It's the golf course with the
22 no-dumping sign.

23 MR. SCHRECK: Can you see -- can the public see
24 it?

1 UNIDENTIFIED FEMALE SPEAKER: Yeah.

2 UNIDENTIFIED FEMALE SPEAKER: Yeah. That's --
3 thank you.

4 MR. SCHRECK: Okay. I see it now.

5 This is the sign entering from the south side
6 where I enter. It's right as I come into my community.
7 And then there's three more signs about 70 yards apart
8 going down that way and also on the other side. And the
9 same is true when you come in on the north entrance, you
10 know, from Alta into our community.

11 Now, if that wasn't bad enough, and the golf
12 course didn't look like it was a deserted area, the
13 developer then saw fit to cut down all the trees that
14 blocked the view as you were driving up our way so you
15 could have a perfect view of the desolated area that he's
16 created from this golf course, that we have to look at it
17 every day.

18 And if you don't think that is a discouragement
19 to residents, a discouragement to guests, and a
20 discouragement to potential buyers within our community,
21 then you're absolutely wrong.

22 So I'll just end by saying that there is no way
23 in the world that any community in the city of Las Vegas
24 should be put to such stress, such economic deprivation,

1 and such emotional trial as Queensridge residents have
2 been put through for the last three and a half years based
3 upon decision that came out of your staff that was not
4 upheld in court.

5 And if, in fact, this process was in place that's
6 established through this ordinance, I personally don't
7 think I'd be standing here today talking to you about
8 these issues, and I don't think that there would be money
9 spent by the City, by the way, hiring outside lawyers to
10 defend yourself against the developer's lawsuits, not our
11 lawsuits. Every one of those that you're spending a
12 million dollars on that Councilwoman Fiore likes to talk
13 about, those are all spent defending outside lawsuits
14 filed by outside attorneys filed by the developer against
15 the City and individual members of the council.

16 MAYOR GOODMAN: Thank you.

17 MAYOR PRO-TEM TARKANIAN: Madam Mayor, through
18 you, could I ask one question?

19 MAYOR GOODMAN: Yes, please.

20 MAYOR PRO-TEM TARKANIAN: Frank. Mr. Schreck.

21 (Applause.)

22 MAYOR PRO-TEM TARKANIAN: Could I ask one
23 question, please?

24 I was told that the developer offered to lease

1 for \$1 a year the golf course to the residents around it.

2 Is that true?

3 MR. SCHRECK: No. That's untrue. In fact, the
4 only thing that I know, in a meeting between Jack Binion,
5 Councilman Coffin, and I think it was Jay Brown, when I
6 think Councilman Coffin said to Jack Binion, "You know,
7 why don't you guys buy this golf course or work out
8 something to it?" Jay said, yeah, it will be -- and we're
9 just talking about the 180 acres of the old two golf
10 courses, not the 70 acres where they wanted the high
11 density. He said, "Yeah. We'll sell it for a million
12 dollars an acre."

13 MAYOR PRO-TEM TARKANIAN: Okay. So my
14 understanding -- I mean, I was told that they would lease
15 it for a dollar and that the group, that is the people
16 who are the residents, said no, they wanted to buy it.
17 They wouldn't lease it or something like that.

18 MR. SCHRECK: No, that's never -- I've never
19 heard of that offer.

20 MAYOR PRO-TEM TARKANIAN: Okay.

21 MR. SCHRECK: Ever. And if they came to ask us
22 if we'd lease it for a dollar --

23 MAYOR PRO-TEM TARKANIAN: Would you have done
24 that if it had been -- do you think the people that you

1 are representing would have leased it for \$1?

2 MR. SCHRECK: Well, I'm here as a homeowner.

3 MAYOR PRO-TEM TARKANIAN: Yes.

4 MR. SCHRECK: I've been doing this for free for
5 my community.

6 MAYOR PRO-TEM TARKANIAN: Yes, we know.

7 MR. SCHRECK: So I'm representing only in the
8 general sense.

9 MAYOR PRO-TEM TARKANIAN: Right.

10 UNIDENTIFIED FEMALE SPEAKER: Would you lease it
11 for a dollar?

12 UNIDENTIFIED FEMALE SPEAKER: Would you lease it
13 for a dollar, Mr. Schreck?

14 UNIDENTIFIED MALE SPEAKER: Mayor, this isn't
15 about Badlands. This is about the open space.

16 UNIDENTIFIED FEMALE SPEAKER: So answer the Mayor
17 Pro-Tem's question.

18 MAYOR PRO-TEM TARKANIAN: We're making it about
19 Badlands.

20 UNIDENTIFIED MALE SPEAKER: (INDISCERNIBLE) off
21 track.

22 MR. SCHRECK: Would we lease it for a dollar? I
23 don't know.

24 UNIDENTIFIED FEMALE SPEAKER: Right.

1 MAYOR PRO-TEM TARKANIAN: I just --
2 (INDISCERNIBLE).
3 MR. SCHRECK: -- property taxes. What use can
4 you do? He's destroyed the golf course. The golf course
5 is decimated, destroyed.
6 MAYOR GOODMAN: Okay.
7 MR. SCHRECK: So what do you get if you lease it?
8 MAYOR GOODMAN: Thank you.
9 UNIDENTIFIED FEMALE SPEAKER: You destroyed it,
10 Frank.
11 MAYOR GOODMAN: Thank you. Let's please -- all
12 right. I saw Mr. Gronauer.
13 MS. DEHART: Can I just address what he just
14 said?
15 MAYOR GOODMAN: Excuse me one second, please.
16 MS. DEHART: You don't need to ask him or me.
17 MAYOR GOODMAN: Mr. Gronauer, is it all right?
18 MR. GRONAUER: Yes, yes.
19 MAYOR GOODMAN: And your name, please, and where
20 do you live?
21 MS. DEHART: But I only want to address what --
22 MAYOR GOODMAN: Your name, please, and where you
23 live.
24 MS. DeHART: Vickie DeHart at 9103 Alta Drive.

1 You don't need to believe him or believe me about
2 that conversation. Ask Brad Jerbic.

3 MAYOR GOODMAN: Thank you. Where is Brad?
4 (Applause.)

5 UNIDENTIFIED MALE SPEAKER: You don't need that
6 answer to act on this ordinance. I encourage you to move
7 on.

8 MAYOR GOODMAN: I know, I know. But I would
9 like -- I was interested. Thank you so much. I have to
10 ask Brad personally. Thank you.

11 COUNCILWOMAN FIORE: You know what? Can we get
12 Brad down here?

13 MAYOR GOODMAN: I don't know, but let's go ahead
14 and let's go through the public comment time, please.

15 MR. GRONAUER: Yes, thank you. Good afternoon,
16 Your Honor, members of the council. My name is Bob
17 Gronauer. I'm here representing a couple of
18 master-planned communities. Skye Canyon, which is being
19 developed by Gary Goad and the Olympia Group that you
20 know. Also Lennar Homes who is building the east side of
21 Skye Canyon. And our firm also represents Summerlin.

22 I am here watching this ordinance on behalf of my
23 clients, and we've worked with your staff over the last
24 several months on this.

1 The only reason why I'm here is because I was
2 listening to Mr. Schreck in his statements, and I believe,
3 respectfully, he might have misspoke or made a
4 misstatement that I need to make sure we clarify on the
5 record for everybody in this room to understand.

6 The ordinance that's before you today exempts out
7 master-planned communities. For example, Summerlin and
8 Skye Canyon, the clients that we represent, are exempted
9 from this ordinance and do not have to comply with this
10 ordinance because they're master-planned communities under
11 development agreements.

12 I need to make that clear for everybody here
13 because Mr. Schreck has stated something different, and I
14 want to make sure I can walk away and still watch this
15 ordinance as it goes through with that understanding.

16 MAYOR GOODMAN: Okay. Thank you very much.

17 Okay. Next, please. Do you want to have an
18 answer to that?

19 MR. GRONAUER: Yes, please.

20 MAYOR GOODMAN: Bob. Mr. Steed, the question for
21 Mr. Gronauer for you.

22 Do you want to repeat the question?

23 MR. GRONAUER: Yes. I just want to clarify, in
24 the ordinance -- sorry.

1 MR. STEED: Yes, there is an exemption for -- it
2 doesn't say master-planned communities. It says
3 communities under a development agreement. So any -- any
4 community that is subject to a development agreement that
5 has been approved under the section that's recited in the
6 ordinance is exempt from it.

7 MAYOR GOODMAN: Okay. And therefore --

8 MR. GRONAUER: That's why I want confirmation.

9 MAYOR GOODMAN: Councilwoman Fiore wanted to
10 ask --

11 COUNCILWOMAN FIORE: Thank you. I just have to
12 clarify, as you said before, like a doctor making
13 medicine.

14 So this ordinance, because of the exemptions of
15 our other developers in the city of Las Vegas, this
16 ordinance is basically -- please clarify -- for the
17 Badlands, for Yohan Lowie. This literally is written the
18 Yohan Lowie ordinance; is that correct?

19 UNIDENTIFIED SPEAKER: You know, it's not.

20 COUNCILWOMAN FIORE: Well, good. Could I have
21 Scott come down and -- or Brad Jerbick, because this
22 ordinance only applies to the Badlands.

23 UNIDENTIFIED SPEAKER: You can either believe me
24 or not.

1 COUNCILWOMAN FIORE: I don't believe you. I
2 would like to have Brad Jerbick or Scott here.

3 UNIDENTIFIED SPEAKER: Your Honor -- Your Honor,
4 please, don't let our employees get all beat up by people
5 who have a real --

6 COUNCILWOMAN FIORE: You know what Mr. -- Mr. --
7 listen. I'm about to read your email to the public. You
8 better calm down.

9 UNIDENTIFIED SPEAKER: Go ahead. It's --
10 (Applause.)

11 MAYOR GOODMAN: Okay. Let's --

12 COUNCILMAN COFFIN: Let's hear it.

13 MAYOR GOODMAN: Let's move on. So sorry.

14 MR. PANKRATZ: Thank you, Mayor and Councilmen.
15 My name is Frank Pankratz. 9103 Alta Drive.

16 MAYOR GOODMAN: Wait, wait, wait, I couldn't
17 hear. I'm so sorry. Would you do it again.

18 MR. PANKRATZ: Sure. My name is Frank Pankratz,
19 9103 Alta Drive.

20 I've been in the development business for 40-plus
21 years, not only locally but throughout the country. I
22 headed up parts or all of Del Webb's operations and Pulte
23 Homes' operations across the country. And I'm here to
24 answer the Mayor's question and make a few other comments.

1 This ordinance most certainly would put a hinder
2 and discourage and prevent developers' taking more risks
3 than they already do.

4 Development is a huge, very, very, very risky
5 business. It's risky for developers. It's risky for
6 investors. It's risky for lenders. It's risky for title
7 companies. And we don't need any more of this layering on
8 of bureaucratic processes.

9 This ordinance is totally about the land on which
10 the Badlands is on. We received from the City the list of
11 the properties that it would affect, and we heard at
12 earlier meetings that the city staff hadn't had time to
13 really plot out and lay out what these parcels all are.
14 We did.

15 And as you go through, the properties that are
16 listed on the list that we got from the City are either
17 owned by the City -- so you all and your successors down
18 the road have the control of those properties because
19 they're either controlled by the Cities, or they're
20 already in the jurisdiction of homeowners associations.

21 And so I'd like to -- this has been submitted
22 previously, and I'd like to resubmit this. And at this
23 bottom line, after you take away the properties that are
24 owned by the City, that are controlled by HOAs, the bottom

1 line, there's one parcel in here that's affected by this.

2 I hear repeatedly Mr. Schreck and the opposition
3 coming before you, talking about the big conspiracy that
4 we had early on with the City and the City's staff. We
5 had neighborhood meetings, and we planned more
6 neighborhood meetings. Just the way we do things in the
7 development business.

8 And who filed the lawsuit first within a month of
9 us beginning the process? Mr. Schreck and his option.
10 And he represented two homeowners that not one home could
11 be built on this property. And yet at the same time, the
12 City, before we bought the property, provided us letters
13 stating that the property was zoned RPD-7, 7.49 dwelling
14 units per acre.

15 So we stand before you or sit in the audience as
16 we hear repeatedly, meeting after meeting, planning
17 commission and city council, women and children are going
18 to drown because you can't do this drainage. Well, we
19 dealt with it. Our engineers dealt with it. The city
20 experts dealt with it when we built Tivoli Village
21 downstream from this 250 acres. FEMA dealt with it, and
22 they would have to do the same thing.

23 We provided a master conceptual drainage study to
24 the City. We reviewed it with the City. We all recognize

1 that further work and detail had to be done through the
2 design process. We provided a traffic study to the City,
3 and the City approved the traffic study for the 250 acres.
4 Yet you hear these people repeatedly, meeting after
5 meeting, oh, it's going to -- the traffic isn't going to
6 work.

7 This is technical stuff the City's professional
8 staff and professionals deal with, and they wouldn't
9 approve it if it didn't work and the proper mitigation
10 wasn't in there.

11 The sewer. The sewer capacity. We got a letter
12 from the City saying there's sufficient sewer capacity for
13 what our plans were.

14 And so it continues to be discouraging with the
15 misrepresentation, the rhetoric you hear, meeting after
16 meeting after meeting.

17 We wanted to do something great for the
18 community. The golf course was -- like probably almost
19 2,000 golf courses have closed across the country in the
20 last 12, 15 years. We wanted to do something beautiful
21 for the neighborhood as we had with 1 Queensridge Place,
22 as we had with Tivoli Village. And the way we do things,
23 we built 40, 50 of the custom homes in Queensridge. We
24 own a number of properties on that golf course and wanted

1 to do something good for our properties. And by osmosis,
2 it would have helped these neighbors' properties in
3 values.

4 What happened, we didn't delay the process. It
5 was Mr. Schreck and his opposition that delayed the
6 process and created the consternation in the community
7 that you have seen and that we have seen and to our
8 properties.

9 And so we're here because, at the beginning of
10 the process, the opposition were told that not one home
11 could be built on this process. You asked me to meet with
12 Shauna Hughes and try and negotiate. Well, we couldn't
13 negotiate because Shauna, as well as the opposition, heard
14 from some representatives of the opposition that not one
15 home could be built on this process so they had no
16 interest in even talking to us.

17 Brad Jerbic, your city attorney, Tom Perrigo,
18 your then city planning director, worked tirelessly for
19 months, hours and hours and hours, meeting with neighbors
20 to try and bring some consensus. But they had no interest
21 in working with Mr. Jerbic or Mr. Perrigo because --

22 MAYOR GOODMAN: That's the same --

23 MR. PANKRATZ: -- they were under the belief that
24 no home could be built on this property. That's why we're

1 here. It's not because of us. We were going to bring
2 some phenomenal value and components to this community.
3 We had seven-and-a-half-acre lots, five-acre lots. Some
4 of those lots have golf holes on them with water features
5 and seven -- it was in the development agreement that
6 Mr. Perrigo and his team and Public Works and everybody
7 worked with us -- and just two more quick ones -- worked
8 with us diligently for a year and a half to develop this
9 development agreement.

10 And when we brought it before you and kept
11 bringing it before you because of different abeyances, you
12 heard from the opposition the delays -- delay, delay,
13 delay because there's been changes made. Those changes
14 that we made to that development agreement that staff had
15 worked diligently and agreed upon, the changes were
16 because the neighbors came and said, oh, I want this, I
17 want that. We incorporated them. So they stood in front
18 of you and said we need more delay because of the changes
19 that were made. It was their changes.

20 So this whole thing has been farcical and a
21 shame. Thank you very much.

22 MAYOR GOODMAN: And your comment on --

23 (Applause.)

24 MAYOR GOODMAN: And if I might, your comment on

1 the ordinance?

2 MR. PANKRATZ: Pardon me?

3 MAYOR GOODMAN: Your comment on the case
4 ordinance before us?

5 MR. PANKRATZ: Absolutely. We can't support it.
6 I can't support it. With my years of experience, this
7 puts a nail where it doesn't have to be because you have
8 already got a process.

9 You will remember when Mr. Seroka brought before
10 you an ordinance before this ordinance proposing a
11 moratorium and -- thank God for the City of Las Vegas --
12 you kiboshed it. But at that time, you asked Mr. Robert
13 Summerfield, "Has our process ever failed us?" And he
14 said -- and he elaborated a little more, and I'm
15 paraphrasing. But he said no.

16 So you have the processes. You have the
17 discretionary ability and processes in place already. And
18 again, some of the things that are being asked in this
19 ordinance, some people, some developments are meritorious of
20 doing some of this work in advance, and we did. Like I
21 said, the traffic study.

22 We prepared and spent tens of thousands, millions
23 of dollars, hundreds of thousands of dollars on these
24 studies, traffic. And we met with the school district and

1 said, hey, to the extent this development impacts the
2 school, we'll be responsible and deal with it as we
3 should.

4 And yet, you still heard from the opposition
5 saying, oh, this is going to drown the schools or the
6 roadways.

7 MAYOR GOODMAN: Okay.

8 MR. PANKRATZ: We dealt with that, and we would
9 have dealt with it responsibly. Thank you.

10 MAYOR GOODMAN: Thank you. Thank you.

11 (Applause.)

12 MAYOR GOODMAN: Yes, ma'am.

13 MS. DeHART: Hi. Vickie DeHart.

14 MAYOR GOODMAN: Unfortunately, again, say your
15 name again and where you live, please.

16 MS. DeHART: Yes. Vickie DeHart, 9103 Alta
17 Drive. And I just wanted to address a few things that
18 Mr. Schreck said.

19 UNIDENTIFIED MALE SPEAKER: We can't hear you.
20 Sorry.

21 MS. DeHART: I wanted to address a few things
22 that Mr. Schreck said. And for those of you who don't
23 know me, I am the developer. My partner is Yohan Lowie.
24 He's usually the front guy, and I usually don't stand up

1 here and talk because it's not my thing.

2 But Mr. Schreck stood up here, and he said he
3 bought into a community and they bought into a community
4 as what you is what you get. Now, all of us knows that
5 that is not -- and he's an attorney. We get title
6 reports. We have a deed. We have CC&Rs if you live in a
7 community.

8 In his own deposition, he said he didn't read the
9 CC&Rs. He didn't read anything. He said his wife did not
10 read them. The Peccole Ranch master plan that he likes to
11 put out there all the time, in his deposition, he said he
12 never even heard of it until 2015 when all this started on
13 the property.

14 So I think you should hold attorneys to a higher
15 standard and make them tell the truth when they're
16 standing up here. And if you like, I will send you a copy
17 of his deposition. Thank you.

18 (Applause and cheers.)

19 MAYOR GOODMAN: Please. Please. Look, we want
20 to get through to the end of the public comments so you
21 have already spoken. Is there anything that is pithy that
22 you have to add?

23 UNIDENTIFIED MALE SPEAKER: One more thing if you
24 will indulge me, please.

1 Mr. Schreck has stood in front of this body many
2 times saying Lowie said this is a done deal. He takes it
3 out of context. Mr. Lowie said after we hired experts and
4 reviewed the golf course and its feasibility to maintain
5 and remain a golf course, he said no, it's a done deal.
6 The golf course is going to close.

7 And here, Mr. Schreck stands before you saying
8 that Mr. Lowie said it was a done deal. We had a cut with
9 the City and the city council and stuff. It's a bunch of
10 garbage.

11 MAYOR GOODMAN: Okay.

12 UNIDENTIFIED MALE SPEAKER: Mayor, if I could,
13 could we stick to the open space ordinance? This is not
14 about Badlands. This is not about Badlands.

15 (INDISCERNIBLE.)

16 MR. CARY: You know, I'll tell you --

17 MAYOR GOODMAN: Can you say your name --

18 MR. CARY: -- everybody attacks Mr. Schreck
19 and --

20 MAYOR GOODMAN: Wait, wait. Everybody --

21 MR. CARY: -- and you know something? It's not
22 true.

23 MAYOR GOODMAN: Excuse me, sir. Your name?

24 MR. CARY: I've been here many times. Steve

1 Cary.

2 MAYOR GOODMAN: We don't know that so --

3 MR. CARY: 1 Queensridge Place.

4 MAYOR GOODMAN: Where do you live?

5 MR. CARY: I'm part of the family. Right?

6 MAYOR GOODMAN: Right.

7 MR. CARY: Queensridge Towers.

8 MAYOR GOODMAN: I know you, but you have to say
9 it every time.

10 MR. CARY: But I want to say, Mr. Schreck should
11 have an opportunity for rebuttal. Because you know why?
12 Because I see (INDISCERNIBLE). I see Lowie. I see people
13 like DeHart come back and forth, up and down. I see Chris
14 Kemper, and you never allow our people --

15 MAYOR GOODMAN: Okay.

16 MR. CARY: -- to come back and forth.

17 MAYOR GOODMAN: No. Let me just say this --

18 MR. CARY: (INDISCERNIBLE) like Mr. Schreck --

19 MAYOR GOODMAN: (INDISCERNIBLE) --

20 MR. CARY: -- please.

21 MAYOR GOODMAN: -- Nevada Supreme Court, and what
22 we have got here --

23 MR. CARY: Where?

24 MAYOR GOODMAN: Excuse me. This is all in front

1 of the Nevada Supreme Court who will be ultimately giving
2 us direction or resolution. The reality is we have been
3 doing this over three years. We have heard, to the wee
4 hours of the morning, testimony. The reality, this is
5 about this particular ordinance only. And so --

6 MR. CARY: I will address that as soon as
7 Mr. Schreck has an opportunity for rebuttal.

8 MAYOR GOODMAN: No. You can't come back anymore.
9 That's it. We're trying to get to the --

10 MR. CARY: No. (INDISCERNIBLE) --

11 MAYOR GOODMAN: We're trying to get to --

12 MR. CARY: -- (INDISCERNIBLE) --

13 UNIDENTIFIED MALE SPEAKER: Go ahead and take
14 your time.

15 MR. CARY: (INDISCERNIBLE) I don't understand why
16 you allow the other side (INDISCERNIBLE) --

17 MAYOR GOODMAN: We have not heard from any of the
18 people in the yellow shirts. Please. Please.

19 (Applause.)

20 MAYOR GOODMAN: Okay. Mr. Schreck --

21 MR. SCHRECK: I just want to address a couple
22 things that have been --

23 MAYOR GOODMAN: No. I did say you come back
24 because (INDISCERNIBLE) --

1 MR. SCHRECK: -- couple things that have been
2 said about me personally. Okay? That's the only reason.

3 Number one, Mr. Pankratz said that I have gone
4 around and told homeowners that they didn't have a right
5 to build one home on the golf course. That's absolutely
6 right, and that's what Judge Crockett said. That's what
7 Jerry Williams said. They can't build one unless they get
8 a major modification of our master plan approved by the
9 city council and then amend your general plan where it has
10 PROS, no residential, to allow the zoning. That's what
11 we've always said.

12 So they do not have a right at this point in
13 time, nor at any point in time, except for that period
14 that you granted the 430 that Crockett threw out to build
15 anything on the golf course, and that's what I've said --

16 MAYOR GOODMAN: Okay.

17 MR. SCHRECK: -- you know, continually.

18 MAYOR GOODMAN: Okay. Thank you.

19 MR. SCHRECK: So --

20 UNIDENTIFIED MALE SPEAKER: Mayor, if we could --

21 MR. SCHRECK: -- and then -- and then the --

22 UNIDENTIFIED MALE SPEAKER: -- stick to the
23 ordinance on these comments. I think that would be most
24 appropriate.

1 MAYOR GOODMAN: I think he's addressing your
2 community here so I just want to give him an opportunity
3 to make a response. And all of this is up at the Nevada
4 Supreme Court where it will rest and decision will be
5 made, which will be the guidelines going forward. So --

6 COUNCILMAN COFFIN: Your Honor --

7 MAYOR GOODMAN: -- thank you very much.

8 COUNCILMAN COFFIN: I need to correct the record
9 here. I'm sorry. Please, Your Honor. Your Honor, if I
10 could just correct the record here.

11 It's not all in the Supreme Court. At least two
12 of us are being sued individually to deprive us of our
13 right to vote on this issue. We are being sued
14 individually in Federal Court by the developer.

15 COUNCILWOMAN FIORE: Mayor --

16 COUNCILMAN COFFIN: And it's a pretty bold move.
17 Never been done before. And I think we should just
18 consider the possibility that there's litigation all over
19 the place. That's why I have to kind of be restrained in
20 my comments.

21 MAYOR GOODMAN: Okay. Let's go on, please. Or
22 did you want one more thing? Yes.

23 COUNCILWOMAN FIORE: Thank you. And, Mayor, if
24 you will indulge me for a second, this is extremely

1 important, especially because we're sitting up here as a
2 board to protect the City of Las Vegas. And sometimes
3 when you sit up here and you know that you're sitting on a
4 board and there are some biased opinions and the lawsuits
5 are happening, it's very difficult to sit up here and not
6 let you guys understand why it's so important that, as
7 Councilman Coffin just said, he's being sued. Okay.

8 So his vote, okay, I just -- I'm going to read
9 this because you need to know it, and then I'm going to
10 ask Brian Scott his opinion on it.

11 So this is our councilman, Bob Coffin.

12 I agree with you Chuck. Now that I have
13 answered you from my home, totally using
14 personally paid-for resource --

15 Now understand, this isn't a private email. I'm
16 involved now because my peer literally replied "all,"
17 along with the clerk, and this is the stuff I'm sitting
18 here defending.

19 I agree with you, Chuck. Now that I
20 have answered you from my home, totally
21 using personally paid-for resources like my
22 personal cell phone through a
23 nongovernmental server, I have to submit
24 this email to the aforementioned developer's

1 lawyers. I could have said your
2 characterization as dishonest would be
3 improper, but that would still be subject to
4 discovery as interpreted by his lawyer since
5 the asshole is using me and claiming I am
6 anti-Semitic. If this mother F'er --
7 But it says it. I just don't want to say it on

8 TV.

9 If this mother you-know-what gets his way
10 in federal court, I will not be able to vote
11 anymore on Badlands. The son of a bitch
12 asks for everything with the term Badlands,
13 including personal text messages, emails,
14 social media posts and comments, voicemail
15 and written notes or letters, handwritten or
16 not. The guy seems to be in a grip of
17 several mental disorders, including, but not
18 limited to, narcissism and much of the
19 obsessive-compulsive spectrum. Greed can be
20 an uncontrollable manifestation of his needs
21 caused by his disorders. There is no
22 dishonesty if you are mentally ill, but his
23 illness has cost local governments millions
24 and innocent bystanders like your horrible

1 cost of security in your home and loss of
2 values. Better hope he does not win this
3 harassment lawsuit against Seroka and me
4 because we will be in the grip of
5 dictatorial capitalism. Bob Coffin.

6 I mean, pretty -- I mean, son of a bitch himself
7 in his old age.

8 Now, you're going to tell me my peer can vote on
9 this issue without biasism? I have a problem with this.

10 COUNCILMAN COFFIN: Your Honor.

11 COUNCILWOMAN FIORE: So this is going into the
12 record.

13 (Applause and cheers.)

14 MAYOR GOODMAN: Okay. Everyone, please.
15 Let's -- all right. Enough. Everybody.

16 COUNCILMAN COFFIN: You've lost control.

17 MAYOR GOODMAN: Enough, everyone. We are going
18 to move forward on this ordinance, and so I am going to --

19 COUNCILMAN COFFIN: (INDISCERNIBLE) --

20 MAYOR GOODMAN: -- please go forward.

21 COUNCILMAN COFFIN: -- Queensridge, ladies and
22 gentlemen.

23 MAYOR GOODMAN: Please. Let's go forward. This
24 is about the ordinance here.

1 COUNCILMAN COFFIN: (INDISCERNIBLE) now been
2 requested to be entered into the record, I endorse it.

3 MAYOR GOODMAN: Okay. Let's go forward, please.

4 MR. KAEMPFER: Good afternoon, Your Honor.

5 MAYOR GOODMAN: Your microphone. There you go.

6 MR. KAEMPFER: Good afternoon, Your Honor,
7 members of the council. I'm Chris Kaempfer.

8 I'd like to get back to the first point that the
9 Mayor raised which was whether or not this would have an
10 effect on development in these other wards and whether or
11 not we should treat the issues involved with the golf
12 course separately from other open space issues.

13 I think the point you made was proven by
14 Mr. Schreck's statement that if this ordinance was in
15 place, he would not have bought the land.

16 Well, I represent and our firm represents dozens
17 and dozens, hundreds of developers, from as big as Madison
18 Square Garden down to the little guy who buys two acres of
19 property and wants to build eight homes on it.

20 I am telling you right now that that little guy
21 is not going to spend the kind of money that somebody
22 would if they're developing a big piece of property.
23 They're not going to do a 3D model. They're not going to
24 do environmental studies. They're not going to do master

1 plans. They are not going to do it. They will look
2 elsewhere for the land that they want. They will not look
3 in the city. They will look elsewhere. And I am telling
4 you that's what they'll do.

5 (Applause.)

6 MR. KAEMPFER: Golf courses and open space are
7 two different things, and they should be treated
8 differently.

9 MAYOR GOODMAN: Thank you.

10 MR. KAEMPFER: And when you combine the two, you
11 create problems that I think are going to -- you're going
12 to find you're not going to be able to get around.

13 MAYOR GOODMAN: Thank you.

14 MR. KAEMPFER: Now, one other thing. You saw the
15 pictures of that desert. I live on that desert. Okay?
16 And I'm just telling you right now, when I first got
17 involved in this, I wanted to negotiate this thing, and
18 I've done everything I could.

19 MAYOR GOODMAN: (INDISCERNIBLE).

20 MR. KAEMPFER: And the comment was made to me, I
21 would rather see it a desert than a single home bought on
22 it. Well, you know what? That wish has been granted.
23 That's exactly what we have, and it is sad. And I don't
24 want to blame anybody. I've been doing this for 45 years.

1 I've never seen anything like this. And I am so glad that
2 I probably won't have to see it again.

3 But anyway. The point I'm making is they should
4 not be clumped together. And when you do it, if you don't
5 think you're affecting development, you don't know what
6 you're talking about. I do. I've been doing it for
7 45 years. I know what developers think and how they act
8 and what they're willing to spend, and they're not going
9 to spend tens of thousands of dollars on the if come
10 because you're going to maybe approve something or maybe
11 not. They'll go somewhere where it's done the way they're
12 used to. Thank you.

13 MAYOR GOODMAN: Thank you. Thank you.

14 (Applause.)

15 MAYOR GOODMAN: Yes. Why don't you come to the
16 middle one.

17 MS. ALLEN: Thank you, Mayor, members of the
18 council. Stephanie Allen, 1980 Festival Plaza, here on
19 behalf of the property owners of the former Badlands golf
20 course. I would just like to briefly say that, obviously,
21 this ordinance is and always has been about Badlands.
22 That's why all of the testimony today, or most of it, has
23 been about Badlands.

24 But the reality is the Badlands golf course is

1 not like any other golf course in the city of Las Vegas.
2 All of the other courses, including Silverstone, have some
3 form of restriction on them, either deed restriction or
4 CC&R, that would require homeowners to participate or sign
5 off on the development of those properties.

6 Badlands is the only property that is
7 residentially zoned, has no CC&Rs, has no deed
8 restrictions, is not a part of Queensridge, is not a part
9 of Peccole Ranch. It stands alone, and that was clear in
10 all of the property rights and documents that are recorded
11 against that property. So it's unique, and it's
12 different.

13 And the Supreme Court actually -- we keep talking
14 about cases. I think we have an obligation as lawyers to
15 be -- have candor to the court and to tribunals and to
16 share all the cases that are out there. There's one case
17 that has gone to the Supreme Court. One case. And that
18 was not mentioned by Mr. Schreck.

19 That one case established and affirmed the
20 property rights on this property. It's the case of the
21 Peccole -- Robert Peccole versus Fore Stars. And two
22 weeks ago, a ruling came down from the Supreme Court of
23 the State of Nevada that said that this property is
24 developable. It affirmed Judge Smith's ruling that the

1 property's developable.

2 It specifically says: The record supports the
3 District Court's determination that the golf course land
4 was not part of the Queensridge community under the
5 original CC&Rs, the public maps and records, regardless of
6 the amendment, and we conclude the District Court did not
7 abuse its discretion in denying the motion.

8 (Applause.)

9 MS. ALLEN: It further -- it further says that
10 the appellants filed a complaint alleging the golf course
11 land was subject to the CC&Rs when the CC&Rs and public
12 maps of the property demonstrated that the golf course was
13 not. Judge Smith recognized in his decision that the
14 property was residentially zoned RPD-7, developable, and
15 not subject to the Queensridge CC&Rs.

16 So there are property rights in this country.
17 The Supreme Court of the State of Nevada has ruled on the
18 issue, that the property is developable. And that's
19 important information for you all to hear that was not
20 mentioned previously. So I'd like you to take that into
21 consideration.

22 MAYOR GOODMAN: Thank you. And I would like to
23 say, this -- this is not a court of law here, and we are
24 not in a position to make any judgment that has to do with

1 the law.

2 So Mr. Schreck, you did have your opportunity to
3 speak. You have --

4 MR. SCHRECK: They've had three or four attorneys
5 representing them up here in sequence.

6 MAYOR GOODMAN: No, no, no, no.

7 MR. SCHRECK: I have a very brief --

8 MAYOR GOODMAN: No. Please. This is about --

9 MR. SCHRECK: -- very brief statement.

10 MAYOR GOODMAN: Okay.

11 MR. SCHRECK: Stephanie came up and said -- have
12 to be candid and honest with you. She -- the Supreme
13 Court decision, which is in Bob Peccole's case, dealt with
14 only one aspect of his entire decision. And that had to
15 do with whether or not the CC&Rs prevent the development
16 of the golf course. Nothing else. Not whether the golf
17 course is developable or not.

18 MAYOR GOODMAN: Okay.

19 MR. SCHRECK: Not whether the CC&Rs apply. We've
20 never taken the position that the CC&Rs apply to the golf
21 course.

22 MAYOR GOODMAN: Okay. So you've made a record --

23 MR. SCHRECK: So it's consistent with everything
24 we said. But contrary to what Stephanie said, the

1 judge -- the Supreme Court never recognized the fact of
2 some of the findings of fact in that case that dealt with
3 all kinds of issues that weren't before that court.

4 MAYOR GOODMAN: Well, we're still in front of the
5 Nevada Supreme Court so we'll keep hearing. And keep in
6 mind, this is not a body of lawyers or a court of law.

7 So good afternoon.

8 MR. PECCOLE: Bob Peccole. I live in
9 Queensridge. I am an attorney. You heard the reference
10 made to the case that I have in the Supreme Court. And I
11 would like to say that the Supreme Court, on a petition
12 for rehearing, has ordered the other side, which are the
13 people sitting here, to respond. Which means it has
14 merit. So it's not what was just represented to you
15 because it's not final.

16 The other part I'd like to say is I am a Peccole
17 of the Peccole family. We've been developing properties
18 that started with my grandfather in Las Vegas in the late
19 '20s. I came out of law school in '63. I've been
20 involved in development with the Peccole family for over
21 50 years. He's only got 45. But I've been before every
22 city council that had existed since my coming into
23 practice.

24 I've been in the Clark County Commission. I have

1 been in the Henderson council. I've been in Boulder
2 City's council on development. And I sit here and listen
3 to these people who have all the reason for arguing for
4 Mr. Lowie, but I would point out that this ordinance is
5 necessary to stop all of this bull.

6 When you sit there and talk about having traffic
7 studies, having school approvals, that has always been,
8 and I hadn't seen a change until this time.

9 What happened is when you came in as a developer,
10 you had your traffic studies. You had your school
11 approvals. We actually built schools down on East
12 Charleston so we could develop a center.

13 Now, I don't hear any of that. What I do hear is
14 under which you have now Mr. Perrigo stand up and say,
15 "Well, I hear you got problems with traffic study. That
16 can be mitigated." I have never heard that term in
17 development ever. And he says, "Oh, that can be
18 mitigated."

19 The lady from the school district came in and
20 read a letter into your record saying the school district
21 did not approve the development of this development. And
22 I'm sitting there -- I hear, coming out of the planning,
23 "Well, that can be mitigated."

24 Mitigated? Yeah, that's great. You know, how do

1 you mitigate something that should be required and
2 approved before you even walk in and ask for any
3 applications for development?

4 The other part, too, is we've had the offer from
5 Mr. Lowie's group saying that, well, their ingress and
6 egress will come through the water company. Oh, that's
7 great. Everybody is standing there. Planning's approved
8 it. We find out the water company has never allowed an
9 easement to anybody other than the water company.

10 So what are you going to do? You're going to do
11 what you continue to do now, which is pass him and then
12 check the conditions later? No. That is not good
13 business. And any good developer will not agree with
14 that. A good developer will say to you, okay, here it all
15 is. I'll put it to you right now so you can approve it
16 and so I don't lose all the money trying to get approvals
17 and conditions approved later when it can be done all up
18 front, and it makes no difference whether it's open space,
19 golf course, or whatever. It's just the way you do it,
20 and you do it right.

21 And all you got to do is pass an ordinance that
22 says do it right. And that's all I can say. And I know
23 what I'm talking about, developing.

24 (Applause.)

1 MAYOR GOODMAN: Okay. Thank you.

2 Now, I have some cards here. I don't know if
3 we've heard from Gregory Kerr. And have we heard from Ron
4 Curry, The Lakes Association president? Then I have some
5 other cards here. I've got a couple on Agenda Item 70.
6 But Shondra Armstrong and Warren Williams. So if in fact
7 you're here. Hello.

8 MR. HARRISON: I'm Brett Harrison, 778
9 (INDISCERNIBLE) Street here in Las Vegas.

10 We've heard so much talk today about the
11 specifics of the Badlands development, whether it be
12 traffic reports or ingress and egress, as Mr. Peccole just
13 mentioned, or all of Mr. Schreck's presentation.

14 All that I ask is that you do not infect the
15 entire city for the entire city history with this
16 ordinance in this matter.

17 I think by voting this ordinance in today, you're
18 taking this issue and extending it on with unknown
19 circumstances and unknown properties to unknown
20 developers, unknown people, unknown residents all in the
21 future. And I think, as we have already discussed a lot
22 of the issues, that the ordinance is trying to affect what
23 were already taking place in the Badlands when it comes to
24 all the studies and such. So by doing this, I think we're

1 just infecting this from here on out forever. Thank you.

2 MAYOR GOODMAN: Thank you.

3 (Applause.)

4 MAYOR GOODMAN: Thank you. Okay. Anyone else?

5 Yes.

6 MR. TOMMY WHITE: Tommy White.

7 (Applause and cheers.)

8 MR. TOMMY WHITE: Hold on. Resident of Las Vegas
9 and registered voter, just like most of them behind me are
10 registered voters.

11 You know, you sit here today for this many hours,
12 you hear so many sides of this whole story. Right? At
13 the end of the day, the people that you refer to as "them"
14 are men and women that work. They're not "them." The
15 ones you refer to as disrespectful, like you are when you
16 cross-talk the Mayor or you sit there and eat while we're
17 sitting here for five hours listening to this, that's
18 disrespectful.

19 (Applause.)

20 MR. TOMMY WHITE: Now, I've been coming to city
21 council meetings as far as back as Jan Jones. Right? And
22 I have never seen one get so out of order as these get.
23 They cross-talk you, Mayor. They cross-talk the women on
24 this council, which is just totally disrespectful. But

1 I'm not here for that today. I'll come back for that one.

2 We cannot support this ordinance. We have so
3 many other projects that we are looking out down the line.
4 I spoke to Councilman Crear about it and some of the
5 projects that I'm meeting about next Wednesday, which
6 could affect his neighborhoods, which, if this ordinance
7 passes, will not be done in his neighborhoods. And it
8 will not be done.

9 We met over the medical district with some of our
10 investors. They will not come to -- they will not come to
11 that area.

12 You know, for us, this is just not a golf course.
13 You know, we're not -- not everybody in here is a member
14 of Local 872. Right? So when developments are done and
15 communities are built, these are the people that serve you
16 coffee. These are the people that drive buses. They're
17 not all just construction workers like the one homeowner
18 said is going to work one year. Okay?

19 So we don't want to feel like we're just people
20 that want to work in a community for one year. Okay? We
21 build our communities. These men and women back here,
22 they want to work.

23 (Applause.)

24 MR. TOMMY WHITE: You are going to slow down

1 development should you pass this ordinance. So therefore,
2 I should stand up here just like some of the other people
3 done and took everybody's time. We can stay here until
4 about 8:00 o'clock at night. Right? Because I saw that
5 happen so many times. But if I took everybody's minute
6 right here, we'd be here for maybe another two hours.
7 We're not going to do that.

8 All we want do is tell you, we're not going to
9 support this ordinance. Even when this is over, should
10 this ordinance pass, we're going to do what we have to do
11 to make sure that we're not going to support the ordinance
12 that gets passed by the City. Thank you.

13 (Applause and cheers.)

14 MAYOR GOODMAN: Okay. Now, for all of you, for
15 all of you that do work and do live here and are part of
16 our community, you are definitely part of our community,
17 and we appreciate you. For any of you that have served in
18 the armed forces, we thank you for your service.

19 This is about the whole community, not only
20 really of the City. It is the whole community of southern
21 Nevada. And what I am totally committed to is taking care
22 that we do our due diligence as a community.

23 There's obviously enough dialog that has been
24 submitted today. There's no rush to have to put this in

1 place today so that more thorough examination can take
2 place. That's all I've been asking for. And if you want
3 to separate it out and do the Badlands or golf courses
4 separately, that's all I am asking for.

5 We appreciate that our economy has come back and
6 that we have jobs and we have great aspirations for all
7 wards here, especially as we've been seeing great, great
8 interest in the 1, 3, and 5 more historical neighborhoods.

9 And so what we're trying to do, it is not trying
10 to be one-sided or another. It is trying to take care of
11 the whole. And so my concern is -- and my appreciation
12 for all of you, no matter which side of the Badlands issue
13 we're about and the Badlands, as we've said 50 times
14 today. We've all been sitting here for over three years
15 on this issue.

16 My concern is to continue the development and the
17 interest in building our city and not bleed interest in
18 it. And there is no question, having asked staff, that
19 doing things up front, pushing this up front will cost the
20 developer to do it up front. And it is not saying that
21 everything shouldn't be done to the last letter to make
22 sure it's right as it goes forward.

23 The Badlands is a unique entity, and it's been
24 unique from the time this began for us. I trust our staff

1 for being thorough in their investigation. I trust our
2 legal team for knowing what the law is because not a one
3 of us up here is a lawyer. We're not in a position, and
4 we did know right from the beginning, as threats of
5 litigation began, that as only as far as the Badlands,
6 that we were going to end up in the Nevada Supreme Court.
7 And we've been listening all this time.

8 So the most important thing is that we are
9 cautious, that we are deliberate, that we make sure we're
10 not rushing to any judgment. And that has been my plea.
11 So I thank you all.

12 All of you that now can go out in traffic because
13 everybody can see you. I'd like one of your shirts so
14 when I go walking in the dark in my neighborhood, which is
15 dark --

16 (Applause and cheers.)

17 MAYOR GOODMAN: -- I would have one.

18 So with that, we are going to move ahead. I'm
19 going to hear the last individual and hopefully -- is
20 there anyone else that hasn't been heard? Then I'm going
21 to turn this over to Councilman Seroka whose ordinance --
22 who's sponsor of this ordinance and let our council vote
23 if we're all here. So I thank you all and appreciate it.

24 And, ma'am, your name and where you live.

1 MS. SAL: Sure. My name is Dee Sal. I live at
2 7005 Via Campanile Avenue. Shout out to the wonderful
3 labor, Local 872.

4 (Applause.)

5 MS. SAL: I also come from a union family. But
6 let me tell you one thing. I'm really, really disturbed
7 as a homeowner and somebody who has worked in this
8 community and provided services.

9 What bothers me about sitting through these last
10 couple of hours is that our City is billing out on
11 promises that were made to homeowners. No one is
12 disputing the right to work. I'm all for an honest day of
13 work and getting paid. But these homeowners were made
14 promises, and they made investments. And we were speaking
15 about recusals of Councilman Coffin, and I would probably
16 urge that, you know what? Money talks; bullshit walks.
17 Okay?

18 (Applause.)

19 MS. SAL: But what really bothers me is these
20 people also, they made an investment. They were given a
21 bond from this council. You made promises. And now we're
22 sitting there thinking, well, we can't honor it.

23 I am really upset about the tone of this whole
24 proceeding, but moreover, I mean, it's -- it just seems to

1 me, as a constituent, that money is talking here. And
2 these investors who like -- I hate to say it, are like
3 workers and they worked and they made an investment and
4 promises were made, are now having you guys sit here and
5 make a decision of reneging on your promises.

6 I know that Councilwoman Fiore made some promises
7 to Silverstone. My friends supported you in basically
8 your election bid, and you made promises of fighting for
9 them. That was a promise. I think you should, like,
10 fight for them.

11 But I feel like right now --

12 COUNCILWOMAN FIORE: (INDISCERNIBLE).

13 MS. SAL: -- the investors are winning here.

14 COUNCILWOMAN FIORE: So ma'am, if you're going to
15 address me and tell me that I made a promise, I did make a
16 promise. And guess what? We kept it. There's no
17 building on Silverstone. We need 75 percent of signatures
18 from Silverstone. So until that happens, nothing happens
19 on Silverstone. Okay? So yeah, I keep promises, ma'am.

20 MS. SAL: You know --

21 MAYOR GOODMAN: Okay. So ma'am --

22 MS. SAL: It's condemned land.

23 MAYOR GOODMAN: Thank you. If you will wind up,
24 please, so we can -- we have a couple more people --

1 MS. SAL: Yeah. I am actually for this. So I
2 mean, I would implore you guys all to honor the promises
3 you made to these constituents because, yeah, you're here
4 for the rest of us, too, you know. And so if you're going
5 to go for the big developer over the little guy, I mean,
6 today, these guys are in this boat. But you know what? I
7 hate to say it, you guys may be next, because if they turn
8 their backs on them, it comes down a train.

9 MAYOR GOODMAN: And next, please.

10 (Applause.)

11 MR. VEGA: My name is Isaac Vega. I am not a
12 lawyer. What I am is a hardworking union member for the
13 last 20 years. And I also put in 40 hours or more when it
14 comes to the election cycle volunteering to get the
15 correct woman or man there to get us jobs.

16 Mayor Goodman, I'll give you all my shirts off my
17 back.

18 MAYOR GOODMAN: Thank you.

19 (Applause.)

20 MAYOR GOODMAN: Yes, ma'am. Thank you.

21 Well, when I tell you my neighborhood is dark, it
22 is really dark. And I walk a lot. So thank you for your
23 shirt. Yes, ma'am.

24 MS. HAM: Good afternoon, Your Honor, council

1 members. Elizabeth Gonnam Ham, 1215 South Fort Apache,
2 here on behalf of the developer.

3 I first wanted to just make sure that what
4 Ms. Allen was referring to as the Supreme Court order
5 actually gets into the record. I don't think she asked
6 that that be placed there.

7 MAYOR GOODMAN: Thank you.

8 MS. HAM: So if we could place that in the
9 record, that would be great.

10 Really, all I want to say has been said. I'm
11 going to just say that this ordinance is really in
12 response to the Queensridge residents' asking the City to
13 now create a law that saves them from their either failure
14 or mistake of reading their own deeds and their own CC&Rs,
15 what they acknowledged in writing that told them exactly
16 that this property was developable.

17 And that's all I really have to say about that.

18 MAYOR GOODMAN: Thank you.

19 (Applause.)

20 MS. HAM: So there's a lot of talk about failing
21 to do homework and all the work that has to be done. They
22 failed to or refused to, and now they're asking this City
23 to step in and create a law to save them. Since when is
24 the City in the business of creating laws to bail people

1 out of their own failures. Thank you.

2 (Applause.)

3 MAYOR GOODMAN: Okay. Are you with her, or
4 you're separate? Okay.

5 MS. CANTER: Good afternoon. My name is Rena
6 Canter. I own and live at 9408 Provence Garden Lane. I
7 apologize. I'm a little out of breath. I was here this
8 morning. I had to leave. I am back.

9 So first of all, in answer to the attorney who
10 just spoke, I bought my house in Queensridge. I read the
11 information. There was no question in my mind that that
12 was developable land.

13 MAYOR GOODMAN: There was no question in your
14 mind that it was developable land?

15 MS. CANTER: That that was developable.
16 Absolutely knew that it was not part of the development.
17 Absolutely knew it was privately owned. Absolutely knew
18 that anything could happen at any time to that land. And
19 I live on the golf course. Okay?

20 (Applause.)

21 MS. CANTER: So to keep brief, I actually wrote
22 out my ideas.

23 MAYOR GOODMAN: Okay.

24 MS. CANTER: Okay. I don't have to tell anybody

1 in this room that this has gone on far too long. I needed
2 to review all the proceedings, postponements, abasements,
3 requests for change, HOA meetings that have taken place in
4 the past. The delays have done nothing but frustrate
5 Queensridge homeowners and reduce the value of all homes
6 in Queensridge. I might add that, not surprisingly, homes
7 in Peccole Ranch and other surrounding areas have been
8 negatively affected as well because of it.

9 Last June, at a meeting of the HOA with
10 Mr. Seroka, I posed a question to him in that public
11 forum, asking how we move forward, how we break the
12 stalemate that is so negatively affecting our homes and
13 neighborhoods.

14 Mr. Seroka answered that the HOA and the
15 developer would have to come to an agreement. Seems very
16 fair. Since then, this is the second ordinance I know of
17 that is designed to specifically preclude that being able
18 to happen.

19 I'm not a lawyer, but it seems to me that if this
20 ordinance passes, it will allow no one, including the HOA,
21 to try to alleviate the stalemate. As a matter of fact, I
22 noticed this morning that there was a petition being
23 circulated by the HOA, and I'm curious to know if they
24 realize that if this ordinance passes, that petition is

1 worthless.

2 So first of all, I also have to applaud Mayor
3 Goodman for pointing out that this ordinance is absolutely
4 designed to discourage development.

5 As a Queensridge homeowner, I am shocked and
6 heartbroken by this ordinance. It says to me that the
7 values of Queensridge by definition will continue to
8 plummet, and it will be years before anything is done with
9 the defunct golf course. This ordinance is clearly
10 designed to affect only Badlands and Queensridge. What
11 have we done to deserve this special treatment?

12 As a Las Vegas, I am perhaps even more shocked.
13 If I read this ordinance correctly, the city council is
14 trying to retroactively punish the developer for not
15 following guidelines that didn't even exist. I question
16 whether that's even legal.

17 But I would like to highlight to everyone in this
18 room what this seems to mean. Again, I'm not a lawyer,
19 but in particular, the Queensridge homeowners who are
20 applauding this ordinance should be aware of the tone.
21 The logic here is that we have no protection from the
22 whims of a government agency.

23 If you have a business which you own and run
24 legally, have all required licenses and approvals and pay

1 your taxes, you may still be open to future penalties.
2 If, in a few years, city council decides that they should
3 have had -- they should have required more --

4 MAYOR GOODMAN: Ma'am, I'm going to have to
5 interrupt you. You've got to close.

6 MS. CANTER: Okay. If they decide that they
7 wanted more taxes or different licenses, they can go back
8 and ask you or punish you for what you did because you
9 didn't know what the rules were. It seems downright
10 un-American, and it will certainly negatively affect
11 Badlands.

12 MAYOR GOODMAN: And in closing?

13 MS. HAM: In closing, unfortunately, I am
14 hesitant to believe that my comments will make much of a
15 difference here today as I have become convinced that
16 there may be ulterior motives at play. I can only begin
17 to guess what they are.

18 What I know is that the HOA has been misguided by
19 following a few extremely wealthy and biased homeowners
20 who do not have Queensridge's best interests in mind. And
21 because of that, we all suffer.

22 I beseech you to vote no on this ordinance and
23 allow the developer to proceed in negotiating with the HOA
24 and move forward toward a mutually agreeable, acceptable

1 agreement. Thank you.

2 MAYOR GOODMAN: Thank you.

3 (Applause and cheers.)

4 MAYOR GOODMAN: I am now -- I'm going to close --
5 I'm going to close the public hearing now and turn this
6 over to Councilman -- one more second.

7 UNIDENTIFIED FEMALE SPEAKER: Hi.

8 MAYOR GOODMAN: Hello. Your name, please.

9 MS. HILL: My name is Melanie Hill, and I'm a
10 resident of Silverstone Ranch.

11 MAYOR GOODMAN: Okay.

12 MS. HILL: And I spoke at the last city council
13 meeting and told you that the Silverstone Ranch residents
14 are in support of this bill. And --

15 COUNCILWOMAN FIORE: Stop, wait. We've got a
16 letter -- one second. Stop. Mrs. Hill, you can speak for
17 yourself and a list, but when I have a written email from
18 your board, I really wish you would represent yourself as
19 Mrs. Hill, a Silverstone resident, and not all of
20 Silverstone because there's 1572 of you.

21 (Applause and cheers.)

22 COUNCILWOMAN FIORE: Okay. So start again.

23 MS. HILL: Yeah. I wasn't even going to say
24 that. But thank you.