

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 93 – MSH-21013

1 **PUBLIC HEARING – APPLICANT/OWNER: CIY OF LAS VEGAS – REQUEST TO**
2 **AMEND THE MASTER PLAN OF STREETS AND HIGHWAYS TO SELECT THE**
3 **NORTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT KNOWN AS**
4 **MOUNTAINS EDGE PARKWAY AS THE PERMANENT ALIGNMENT ON THE**
5 **MASTER PLAN OF STREETS AND HIGHWAYS AND TO REMOVE THE**
6 **SOUTHERN ALTERNATIVE FREEWAY/EXPRESSWAY ALIGNMENT FROM THE**
7 **MASTER PLAN OF STREETS AND HIGHWAYS BETWEEN GRAND TETON ROAD**
8 **AND FORT APACHE ROAD, WARD 6 (ROSS)**

9

10 **APPEARANCES:**

11 OSCAR GOODMAN, Mayor
12 UNIDENTIFIED MALE IN THE AUDIENCE
13 CHARLIE KAJKOWSKI, Public Works
14 JORGE CERVANTES, Public Works
15 STEVE WOLFSON, Councilman
16 STEVEN D. ROSS, Councilman
17 SAM SO, Consultant, Parsons Brinkerhoff
18 JIM LEWIS, Deputy City Attorney
19 JOHN MORAN JR., Attorney, Moran and Associates, 630 South Fourth Street
20 JEFF SILVER, Attorney, Gordon and Silver Ltd., 3960 Howard Hughes Parkway
21 LARRY BROWN, Councilman
22 WILLIAM STODDARD, JR., 801 South Rancho Drive, Building D
23 ALEX McKYTON, 9033 Big Plantation Avenue
24 EILEEN McKYTON, 9033 Big Plantation Avenue
25 WENDY HEMMINGWAY-WARM, 8920 Pine Mission Avenue
26 BOB MORANTO, 3360 West Starview
27 UNIDENTIFIED MALE SPEAKER
28 CHARLES LAMB, 1096 East Sahara Avenue
29 TED RUSSELL, Las Vegas resident

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30 ROBERT GROESBECK, 5820 South Pecos Road

31 JENNIFER TAYLOR, 8158 Hawk Clan Court

32 TOM McGOWAN, Las Vegas resident

33 CARLOS POLIAK

34 GARY REESE, Councilman

35 MARK FIORENTINO

36 ELIZABETH FRETWELL, Deputy City Manager

37

38 1 hour and 40 minutes

39

40 Typed by: Angela Crolli/Carmel Viado

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42 **MAYOR GOODMAN**

43 Okay. Item 93 is MSH-2-1-0-1-3. It's gonna be a Public Hearing. The applicant/owner is City
44 of Las Vegas. Request to amend the Master Plan of Streets and Highways to select the northern
45 alternative freeway/expressway alignment known as Mountains Edge Parkway as a permanent
46 alignment on the Master Plan of Streets and Highways and to remove the southern alternative
47 freeway/expressway alignment from the Master Plan of Streets and Highways between Grand
48 Teton Road and Fort Apache Road in Ward 6. The Planning Commission and staff recommend
49 approval. This is going to be a Public Hearing, which I now declare open.

50 Now, this particular item is succeeded by Items Number 94 and 95. We'll consider them after
51 we have a review of Item Number 93. Mr. Kajkowski, you wanna lead off? Let me ask you this
52 folks, we've gotta a packed audience here today. Are, would you, by a show of hands show me
53 if anybody is here on this item that I just read. Okay. All right, fine. I'm just trying to – figure
54 out how we divide the time up here. Is the crowd here for any one particular item, does anybody
55 know?

56

57 **UNIDENTIFIED MALE IN THE AUDIENCE**

58 Ninety-four, ninety-five.

59

60 **MAYOR GOODMAN**

61 Say it again, please.

62

63 **UNIDENTIFIED MALE IN THE AUDIENCE**

64 Ninety-four and ninety-five.

65

66 **MAYOR GOODMAN**

67 You think most of the folks are here for that?

68

69 **UNIDENTIFIED MALE IN THE AUDIENCE**

70 One sixty-one.

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71 **MAYOR GOODMAN**

72 All right. I'm sorry I asked. I – was trying (inaudible) case for everybody, and I – apologize. I
73 will make it as difficult as I can. Okay. Mr. Kajkowski.

74

75 **CHARLIE KAJKOWSKI**

76 Good afternoon, Mayor and Council. Today I have, we – want to make a brief presentation. To
77 lead off our presentations, I have Jorge Cervantes, our City Engineer and he will be followed by
78 our consultant, Parson Brinkerhoff, Sam So. With that, Jorge?

79

80 **MAYOR GOODMAN**

81 Okay.

82

83 **CHARLIE KAJKOWSKI**

84 We need the overhead.

85

86 **MAYOR GOODMAN**

87 Please.

88

89 **JORGE CERVANTES**

90 Good afternoon, Mayor and Council.

91

92 **MAYOR GOODMAN**

93 Good afternoon.

94

95 **JORGE CERVANTES**

96 Jorge Cervantes, Department of Public Works. July of last year we brought before you a request
97 to modify the Master Plan Streets and Highways to add a northern alternate alignment to that
98 plan to give us an opportunity to explore that alignment to see if there was any benefit to look in
99 a different alignment. Since then we've hired the consulting firm of Parson Brinkerhoff to do

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100 that analysis for us. And we're here today to present the results of the analysis and make a
101 recommendation alignment. But before we get into the results of that analysis, I'd like to just go
102 real quickly over some of the impacts that both alignments have to land around that area.

103 If we look at the overhead, we see the bottom alignment, the current alignment shown in yellow
104 and the proposed northern alignment just above that, shown in multiple colors. And what this
105 map shows, it's the color-coding of different land ownerships. If we see under the southern
106 alignment, we see in yellow, is land that we have today where we have a roadway grant from
107 BLM for the current alignment at that right-of-way. Within that same alignment, you see in
108 green, land that is privately held that we would have to acquire as part of this project when we
109 move forward, if we move forward. Under the northern alignment, we see multiple different
110 ownerships. We see, first of all, in yellow, pieces that are BLM land that we would make an
111 application for, similar as we did in the southern alignment for a transportation grant. We see in
112 green, what are privately held parcels, and I'd like to point that between the north parcel and the
113 south parcel, we have about an equivalent amount of private land that's held out there. And then
114 we see in pink, part of land that the Focus Development Group would be providing to the City in
115 exchange for the relinquishments of our grant on the south side.

116 To go over some of those acreage on this land, if you look at the southern alignment, there's two
117 hundred and forty-five acres of existing BLM land we have grant on. Under the northern
118 alignment, we currently have no BLM land. BLM land that we put in a grant application for in
119 the southern alignment would be for about 20 acres. Under the northern alignment we'd make
120 an application for 83 acres. If we look at the privately held land that we would need as part of
121 this roadway alignment, either one, under the southern alignment we would need 34 acres, where
122 under the northern alignment we would need 33 acres. And then if we look at the Focus held
123 land that we would need for the southern alignment, we wouldn't need anything today since we
124 have a grant there already. Under the northern alignment, from Section one, and just to give you
125 an idea where Section one is, under Section one they would give us 50 acres, I think, per County
126 hold, under the existing Kyle Canyon gateway development.

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127 **MAYOR GOODMAN**

128 When –, excuse me, when you say they, you're talking about Focus?

129

130 **JORGE CERVANTES**

131 That's correct.

132

133 **MAYOR GOODMAN**

134 Okay. Why – don't we refer to them by name rather than by pronoun –

135

136 **JORGE CERVANTES**

137 Okay.

138

139 **MAYOR GOODMAN**

140 – so, I'd appreciate that.

141

142 **JORGE CERVANTES**

143 No problem. Under the northern alignment, from Section one land, Focus would give us fifty
144 acres that they hold. Under the Kyle Canyon Gateway, they would dedicate a hundred and five
145 acres to provide the new alignment. And under their Providence Development, they would
146 provide us six acres from the southern alignment. So, the total land needed for the Beltway
147 under the southern alignment would be two hundred and ninety-nine acres. Under the northern
148 alignment, it would be two hundred and seventy-seven acres.

149 If we look at some of the costs that are associated with both alignments, we see that under the
150 southern alignment we would need additional cost of, for (inaudible) the Iron Mountain Road
151 realignment of about ten million dollars. Under the – northern alignment, we wouldn't need
152 that, and not that there isn't a cost to it, but this just additional cost beyond one alignment versus
153 the other. For our flood control protection, there's an additional cost of about ten million dollars
154 and when we get to the technical session, a lot of these costs would be explained in detail where
155 those numbers are coming from. There would be an additional cost of about ten million dollars

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156 under the southern alignment versus the northern alignment. Similar for sound walls, there
157 would be an additional cost of about two million dollars under the southern alignment versus the
158 northern alignment. And then for the actual construction of the US95 Mountain Edge Parkway
159 system to system interchange, there's a cost differential of four hundred and twenty-six versus
160 three hundred and seventeen. And again, our technical analysis report will explain why that
161 additional cost. So, if we look at it from the cost savings, one alignment versus the other, we
162 find that the southern alignment will have a construction cost of four hundred forty-eight million
163 dollars versus three hundred and twenty-two million dollars, for a potential savings of about a
164 hundred and twenty-six million dollars for the northern alignment.

165

166 **MAYOR GOODMAN**

167 And that's a savings to our taxpayers?

168

169 **JORGE CERVANTES**

170 That's a savings to the taxpayers, correct.

171

172 **MAYOR GOODMAN**

173 All right.

174

175 **JORGE CERVANTES**

176 If we look just to the summary of the two alignments, under the northern alignment, there is a
177 benefit to the Focus that they pick up 84 additional acres that could be developed for whatever
178 that development is. Benefits to the City, it certainly is to the taxpayers, it's an infrastructure
179 saving of about a hundred and (inaudible) million dollars, and there's additional benefits, that
180 again, I think, I'll let the technical analyst go over, represented here, as well as (inaudible) and
181 more of what we vision as part of this development of being a walkable, sustainable community.
182 And so with that, I'd like to introduce Sam So from Parsons Brinkerhoff to give a report of the
183 analysis of the technical benefits.

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184 **COUNCILMAN WOLFSON**

185 Mayor Goodman, may I ask a question before we move to the next presentation?

186

187 **MAYOR GOODMAN**

188 Certainly.

189

190 **COUNCILMAN WOLFSON**

191 If we can go back to that, that's with Councilman Ross' permission.

192

193 **COUNCILMAN ROSS**

194 (Inaudible)

195

196 **COUNCILMAN WOLFSON**

197 If you can go back to your last chart. The 84 acres of land, that, those acres are identified as of
198 today, correct? We know which 84 acres, do we not?

199

200 **JORGE CERVANTES**

201 That's correct, we do.

202

203 **COUNCILMAN WOLFSON**

204 And if we were to put a fair market value on that land today, what would you guesstimate that
205 would be?

206

207 **JORGE CERVANTES**

208 If – we assume a cost of acreage up there at about half a million dollars an acre, you're looking
209 at about 42 million dollar cost for that.

210

211 **COUNCILMAN WOLFSON**

212 Thank you.

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213 **MAYOR GOODMAN**

214 Yes, Sir.

215

216 **SAM SO**

217 Mr. Mayor, Council members, good afternoon, Sam So, Parsons Brinkerhoff. I'd like to give
218 you, the findings of our technical presentation, in terms of the analysis between the northern
219 alignment and the southern alignment.

220

221 **JORGE CERVANTES**

222 If we get the PowerPoint presentation?

223

224 **SAM SO**

225 Our analysis focuses on a number of items, including engineering as well as environmental
226 issues. We focused on the geometry of the two interchange alignments, construction costs, land
227 use, socioeconomics, air quality, flood control facilities, noise and visual impacts. Let me go
228 over the brief summary of these findings.

229 In terms of the alignment, what we see in terms of the comparison between the southern
230 alignment and the northern alignment, one of the things that we provide with the northern
231 alignment is, we've moved the alignment closer to Moccasin and away from Grand Teton and
232 from Iron Mountain. One of the things that we do is, we provide better continuity between the
233 Kyle Canyon and tying directly into Iron Mountain, which provides for a cost-savings being
234 reflected previously. Mr. Cervantes indicated about a ten million dollar roadway savings. This
235 is a shorter roadway versus the dash roadway that you see in the southern alignment. So, that
236 provide that ten million dollar savings. Additionally, one of the impacts relative to the
237 interchange itself, the system interchange between Mountain Edge Parkway and US95 is that,
238 one of the criteria from the Federal Highway Administration is looking at interchange spacing.
239 There is a proposed future interchange, at Horse interchange, the separation distance between the
240 Horse Interchange and the new system interchange is a little tighter, it's less than a mile, which
241 would require fairly expensive highway grading. What that does is really, it provides for the safe

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242 operation of weeding, for ingress and egress from the freeway to the arterial system. So, what
243 you end up doing is, you separate the roadways by bridges and by adding these additional
244 bridges and additional roadways, that creates some additional complication.

245 I'll go over some of the findings of why you do have some improvements from the physical
246 perspective. In terms of the cost comparison, in looking at the overall program cost, for the
247 preferred or northern alignment, it's roughly three hundred and seventeen million dollars in the
248 year twenty-twenty dollars. The existing alignment, the southern alignment is four hundred and
249 twenty-six million dollars, and yet that's a saving of approximately a hundred and nine million
250 dollars. And largely that's attributable to the cost of inflation, it's for the longer bridges that you
251 have on the southern alignment versus the – northern alignment. The northern alignment you
252 cross at a better perpendicular angle. The southern alignment is a skewed angle, so your bridges
253 are longer and cost more. There also is an additional right-of-way acquisition for that braided
254 ramp. So, that would also provide an additional 18 acres that contributes to this differential cost
255 between the preferred northern alignment versus the southern alignment.

256 In terms of the community impacts, the southern alignment really impacts the Town Center, and
257 in that – is (inaudible) concept that is really vital for the northwest. Moving it further to the
258 north, to the sou, on preferred alignment, it's much more compatible from that perspective. We
259 talked about, previously, the compatibility of the roadways tying in, but also this provides for
260 better utilization of the park lands. In terms of the southern alignment on that right view, you see
261 some green horizontal lines, those are proposed at arroyos and bikeway trail system. As you see
262 in the dash line for the southern alignment, the, that transportation corridor would bisect these
263 arroyos and trails. Again, by shifting further to the north, we create a better compatibility, in
264 terms of future land use. Mr. Mayor, you have a comment?

265

266 **MAYOR GOODMAN**

267 No, no, I'm sorry. I will have a comment, but –

268

269 **SAM SO**

270 Very good.

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271 **MAYOR GOODMAN**

272 That's fine.

273

274 **SAM SO**

275 I will continue.

276

277 **MAYOR GOODMAN**

278 Did my thinking show that much?

279

280 **SAM SO**

281 Maybe I'm reading too much into you, Sir.

282

283 **MAYOR GOODMAN**

284 No, it's unbelievable, I was thinking for the first time in a couple of weeks. And it's amazing
285 you could read it that way. Good.

286

287 **SAM SO**

288 And I'm having a little difficulty with the clicker here. So, there we go. In terms of getting this,
289 recapping that socioeconomic issue, it does, the preferred alignment, again the northern
290 alignment, does provide for a greater residential employment growth, it provides for a greater
291 community tax base. The existing alignment again, because you see the disruption between the
292 parks system and trail system, it does have some limits, as well as it provides for some impact so
293 potential of the future employment growth.

294 Environmental comparisons; in terms of the overall two system interchanges on, either the
295 preferred alignment or the southern alignment, ultimately when they are fully constructed they
296 will provide the same environmental benefit. However, because of the one hundred and nine
297 million dollar differential in cost, we anticipate that the southern alignment may cause phasing of
298 the full system interchange, which means that the air quality benefits would not be achieved until
299 further years. But the ultimate interchange on other, on either alignment would provide,

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300 ultimately the same environmental benefit. So, it really be the incremental and when you get to
301 those ultimate alignment.

302 Also the northern alignment would provide a better compatibility with future flood control. The
303 Beltway in itself could really serve and compatible with future flood control improvements;
304 again saving an additional ten million dollars, as seen by Mr. Cervantes' summary previously.
305 Because the northern alignment is through an area that really is beginning to emerge, the need
306 for sound walls is eliminated. Also you do provide for preservation of the vistas of the Red Rock
307 Canyon. So, again, there's some benefit to moving to the north and, I must be technolo,
308 technologically challenged with this specter here. Did I skip it? Is that the last one? I guess that
309 was the last one.

310

311 **MAYOR GOODMAN**

312 All right. Thank you, Mr. So.

313

314 **SAM SO**

315 Thank you, Mr. Mayor.

316

317 **MAYOR GOODMAN**

318 Mr. Cervantes?

319

320 **JORGE CERVANTES**

321 So – given the – analysis that was presented of the technical benefits to the City, it's our
322 recommendation that we move forward with making the northern alignment, the preferred
323 alignment and that we remove the southern alignment from the Master Plan of Streets and
324 Highways.

325

326 **MAYOR GOODMAN**

327 Okay. I – appreciate the presentation and I'll tell you where I'm coming from, and I do this with
328 a great deal of forethought. This transaction will affect the future of the northwest. It will have

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329 the same kind of impact, if not a greater impact, on the development of the City of Las Vegas’
330 Summerlin is at. And it’s a massive project. It’s a project that’s going to last over years and it’s
331 going to be the subject of discussion as time goes on.

332 And I have to say this, when I was first elected, I came into City Hall and there was a debate
333 taking place, a debate which was ultimately lost and which has had far reaching ramifications
334 eight years later with a vote being taken by the public concerning eminent domain. The
335 legislature discussing eminent domain, groups being formed to define eminent domain and to, in
336 effect, address the (inaudible) decision out of the Supreme Court involving eminent domain and
337 the State of Connecticut. And what had happened here in the City is, when I came on board, I –
338 was embroiled, through no fault of my own, because I wasn’t the elected official sitting in this
339 chair at the time that it was taking place, with Neonopolis and the taking of property from the
340 Pappas Family, a private entity, and given to the Neonopolis developers, who were another
341 private entity, and it was subject to a great deal of criticism and it really slowed down much of
342 what the City was doing. It was basically getting into a boxing ring and having ourselves beat
343 up day after day, after day by the local media, and maybe rightfully so, maybe not, but
344 nevertheless it was distracting.

345 So, there’re – two areas that I would like to have addressed today, to, hopefully, to my
346 satisfaction before we go forward with this. And one is, whether or not this is eminent domain in
347 the sense that there is a taking from private persons to the benefit of other private persons. And
348 where I get into that issue is on the overview of summary of benefits of northern alignment with
349 the Focus’ benefits, they’ll receiving eighty-four acres of land worth forty-two million dollars,
350 whether that is a taking from private and giving to private, which this Council has taken the
351 position on, unwaveringly, that we’re not going to engage in that kind of process. It’s one thing
352 needing roads and taking property and paying fair market value for that property in order to
353 continue development. But I think, I know it’s my philosophy, and I believe it’s the philosophy
354 of all of us up here, that we’re not going to engage in the taking of private property and giving it
355 to private property. The other, and this goes, and I’m not gonna hold anything back here, to the
356 allegations that somehow Billy Walters, and he’s a friend of mine, and I make no bones about
357 that, somehow had sweetheart deals with the City of Las Vegas. And that was the subject of

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358 some criticisms. So what I would like to hear is I'd like to hear the analysis, if you're able to
359 give it today, regarding eminent domain, private to private, and benefits there, and whether or
360 not this is a sweetheart deal for Focus.

361

362 **JORGE CERVANTES**

363 And – with that, Mayor, I'd like to defer to our legal counsel; he'll answer that for you.

364

365 **MAYOR GOODMAN**

366 Okay.

367

368 **JIM LEWIS**

369 Mr. Mayor, hello. Good afternoon, Council. My name is Jim Lewis. I'm with the City
370 Attorney's Office. I might ask first, Mayor, if you'd like to hear from the public with regards to
371 these issues because I know you will hear from some, or if you'd like to hear my presentation to
372 begin.

373

374 **MAYOR GOODMAN**

375 Well, I think it's fair that we hear from the public and then you would be able to put what they
376 say in context to address my concerns, and, I believe, the concerns of some others, (inaudible) all
377 the Council members, on those two issues.

378

379 **JIM LEWIS**

380 Thank you, Sir.

381

382 **MAYOR GOODMAN**

383 All right. Mr. Moran, did you want to be heard?

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384 **JOHN MORAN, JR.**

385 Yes, I did, Your Honor. Good afternoon Council, Mayor, John Moran, Jr., 630 South Fourth
386 Street, Moran Law Firm. Basically, speaking, I'm going to keep this as short as I can. I'm here
387 today to represent a client that has property that would be adversely impacted, if in fact, a
388 northern alignment went forward. I've already had occasion to speak most of the, to the Council
389 and – therefore, I'm not going take a lot of time up here today to repeat a lot of the things that I
390 said. But I do have to make a record for our client, and I would appreciate the courtesies of the
391 Council in allowing me to do that.

392

393 **MAYOR GOODMAN**

394 Certainly.

395

396 **JOHN MORAN, JR.**

397 First of all, my clients, and if I can have the overhead here, I don't know if this will show on
398 here, but here – we go with the proposed north alignment right here.

399

400 **MAYOR GOODMAN**

401 It's not – on there yet. It's not on the overhead yet.

402

403 **JOHN MORAN, JR.**

404 Okay.

405

406 **MAYOR GOODMAN**

407 There it is.

408

409 **JOHN MORAN, JR.**

410 All right. In any event, this – here is the Mountain Edge Parkway and as you can see, Mr. Mayor
411 and Council, this is the proposed alternative right here. This is the north alternative that we
412 oppose, which is before you today. My clients' property is approximately 10 acres, right here

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413 that this new alternative would go right through the middle of. I – think you can all see this. My
414 – clients bought this property in 1979, so they’re not land speculators. They’ve had this a long
415 time; they’ve held it a long time.

416 My law firm got involved in this when my clients brought to my attention, and basically they
417 have been approached by a group to acquire that property, and they were offered and the
418 negotiations were about five point four million. That offer evaporated, was followed by another
419 one that was in writing to the tune of five point two/eight million dollars for this property. That
420 was pulled off the table as well because of the fact that the proposed alternative, which did not
421 affect my clients, then this discussion started in ’06 that there was going to be a new alignment
422 that would go through the middle of the property and, naturally, the prospective buyers for that
423 amount weren’t interested in buying a piece of property that had a new freeway going through
424 the middle of it.

425 Now, I had correspond, and I’m asking you, like I said, I’m going to shorten this up, ’cause
426 there’s a lot of other people with other important issues. But I wanted to make sure that the
427 record reflects that back on June 7th, we wrote a letter to NDOT. I had previously sent that letter
428 out to the Council, as copies have been introduced to the Planning and – other hearings, that
429 basically set forth the fact that we were very concerned about the status of this. And in light of
430 the Focus Group that had originally acquired property from the BLM right here that had a
431 freeway going through it, and now was proposing to have this moved to the City onto our
432 property freeing up the Focus Group property. That letter was June 7th to the Nevada
433 Department of Transportation as well.

434

435 **MAYOR GOODMAN**

436 What year?

437

438 **JOHN MORAN, JR.**

439 Of – ’06, June 7th of ’06, I wrote to the Nevada Department of Transportation and laid this out.
440 I received a letter back from them, that’s previously been introduced to the record, on June 27th
441 that basically NDOT told us that, in so many words, doesn’t matter because there’s no federal

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442 funds to do that. I corresponded, Mr. Mayor, with you and the City Council again on July 17th,
443 two thousand and six, and again, pointed out and sent a letter to you and the Council that we've
444 discussed that basically set forth our position.

445 One point that I – wanted to point out is the fact that, this here, if I can go back over this
446 document here, this is a Kyle Canyon Acquisition document. This is the, where the freeway is
447 now, where's proposed to go, these are their documents, their – information. This is Kyle
448 Canyon by Kyle Canyon Acquisition Group, and what it basically says is, it gives a chart how
449 many acres they get if this proposed freeway system is moved and taken through somebody
450 else's location and not theirs, opening up their whole development without having the burden.
451 So, what it shows here is that they're gonna pick approximately seventy-three acres, I know they
452 said today seventy-seven, and that's going to be a windfall for them. And, you know, that's fine,
453 but we don't believe that it's proper to move those, that freeway system onto other private
454 property owners, which as you can see here, there's a lot of 'em in this area that have been there
455 a long time, and then free up a piece of BLM land that was acquired and move that onto other
456 people's property. We – think that that's a taking, that constitutes a taking. I had contacted
457 Margo Wheeler by correspondence and also telephonically recently, and I pointed out to her that
458 I was concerned because of the fact that there was a price, two prices that had been offered this
459 property that were pulled off the table. And that at the end of the day when the developmental
460 agreement is signed, that it would obligate the City to buy out those private people with taxpayer
461 monies to satisfy the movement of that off of Focus Group's property onto the private owners.

462 Having said that, all these are in the record. I'm not gonna continue to go on with it, but that I
463 am strongly opposing the taking of private property. Even if the City decided in the future that it
464 was not going to go or was going to scrub this proposed north alignment that goes through my
465 clients' property, until that determination was made, it would be very difficult for my clients'
466 property to be sold to anybody, because nobody's going to buy a piece of property that has a
467 proposed freeway going through the middle of it. That would constitute a taking, that would
468 constitute a negative impact because nobody's going to buy a piece of property that now
469 becomes subject to a different freeway access and – basically allowing Focus to go ahead and do

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470 their project, which I'm sure it'll be probably beautiful, but not to the detriment of my clients.
471 Thank you.

472

473 **MAYOR GOODMAN**

474 Thank you very much. Mr. Silver?

475

476 **JEFF SILVER**

477 Thank you, Your Honor and members of the Council. My name is Jeff Silver, 3960 Howard
478 Hughes Parkway. I represent two clients in this matter. There are others, of course. I'm going
479 to refer to them as the Beltway Boys because, although they didn't start out wanting to be the
480 Beltway Boys, they're in the middle of this Beltway now, as you can see in the red. One client is
481 under an overpass and the other client is right in the middle of the centerline.

482 The – reason that we are here today is because there have been some, a series of hearings
483 conducted in two thousand and one to two thousand and four where the County, the State, the
484 City, NDOT all got together with BLM and so on, and talked about the development of a piece
485 of BLM land. And it was agreed at that time, after those hearings that this southern alignment
486 was the preferred alignment for that property. At that time everyone had an expectation that
487 that's where the Beltway was going to go, and the reason why it was there is because it affected
488 very few property owners, other than the BLM. And the BLM was later contacted, after that
489 fact, to free up that property to allow it to be sold and – at that time that the City agreed that
490 there would be an annexation of that particular parcel.

491 In two thousand and five, in February, that property was sold in a BLM auction and the buyer
492 was Focus. They paid two hundred and ninety-eight thousand dollars and some change for the
493 property, for each acre.

494

495 **MAYOR GOODMAN**

496 Two hundred and ninety-eight million.

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497 **JEFF SILVER**

498 Excuse me, two hundred and ninety-eight thousand per acre.

499

500 **MAYOR GOODMAN**

501 Oh, per acre.

502

503 **JEFF SILVER**

504 And at that time, the reason why they paid two hundred and ninety-eight thousand dollars an
505 acre, which I understand, based upon some other information that I read, where the City of Las
506 Vegas, the average acreage price was approximately five hundred and seven hundred thousand
507 dollars an acre, is because it was burdened by the southern beltway alignment that had
508 previously been placed there in – hearings that took place, I guess, in years previously. Those
509 hearings that took place were well documented, open hearings.

510 Now, there's an old saying that says, what's good for the goose is good for the gander, and I
511 suppose there's a lot of good things about that particular project to be able to design a master
512 plan development from a clean slate. The inverse of that, perhaps using the word inverse
513 condemnation of that is, what's bad for the goose is even worse for the gander, because what we
514 have here is a situation where this property is being unburdened by this alignment and is now
515 being burdened by these poor, unsuspecting homeowners who bought these parcels, 10, 15, 20
516 years ago. And as you'll hear from other people today, you expected to utilize those properties
517 either for their retirement savings or otherwise to make a substantial sum of money. These
518 aren't, for the most part, flippers. These are people who held this for a long period of time who
519 had much greater insight than I did, in terms of buying property in the City of Las Vegas.

520 So, what is happening here is, this development gets the benefit of moving this freeway to these
521 guys over here who thought that they were free and clear from any of those issues. Now, will
522 this property be land banked, and that's, I think, a major question that has to be answered here
523 because, Mayor, what we've heard from the City Attorney up until now is, this does not
524 constitute a condemnation. This is only a plan. This is a, an illusion. This is only proposed, so
525 you can go on with your business, go on with your lives, there's nothing to see here. Go get

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526 yourself a use permit. Go build on your property. Do whatever you wanna do. Well, the fact of
527 the matter is, is that in the real world that can't be done when you have a published alignment in
528 a Master Street and Highway Plan that originally only affected the Focus Group and now affects
529 a number of private property owners.

530 Now, you – asked for some information regarding the legalities. I've done some research on
531 this, and the general rule is that the approval of the Master Plan alone does not entitle the
532 property owner the compensation for inverse condemnation, this is what Mr. Lewis is going tell
533 you, unless, unless the Municipality's action are indicative of an unequivocal intention to take.
534 Number two, significantly interfere with the use and enjoyment of property or number three, end
535 up significantly depreciating the value of the property. And that's exactly what, I think, we have
536 here.

537

538 **MAYOR GOODMAN**

539 Do you have a citation for it?

540

541 **JEFF SILVER**

542 Yes, the case on that is, *People v. Jones*, 22 Cal 3d 1-44, it's a 19-78 case. Now, what are the
543 indications of an unequivocal intention to take, of course, that was – discussed in the Carson
544 Street matter with Mr. Pappas. In that case the City entered into a condemnation order; that's
545 certainly is unequivocal. And what Mr. Lewis will tell you is that there isn't any unequivocal,
546 equivocable (sic) intention to take the property until we actually let a contract out for the
547 construction of the road.

548 Now, what happens in the mean time? I noticed that in the par, Parson's Brinkerhoff studies
549 they're referring to purchases in the twenty-twenty range. Well, twenty-twenty is seven year,
550 twenty-twenty is – thirteen years from now. So, what – the Parson's Brinkerhoff study is saying
551 is that, you guys are going to be saddled with this Master Streets and Highway Plan on your
552 property, where you're in the middle of the centerline or under an overpass until 2020 when we
553 think we might be able to finance this thing and take your dough, and take your property and
554 give you the dough. We have no other buyers, no other possibilities of acquiring, selling this

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555 property until now. So, that, I think, is an unequivocal taking, land banking is significant
556 interference with the use and enjoyment of this property.

557 Now, the last point I wanna make on the legal side is that, the Kelo decision you referenced
558 earlier. Of course the Kelo decision was not a favorable decision for private landowners because
559 what the decision held is that in that particular case, the city government did have the right to
560 take a piece of private property and turn it over to the – benefit of another private developer.
561 And the purposes behind that, obviously is, we increase the tax base, we have efficient urban
562 planning and –

563

564 **MAYOR GOODMAN**

565 It was redevelopment.

566

567 **JEFF SILVER**

568 – the –

569

570 **MAYOR GOODMAN**

571 It was a redevelopment.

572

573 **JEFF SILVER**

574 It was a redevelopment issue, of course. So, in this particular case, do we – exactly meet those
575 kinds of terms. I know that the – political people in this community has chewed the idea of
576 taking private property for private purposes. That's not their intent because we're out west and
577 we – believe in the man's home is his castle, but in this particular case, the Justice that was the
578 swing vote on it, Justice Kennedy, did make a comment about how perhaps the court would view
579 future takings of this nature. And what Justice Kennedy said was he strongly implied that there
580 would be a more demanding standard of review applied to that sub set of economic development
581 takings where there is, quote, a plausible accusation of impermissible favoritism to private
582 parties. And that accusation, according to Justice Kennedy should be treated as a serious one
583 and the trial court should review it as if – it did have merit.

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584 I mean, that was the second part of your question is, do – we have a sweetheart deal here? Well,
585 the only thing I can say is that, this development has been on-going for a year and nine months
586 or more. When you look at your development agreement, it had everything down to a ness
587 eyebrow. They were talking about the – fire sprinklers in the building.

588

589 **MAYOR GOODMAN**

590 Well, that's a big deal.

591

592 **JEFF SILVER**

593 It is a very big deal, but it shows you the minutia to which this agreement has been negotiated
594 without the input of the general public and without any conversation, apparently, about whether
595 this road was even gonna be there. For a year and nine months the City staff has been
596 negotiating with this developer, talking about a parcel of land as if it did not have this road
597 interfering with that development. And I think that for that – reason alone, there certainly is a
598 bias on behalf of the City not to examine two alternate alternatives. Did Parsons Brinkerhoff
599 look at this thing in some kind of an impartial and independent way or were they instructed to
600 find a reason, any reason, socioeconomic, environmental, flood control, you name it, to justify
601 giving this property away to this developer. Now, in July, and I'm gonna finish up real quickly,
602 because I know my time –

603

604 **MAYOR GOODMAN**

605 No, that's fine.

606

607 **JEFF SILVER**

608 – is short.

609

610 **MAYOR GOODMAN**

611 No problem.

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612 **JEFF SILVER**

613 This – matter was heard in July of two thousand and six before this Council, and I listened to that
614 hearing. What happened at that hearing was, we talked about the, that we were going to explore
615 in more detail the feasibility of this new alignment. In May of two thousand and six they have,
616 they had a workshop in North Las Vegas and they talked about the possibility of this alignment
617 coming on. And at that time the City said, well, we have money –

618

619 **MAYOR GOODMAN**

620 Which City?

621

622 **JEFF SILVER**

623 The City of Las Vegas.

624

625 **MAYOR GOODMAN**

626 Okay, but you said the workshop was in North Las Vegas?

627

628 **JEFF SILVER**

629 I believe so, because this, I think this parcel affects North Las Vegas. I might be mistaken.

630

631 **MAYOR GOODMAN**

632 All right.

633

634 **JEFF SILVER**

635 So, at that time a representative of the City, Mr. Fultz, who's our Traffic Chief, said that there
636 was money in the budget to buy out these land holders, and everyone said okay, as long as I
637 know there is an excess strategy for me, I think it's okay. Well, let's hear what they have to say.
638 But what – we find out now is that in Mr. Moran's conversation with NDOT and the City is that
639 there isn't any money to buy, to build this road or to buy out these property owners. And in
640 essence these people are going to be forced to land bank.

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641 Now, the comments that were made at this July hearing was, we are not gonna decide whether or
642 not landowners can sell or whether there is a condemnation. There's gonna be full public
643 comment later. Well, is this the later because there hasn't been any public input on that northern
644 alignment beltway plan, except at the Planning Commission two weeks ago and right here, right
645 now.

646

647 **MAYOR GOODMAN**

648 And that's something I'm gonna wanna ask about because I received e-mails from folks in the
649 last two days saying that there were no public hearings. I've been told by City staff there were
650 multiple public hearings. So, I wanna get to the bottom of that too.

651

652 **JEFF SILVER**

653 Okay.

654

655 **MAYOR GOODMAN**

656 Good.

657

658 **JEFF SILVER**

659 You know, we didn't –

660

661 **MAYOR GOODMAN**

662 Mr. Lewis, you'll fill me in on that too? Not now, when you get up; public hearings.

663

664 **JIM LEWIS**

665 Certainly, we will – do so.

666

667 **JEFF SILVER**

668 Okay.

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669 **MAYOR GOODMAN**

670 All right. That's very important –

671

672 **JEFF SILVER**

673 I – believe Your Honor stated that we were a long way down the line, back in July of two
674 thousand and six. Your – comment was that we can tell them, at that time, whether to jump in
675 the lake or whether or not we're gonna go for this deal. I think though, you know, it was a
676 euphemism you used. So I'm saying, let's look at what happened. How coincidental that thirty-
677 four acres were gonna have to be taken of private property under the old plan and thirty-four
678 acres are gonna be taken under the new plan, of private property. Is that just a coincidence or
679 did Focus buy some property knowing that they were gonna have to do a swap, a horse trade,
680 and then stop buying property when an, the, equal the amount of property that they thought
681 would have to be bought – under the old plan. Yet at the same time they're picking up property
682 that's worth anywhere from five hundred thousand dollars an acre to six, seven hundred
683 thousand dollars an acre. And it seems to me that if Focus wants this deal, they need to go,
684 approach all these private owners now, buy the property and don't make us land bank it. Thank
685 you.

686

687 **MAYOR GOODMAN**

688 All right. Thank you.

689

690

691 **COUNCILMAN BROWN**

692 Your Honor, may I ask Mr. Silver –

693

694 **MAYOR GOODMAN**

695 Yeah. Sure. Yes, Sir.

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696 **COUNCILMAN BROWN**

697 – a question? Comment first. The – thirteen-year differential, regardless of what alignment
698 we're talking about, I don't, that doesn't bother me at all. We, I think we approved the US 95
699 expansion in 19-95 and thirteen years later we – think it's gonna be finished. So the thirteen-
700 year issue is actually proactive from a streets and highways standpoint, probably the most
701 proactive we've been and, if I'm not mistaken, the original charettes on this outer beltway
702 happened years ago. But let me ask you this because I – appreciate what you have spoken about.
703 What differentiates, and separate from your clients or Focus or the City, what would differentiate
704 the 34 acre private ownership under the existing alignment versus the proposed alignment?
705 Wouldn't – they be able to come in and – speak to some of the same issues as you're speaking
706 to?

707

708 **JEFF SILVER**

709 Well, I think the differentiation, from – my perspective, is that these people here who are private
710 property owners and I don't know who they are, whether they're Focus or whether they're
711 somebody else. They had three years of hearings from two thousand and one to two thousand
712 and four to voice their concern about a BLM property adjacent to them having an alignment
713 through it. On the other hand, my client who has intentions to sell property and to Mr. Moran's
714 client who actually got into contract with Focus and then had them renege on their deal, we only
715 had two weeks. We've had two weeks. That's the difference.

716

717 **COUNCILMAN BROWN**

718 Thank you.

719

720 **JEFF SILVER**

721 Thank you.

722

723 **MAYOR GOODMAN**

724 Mr. Silver, do you have that Jones case with you or a synopsis of it that you're able to provide?

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725 **JEFF SILVER**

726 No, I did – not bring it with me, but I certainly could provide –

727

728 **MAYOR GOODMAN**

729 Can you provide those standards? I'd – like to see those three standards if I can get those.

730

731 **JEFF SILVER**

732 I'll give you a copy of my notes.

733

734 **MAYOR GOODMAN**

735 I'd be happy to get those.

736

737 **JEFF SILVER**

738 All right.

739

740 **MAYOR GOODMAN**

741 If you'd hand 'em to the Clerk, I don't want to invade –

742

743 **JEFF SILVER**

744 Can I get 'em back because I don't wanna necessarily want to–

745

746 **MAYOR GOODMAN**

747 Absolutely not.

748

749 **JEFF SILVER**

750 – having it flying around.

751

752 **MAYOR GOODMAN**

753 Once we get something, we don't give it back.

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754 **JEFF SILVER**

755 Thank you. I don't, I'm not asking that it be made – a part of the record.

756

757 **MAYOR GOODMAN**

758 No, it's not made part of the record. I just want it for my review.

759

760 **JEFF SILVER**

761 Okay.

762

763 **MAYOR GOODMAN**

764 I'll give it back to you after the hearing.

765

766 **JEFF SILVER**

767 It does discuss pro and con in there and I have no problem with your –

768

769 **MAYOR GOODMAN**

770 Well, I don't – want to invade your work product. I just wanted those standards. If – you'd like

771 to –

772

773 **JEFF SILVER**

774 All right. Let me – excise that.

775

776 **MAYOR GOODMAN**

777 Fine. That's fair.

778

779 **JEFF SILVER**

780 Thank you.

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781 **MAYOR GOODMAN**

782 Thank you.

783

784 **JEFF SILVER**

785 It's a good thing you're a lawyer and you understand why –

786

787 **MAYOR GOODMAN**

788 I do understand. Believe me.

789

790 **JEFF SILVER**

791 Thank you.

792

793 **MAYOR GOODMAN**

794 Yes, Sir. Did you wanna speak –

795

796 **WILLIAM STODDARD, JR.**

797 Yes, Sir.

798

799 **MAYOR GOODMAN**

800 – to the project? Okay. Please identify yourself for the record and tell us who you're

801 representing.

802

803 **WILLIAM STODDARD, JR.**

804 You bet. William Stoddard, Jr., 801 South Rancho Drive, Building D, Las Vegas, Nevada,

805 89106. I represent two of the property owners affected by this matter who are the Tomcat LLC

806 and the Moccasin and 95 LLC which own the two properties that are highlighted here in yellow.

807 And those are, for the record, Assessor's Parcel Numbers 1-2-6 dash O-1 dash 5-O-2 dash O-O-2

808 and O-O-3. I think that the concerns of my clients are pretty clear from taking a quick look at

809 the map. As you can see, the proposed realignment will run right through the middle of their

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810 property, leaving two things. Number one, it will, you know, obviously, take half of their
811 property, leaving an unuse (sic), a completely unusable remnant to the north, also land-locking
812 that property so that there's no means of access to that property. And so the concerns that my
813 clients expressed to me and wanted me to make a record of here today are that, you know,
814 obviously, in light of this proposed realignment, there is going to be a significant amount of
815 difficulty with them using their property, accessing their property. And obvious, with respect to
816 any proposed sale of the property, my clients echo the concerns that have been voiced by Misters
817 (sic) Moran and Mr. Silver. And just to be brief, I guess, the issue that I would like to hear
818 addressed from the City Attorney with respect to this matter are the matters, are the questions
819 that have been raised, which include, number one, how in the world are we going to deal as a
820 City Council with prospective land use applications for properties such as ours which are
821 directly and immediately affected and directly in the middle of this proposed interchange. If we
822 come in for a Special Use Permit or a land development application, are we actually going to be
823 able to develop this property in light of the fact that we know that this is going on, if indeed this
824 issue is approved, number one. And the other issue is, how do we sell this property? How do
825 we market this property? Obviously issues that have been encountered by other of the people
826 that have been, that have spoken here. And so I'd just like to express those concerns and make
827 that record. Thank you very much.

828

829 **MAYOR GOODMAN**

830 Thank you. I appreciate that. Yes, sir.

831

832 **ALEX McKYTON**

833 Alex McKyton, 9033 Big Plantation Avenue. It's up in the northwest. I am opposed to having
834 the alignment changed. It's been with the City. It should be kept. Thank you.

835

836 **MAYOR GOODMAN**

837 All right. Thank you very much for coming down. Yes, Ma'am.

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838 **EILEEN McKYTON**

839 My name's Eileen McKyton, his wife. 9033 Big Plantation Avenue, Spring Mountain Ranch.
840 And I am opposed to changing the alignment. The Focus Group bought the land that way. They
841 should keep it that way. I see no reason to give them the advantage of making their property
842 worth much more than it was when they bought it, just by realigning it and hurting other
843 neighbors.

844

845 **MAYOR GOODMAN**

846 Thank you, ma'am. Yes, ma'am.

847

848 **WENDY HEMMINGWAY-WARM**

849 Hi. My name's Wendy Hemmingway-Warm and I live at 8920 Pine Mission Avenue in the
850 Spring Mountain Ranch subdivision. I moved here to this area about a year ago and I asked my
851 realtor, what's going on in my neighborhood. Is this all open space? Is this, you know, I wanted
852 to be away. I wanted to be near open space. I moved here from outside of Aspen, Colorado and
853 I lived on the highway that goes up to Aspen, 20 miles away. It was pretty nice. The highway
854 gets noisy but, personally, I'd rather live near a highway than near density of housing and
855 apartment complex and that so forth. I would personally rather have the highway stay where it
856 was planned and, therefore, do not, for you not to infringe upon the property rights of others. I
857 just wanna be heard.

858

859 **MAYOR GOODMAN**

860 'Kay. You had that opportunity. Thank you.

861

862 **WENDY HEMMINGWAY-WARM**

863 Oh, wait – and also the only time I was aware of a public meeting about this whole development
864 was in December of 2006.

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865 **MAYOR GOODMAN**

866 And how did you become aware of that?

867

868 **WENDY HEMMINGWAY-WARM**

869 I became aware of that because I recently got on the board of my homeowners' association. I
870 was voted in, in December, and I was made aware of it from the president of the board. And
871 there was a newsletter circulated in our subdivision. And that is the only reason I was made
872 aware of what is going on in my community 'cause I live just outside of the 1000 foot radius for
873 public notification.

874

875 **MAYOR GOODMAN**

876 'Kay. Thank you.

877

878 **BOB MORANTO**

879 Bob Moranto, 3360 West Starview. I own this piece right here. I got one question. Is there
880 gonna be a sound wall on the north side of the highway or those people that live out there SOL?

881

882 **MAYOR GOODMAN**

883 I was under the impression –

884

885 **BOB MORANTO**

886 Do you know?

887

888 **MAYOR GOODMAN**

889 I was under the impression that on that side there would not be a sound wall.

890

891 **BOB MORANTO**

892 So they won't have no sound wall?

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893 **MAYOR GOODMAN**

894 That was my impression.

895

896 **BOB MORANTO**

897 If – they’re, another question. If they’re so concerned about –

898

899 **MAYOR GOODMAN**

900 Correct me if I’m wrong. Am I wrong, Mr. Cervantes? I thought on the north side, there’s no –

901

902 **UNIDENTIFIED MALE SPEAKER**

903 Correct.

904

905 **JORGE CERVANTES**

906 Mayor, there would be sound walls where there were, we showed the cost savings of the sound

907 walls whereas adjacent to the Red Rock Conservation Area where there would be no

908 development. It’s only adjacent to any development there would be sound walls to mitigate that.

909

910 **MAYOR GOODMAN**

911 I see that.

912

913 **BOB MORANTO**

914 Which is right here?

915

916

917 **JORGE CERVANTES**

918 That’s correct.

919

920 **BOB MORANTO**

921 Okay. But the highway’s turning right here anyway, right?

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922 **JORGE CERVANTES**

923 No – it's here.

924

925 **BOB MORANTO**

926 It's turning straight. Okay.

927

928 **JIM LEWIS**

929 Look, Mr. Mayor, if I – may say one thing –

930

931 **MAYOR GOODMAN**

932 Yeah.

933

934 **JIM LEWIS**

935 – to clarify this. There – is no project now for this northern alignment, so we don't know
936 whether or not there would be sound walls. What I'm hearing from our Public Works
937 Department is generally speaking, in, when we have alignments such as this, there would be
938 sound walls on both sides of the road.

939

940 **MAYOR GOODMAN**

941 That's correct.

942

943 **JIM LEWIS**

944 But it's important for us to understand that there is none, there is no project right now on the
945 table. I just wanna make that clear for the Board.

946

947 **BOB MORANTO**

948 My other question is if the road does go right here –

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949 **MAYOR GOODMAN**

950 That's an issue, isn't it?

951

952 **BOB MORANTO**

953 – because of the skew and all this property's owned by one person –

954

955 **MAYOR GOODMAN**

956 Do that again, please. I – was thinking again. I shouldn't think. Could – you say that again?

957

958 **BOB MORANTO**

959 You ready? If they're gonna save a 100 million dollars by the angle of this northern alignment
960 and Focus owns all this property, why don't they just skew that the same way and save a 100
961 million dollars for the City? Or is that not possible, either? See I'm against the prop, the road
962 going through my property. I bought it back in '79.

963

964 **MAYOR GOODMAN**

965 We appreciate this.

966

967 **BOB MORANTO**

968 You know, in '89, I was going to sell it and I brought the contract over to my dad, had him look
969 at it. I was only thirty-four at the time. He goes, why you selling it. He says, I said, because
970 I'm a triple my money, you know. He says, why don't you wait 'til you retire. It's gonna be
971 worth a lot more money. And you don't need the money right now, which, you know, I did not
972 sell it. I'm not ready to retire right now. Thank you.

973

974 **MAYOR GOODMAN**

975 Okay. Thank you.

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976 **CHARLES LAMB**

977 Good afternoon, Mr. Mayor, Council. My name is Charles Lamb. I'm 1096 East Sahara. My
978 family has a property which gonna be impacted by the proposed freeway and highway here. I
979 have voiced my opposition to the proposed northern alternative at the Planning Commission, so
980 as I reiterated today, at your Council here, just for – the sake of it. I – know that once the
981 highway impact (sic) my property, then I would be in limbo, that, you know, I cannot do
982 anything with the property for the next ten years or so, as I understood from Mr. Silver. So
983 that's what, you know, I'm worried about. And also, I got, commend your speech at the, before
984 the presentation here regarding the taking of private property and give it to another private
985 owner. That's what my concern is. Thank you.

986

987 **MAYOR GOODMAN**

988 Thank you for coming down. Yes, sir.

989

990 **TED RUSSELL**

991 Good afternoon, Mr. Mayor, Council. My name is Ted Russell. I'm a resident of Las Vegas.
992 On the basis of what Your Honor submitted as our experience with eminent domain, the
993 questions that you posed, I have to say that I'm entirely in favor and agreement with the logic
994 and the pragmatics, the legalities of the attorneys. I should have brought my glasses. I agree
995 with Mr. Moran, Mr. Silver, Mr. Steed and Mr. Stoddard. It's, there's a sense that those people
996 who did buy these properties where the, on the southern basis, the BLM land, all of a sudden this
997 – I see what Focus is doing. I'm against what Focus is doing. Thank you.

998

999 **MAYOR GOODMAN**

1000 Thank you for coming down. Yes, Sir.

1001

1002 **ROBERT GROESBECK**

1003 Thank you, Your Honor, Councilmembers. Robert Groesbeck, 5820 South Pecos Avenue. And
1004 I'll be very brief, Your Honor. I – would like to incorporate Mr. Moran's, Mr. Silver's, Mr.

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1005 Stoddard's records into my comments. Just briefly, our position may be a little more unique than
1006 what we've heard previously today. We've actually had an application pending in Clark County.
1007 And we have a proposed use. We're – kinda, the northern alignment certainly takes our property
1008 and if I may –

1009

1010 **MAYOR GOODMAN**

1011 Where is your property?

1012

1013 **ROBERT GROESBECK**

1014 Right in this vicinity, Your Honor.

1015

1016 **MAYOR GOODMAN**

1017 All right.

1018

1019 **ROBERT GROESBECK**

1020 And for the record, I represent the Carolina (inaudible) Trust and, you know, it's our position,
1021 it's been our position that the current Kyle Canyon roadway is – conducive to commercial
1022 development out there. And as I said, we've made application before the County. We pulled
1023 that back, in fact, we were instructed by the County to work with the City in light of the
1024 annexation that's proposed for this parcel and others. And our concern is simply this and – I
1025 think Mr. Silver hit it right on the head and – Councilman Brown doesn't have a lot of concerns
1026 over that, but the – timeframe here, looking out thirteen years in the future, that has a dramatic
1027 impact on our ability to move this forward. We just want the opportunity to be heard on an
1028 application. We'd like to build our facility. We think it's conducive to the area. I – commend
1029 Focus on what they want to do out there. I think it's gonna be a wonderful amenity for the entire
1030 city. It's just, I – think we are rushing to judgment, so to speak. This is a fairly new idea, this
1031 alignment is – very new to us and we'd like some time to study that. And – if I may, Your
1032 Honor, if you could direct the staff, I just got a couple questions. One is there were some
1033 comments as to valuation. I – heard the number five hundred thousand an acre. And I don't

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1034 know where that number came from. I'd certainly appreciate if staff could clarify that into the
1035 record. I, I've seen parcels much further to the west that are in five hundred thousand acre
1036 range. Parcels down here adjacent to 95 now, I'm seeing numbers from seven hundred and fifty
1037 thousand, well over to a million an acre. And I, I'd be real curious where we're getting that
1038 number. Having personally been down the condemnation road before for clients, it's not a
1039 pleasant road to go down. And we're hopeful that the Council will look at this in the big picture
1040 and not rush to judgment and allow us to put our property to its highest and best use.

1041

1042 **COUNCILMAN BROWN**

1043 Your Honor.

1044

1045 **MAYOR GOODMAN**

1046 Good. Excuse me. Councilman.

1047

1048 **COUNCILMAN BROWN**

1049 Mr. Groesbeck, you can clarify your comment about my comments to Mr. Silver, but to Mr.
1050 Silver, he was enlightening me not only in last week's briefing but this morning's, so I don't
1051 know where your comment's coming from. Where – is your property?

1052

1053 **ROBERT GROESBECK**

1054 We're right over Oso Buco –

1055

1056 **COUNCILMAN BROWN**

1057 Would you point it out on this map?

1058

1059 **ROBERT GROESBECK**

1060 Right in this area.

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1061 **COUNCILMAN BROWN**

1062 So you – may be impacted by either alignment.

1063

1064 **ROBERT GROESBECK**

1065 Well, Councilman, and certainly I didn't mean to misterconstrue (sic) your comments, but no. I
1066 – don't know if we'd be, may, because the way we look at this. I haven't seen a survey or an
1067 engineer diagram of this take, the proposed take, but under either alternative, under this northern
1068 alignment, it looks like it would certainly take more than half our property. That would be a full
1069 take, at least the way we look at it.

1070

1071 **COUNCILMAN BROWN**

1072 Thank you.

1073

1074 **MAYOR GOODMAN**

1075 All right.

1076

1077 **ROBERT GROESBECK**

1078 Thank you.

1079

1080 **MAYOR GOODMAN**

1081 Where do we, I think that's a fair question. Where do we come up with the 500,000 an acre
1082 valuation? Where was that number derived from? No.

1083

1084 **CHARLIE KAJKOWSKI**

1085 The – Focus purchase was, as you heard, two, two hundred ninety-eight, two hundred ninety-
1086 eight thousand an acre. We – were just taking a guess. We –

1087

1088 **MAYOR GOODMAN**

1089 Okay.

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1090 **CHARLIE KAJKOWSKI**

1091 We haven't done any appraisals.

1092

1093 **MAYOR GOODMAN**

1094 That's a fair answer. That's fair. Yes, Ma'am.

1095

1096 **JENNIFER TAYLOR**

1097 Mr. Mayor, members of Council, I know, Mr. Mayor, you asked about the, my name is Jennifer
1098 Taylor and I live at 81-58 Hawk Clan Court. I know you asked about the neighborhood meeting
1099 issue and unfortunately, Todd Schwartz, who is the president of the Spring Mountain HOA
1100 which includes 1600 homes, could not be here today. It's the middle of his work day and it's –

1101

1102 **MAYOR GOODMAN**

1103 I got an –

1104

1105 **JENNIFER TAYLOR**

1106 – a very busy time.

1107

1108 **MAYOR GOODMAN**

1109 I got an email from him.

1110

1111 **JENNIFER TAYLOR**

1112 Okay. Were you, I wanted to just provide you then with this list of meetings that was held and
1113 the sequence in which requests were, applications were made to Planning Commission and
1114 Council and though, and the coordination of those with neighborhood meetings. Some of this
1115 information came from Councilman Ross' Office, just to confirm what Mr. Schwartz understood
1116 which was that there were very few actual public meetings, very little actual notice to the public,
1117 and that some of the final details and plans for the Kyle Canyon Master Plan Community were
1118 not actually made available to the public until so far into the process that we only actually saw

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1119 the development agreement as members of the public last, late last week. I don't know if you
1120 want to have copies of these for the record. I brought up two.

1121

1122 **MAYOR GOODMAN**

1123 You sure should. If you'd be kind enough to give 'em to our Clerk. Thank you. Appreciate it.

1124

1125 **JENNIFER TAYLOR**

1126 And I just wanted to, since that was a question, I just wanted to bring those up.

1127

1128 **MAYOR GOODMAN**

1129 I appreciate that.

1130

1131 **JENNIFER TAYLOR**

1132 And I think that you can review them and see that there were really only a few actual public
1133 meetings and Mr. Schwartz, I'm sure, told you in his email that at one of the public meetings he
1134 went to, one of the fairs, that he went to, he actually did sign up with Focus Group to receive
1135 notification and updates to the project and had never received any information through, from that
1136 time through Planning Commission on April 26th. Thank you.

1137

1138 **MAYOR GOODMAN**

1139 Okay. Thank you.

1140

1141 **TOM McGOWAN**

1142 Tom McGowan, Las Vegas resident. I respectfully recommend that you do your homework at
1143 home, that you ensure timely and full open public disclosure. And when you get here, do your
1144 job in an efficient and effective manner, in a lot less time, instead of using it as a publicity
1145 forum.

1146

1147 **MAYOR GOODMAN**

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1148 Anybody else have any public input at this point?

1149 **CARLOS POLIAK**

1150 This is not pertaining to the Focus Group. It's a separate issue. Am I allowed to –

1151

1152 **MAYOR GOODMAN**

1153 You have to give us your name.

1154

1155 **CARLOS POLIAK**

1156 – address it?

1157

1158 **MAYOR GOODMAN**

1159 What's your name?

1160

1161 **CARLOS POLIAK**

1162 My name's Poliak. It's a little off of my dramatics but, citizens, Nevadans, Councilmembers,

1163 lend me your ears. Please listen. I have sacrificed a day's pay, a pound of flesh. My name is

1164 Poliak. Acknowledge you have had a very tiring schedule. With all due consideration, I shall be

1165 succinct. The purpose of my attendance is to balance the firing line, to rest the assault of

1166 sleepwalking critics, nitpicking your intent to introduce a revamped noise ordinance more

1167 tailored to the current needs –

1168

1169 **MAYOR GOODMAN**

1170 No – this is not agenda-ed (sic) at this time.

1171

1172 **CARLOS POLIAK**

1173 No.

1174

1175 **MAYOR GOODMAN**

1176 You'll have to have a seat.

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1177 **CARLOS POLIAK**

1178 Oh, it's not the agenda at this time.

1179

1180 **MAYOR GOODMAN**

1181 No.

1182

1183 **CARLOS POLIAK**

1184 I thought it was a new introduction of an agenda.

1185

1186 **MAYOR GOODMAN**

1187 No. You'll have to have a seat. Yeah, you'll be able to speak at public comment or at the end.

1188

1189 **CARLOS POLIAK**

1190 Okay. I wasn't aware of that. I hope I haven't distracted you or –

1191

1192 **MAYOR GOODMAN**

1193 No, not at all.

1194

1195 **CARLOS POLIAK**

1196 – embarrassed you.

1197

1198 **MAYOR GOODMAN**

1199 Not at all.

1200

1201 **CARLOS POLIAK**

1202 Okay.

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1203 **MAYOR GOODMAN**

1204 All right. Anybody else like to be heard? And that's on this issue, of course. All right. Seeing
1205 none, we'll close the public hearing then. Mr. Lewis.

1206

1207 **JIM LEWIS**

1208 Thank you, Mr. Mayor. Charlie Kajkowski, the Public Works Director's indicated that he would
1209 like to take a few minutes of your time to explain the Master Plan Amendment process and what
1210 it is we usually do here in the City with regard to Master Plan Amendments. I think it might be
1211 helpful, in light of some things that you've heard, with regard to what the process is here, with
1212 regard to the street and highway network we have in the City of Las Vegas. So I would just ask
1213 that you take two minutes –

1214

1215 **MAYOR GOODMAN**

1216 All right.

1217

1218 **JIM LEWIS**

1219 – for Mr. Kajkowski.

1220

1221 **MAYOR GOODMAN**

1222 Mr. Kajkowski.

1223

1224 **CHARLIE KAJKOWSKI**

1225 Well, not so much about the process but only to point out that on the Master Plan of Streets and
1226 Highways, we have many, many roads being proposed. It takes time to do – these projects. The
1227 current beltway, the 215, which is being built along the south, west and the north of the City was
1228 something that was studied early 90s. It – it's a difficult thing to put lines on a drawing and we
1229 want to be transparent and – show that to the public. And – then some of the downside is – that
1230 it does impact properties to the extent such as you heard some of the people speak today.

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1231 On the other hand, if we draw lines on a map in a – enclosed room, we’re – not being opened
1232 about it. We have, we’re doing the right thing, in my opinion, planning – out these future
1233 alignments, the east beltway, I mean, the beltway as we have today is missing the east beltway
1234 because it’s all built up. Had – this kind of activity been – worked on 10, 15, 20 years ago, we
1235 would have had a full beltway. It’s fortunate that we did start this early in the – open, getting
1236 public comment. Much of the comments you have received today on this proposed alignment,
1237 we have had on the previous alignment. We’ve had projects in the City, such as the Eldo, El
1238 Durango Curve which didn’t follow typical landlines and it went through people’s backyards and
1239 –

1240

1241 **MAYOR GOODMAN**

1242 (Inaudible).

1243

1244 **CHARLIE KAJKOWSKI**

1245 – it – creates hardships, indeed. And we – try to mitigate those, but you – can’t do projects like
1246 this without having some hiccups at, or hardships on people. And – we, through the public
1247 process, we hope to get comments, pick the right alternative, or recommend the right alternative
1248 to – the Council and then move forward at some later date. 2020 is not an unreal date. It just
1249 takes time to do an environmental documents, solidify the concepts and to get into right-of-way
1250 acquisition. Thank you.

1251

1252 **MAYOR GOODMAN**

1253 Thank you.

1254

1255 **JIM LEWIS**

1256 Mr. Mayor, Council, it appears there’s no one else here so I’m just gonna have to – speak, so I’m
1257 gonna have to go ahead and move forward. We’ve heard from Mr. Moran, Mr. Silver, Mr.
1258 Stoddard, Mr. Groesbeck, Ms. Taylor and a number of other people today, regarding this issue. I
1259 wanna go back to the two things Mr. Count, Mr. Mayor, that you’d like to speak about. The first

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1260 is, is this taking? It, bottom line, if you approve this Master Plan Amendment, does this affect
1261 the taking under the laws of the United States Constitution or otherwise? There's a real simple
1262 answer to this one. It's no. There's two reasons the answer is no. Number one, the case law
1263 that Mr. Silver was referring to, this is case law that stretches from – East to West Coast. It is a
1264 standard that Master Plan Amendments by municipalities do not, are not a taking. They are not a
1265 taking. As – you might know, Mayor, with every law there are a few exceptions. In my
1266 experience as a land use lawyer, I will tell you that those exceptions are few and far between.
1267 This case, your Attorney's Office is telling you that we believe this would be like any of the
1268 other general cases. This Master Plan Amendment would not be considered a taking by the
1269 general rule of law. It has been established –

1270

1271 **MAYOR GOODMAN**

1272 So is – the bottom line what you're telling us, that there is not an eminent domain issue, that
1273 there is no issue that we even consider private to private.

1274

1275 **JIM LEWIS**

1276 That's my second point, sir. Yes, the first point is the law says that Master Plan Amendments by
1277 municipalities are not a taking. Number two is this here, this transaction that would be before
1278 you today, the accompanying items, there, this – item nor the accompanying items authorize
1279 your staff to go out and take Mr. Silver's client's property, Mr. Moran's private property, Mr.
1280 Stoddard's client's private property, take it and then give it to another private property owner for
1281 a private use. We heard about the Kelo decision today. That's a United States Supreme Court
1282 decision that was widely discussed in the last, in 2006 as a danger for the common man. A
1283 danger, be careful of – governmental action. In that case, what you had is a redevelopment effort
1284 where a redevelopment agency acquired somebody's prop, a private person's property, and then
1285 gave it to another private property owner for private use. This is a Master Plan Amendment. All
1286 this is, is saying, you know what, this City believes it is best that the, let's just call it the northern
1287 alternative, is the best route for this future beltway. And we wanna let people know that that's
1288 the case, that from, if you were to approve this, if, from now on this is where we believe the

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1289 roadway should go, not this way. It's nothing more than that. This is a Master Plan
1290 Amendment. The – law says not a taking. And I wanna be short and sweet, to the point.
1291 I'll answer any questions you have but we've got one other issue, if I may. And that is Mr.
1292 Moran, Mr. Silver, others talk about, well, what about this seventy acres, what about this eighty-
1293 four acres, what about this benefit that is being bestowed upon a private party. Well, you know
1294 what, that, that's a policy discussion to have because the legal discussion is pretty easy. Since
1295 you're not authorizing the City to go take from one private party and give to another, you don't
1296 have a taking, because the law says Master Plan Amendments are not, do not constitute a taking.
1297 The law is clear.

1298 Now the question for this Board is do the – policy, are the policy benefits equivalent, but, and, so
1299 what I might ask, if you'd like to hear more about – some of the policy benefits that – the City is
1300 going to be entitled to, you've heard from our Public Works Department about why they believe
1301 the northern alternative is the correct route. Our Planning folks, Mr. Tom Perrigo can come up
1302 here and talk to you about some of the planning advantages to the residents of the City and the
1303 City Council. And even the developer himself might be able to come up and talk to you about
1304 what it needs to expend, what money it paid, and why that eighty-four acres is not truly a benefit.
1305 So, hopefully, I wasn't too unclear and I'd like to take any questions if you have any.

1306

1307 **MAYOR GOODMAN**

1308 All right. Councilman Brown.

1309

1310 **COUNCILMAN BROWN**

1311 Thank you. Mr. Lewis, if you can, separate from who owns what –

1312

1313 **JIM LEWIS**

1314 Yes, Sir.

1315

1316 **COUNCILMAN BROWN**

1317 If we are going to, especially for highway –

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1318 **JIM LEWIS**

1319 Yes.

1320

1321 **COUNCILMAN BROWN**

1322 – condemn private property for that highway –

1323

1324 **JIM LEWIS**

1325 Yes.

1326

1327 **COUNCILMAN BROWN**

1328 – how is that property appraised?

1329

1330 **JIM LEWIS**

1331 The – property is gonna be appraised at the fair market value of the property. So, for example,
1332 let's say someday we actually have a project for the northern beltway. We go through and we
1333 design it. At some point, we're gonna go into the acquisition phase. Today, for the record, I'm
1334 not saying that this action allows acquisition. I'm saying someday we might get into an
1335 acquisition phase. The day we go into acquisition, if we do, we're gonna sit down with these
1336 folks where we have to acquire the property, the green properties on this map. And we're gonna
1337 have arm-length negotiations with these folks. We may or may not come to a deal. If we don't
1338 come to a deal during our acquisition phase, if we get there, at that point, we will most likely use
1339 what municipalities and governmental agencies use the eminent domain power for, acquisition of
1340 land for roadways. And that's what we would be doing down the road.

1341

1342 **COUNCILMAN BROWN**

1343 Let's use a hypothetical. And – Mr. Kajkowski, if you could maybe shed some light on the
1344 Durango S-curve, that, very appropriate. But I forget which gentleman spoke at – one point he
1345 was thinking about selling his land, tripling his value, and that was ten years ago, whatever. If
1346 he sells it today, it, I guess the question is it – it's not gonna hurt the value because there's a

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1347 potential City roadway. It's gonna be based on whatever day he chooses to sell, the fair market
1348 value. It could triple from today. In ten years, it could stay the same, depending on what the
1349 market does. But –

1350

1351 **CHARLIE KAJKOWSKI**

1352 We –

1353

1354 **COUNCILMAN BROWN**

1355 – how do we determine that value?

1356

1357 **CHARLIE KAJKOWOSKI**

1358 We, what comes to mind here recently is the right-of-way acquisition for Discovery, where we
1359 were dealing with the property owners on the corner of Discovery and Martin Luther King, the
1360 one, the Cox building and the Walker building. And those properties that – street was never
1361 there. In a way, it kinda mimics this. It was never there. And then we – decided that as a City,
1362 would be good for access into the railroad property and enhance that – ability to get in and out.
1363 So we had a Master Plan Amendment, we put that road on the Master Plan and then we had
1364 project funds and started developing that project. We started negotiations. First, we contact, we
1365 – did appraisals. We contact the property owner and then offered them a sum of money for their
1366 right-of-way, identifying how much the impacts that it would – have on their property. The
1367 appraisal was based upon the – fair market value for that property as determined by an
1368 independent appraiser. Those parties in turn, I think it was the – owners of the Cox building that
1369 subsequently had their own appraisal. And as – it turns out, I believe that one is in court for a
1370 final determination of what the payment will be.

1371

1372 **MAYOR GOODMAN**

1373 You know, I – if I may, I'm a little, I'm more than a little, I'm concerned about the appraisal.
1374 The gentleman who did say that he could have sold it fifteen years ago, when he was talking
1375 about his piece of property fifteen years ago, there was no northern beltway proposed and his

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1376 property had an inherent value based on the fact that the only beltway was gonna be the southern
1377 one. Now, when we start hypothesizing that this is going to potentially be a northern beltway
1378 project and the southern beltway will be omitted, two things happen as far as I can see. One, the
1379 folks along the northern beltway their property is substantially diminished and the folks who
1380 have the land where the southern beltway goes, their property is substantially increased.

1381

1382 **JIM LEWIS**

1383 Mr. Mayor, may I respond to that.

1384

1385 **MAYOR GOODMAN**

1386 Sure.

1387

1388 **JIM LEWIS**

1389 The – answer is not necessarily.

1390

1391 **MAYOR GOODMAN**

1392 Okay.

1393

1394 **JIM LEWIS**

1395 The fact – of the matter is when we, when I talked about the arm's length negotiations, when –
1396 Charlie talked about getting an appraisal, what we do is we go out, I didn't want to get into the
1397 details of this but – I will. What happens is we go get the appraisal. The appraisal is based upon
1398 the highest and best use of the property.

1399

1400 **MAYOR GOODMAN**

1401 At what time?

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1402 **JIM LEWIS**

1403 At – the time that – we’re gonna go and acquire the property, but we’re not, and Charlie, you’re
1404 gonna have to jump in here if I screw this up. But I, the highest and best use is not necessarily
1405 determined on the fact that this is going, this is on the Master Plan of Streets and Highways.
1406 What they will say is we came in, and this – tangentially answers the question for somebody out
1407 in the audience, but, and I think it was Mr. Stoddard, but we came in with an application for land
1408 use entitlement. We – applied. We got our comments back. And we were either approved or
1409 not for whatever development we wanted to put down there. They are going to argue, they’re
1410 gonna argue that the property is worth that, the highest and best use, commercial, residential,
1411 otherwise. Is it – possible that the City may say, you know what, we don’t believe it’s worth that
1412 much, but that’s – how we start our negotiations. The – two sides will – come to a figure. We’re
1413 – gonna have appraisals. They might get their own. We’re gonna sit down with the appraisals.
1414 We’re gonna come, we’re gonna make a deal or we’re not. And then we’re gonna go and we’re
1415 gonna, if it gets to it, a court’s gonna decide what the fair market value –

1416

1417 **MAYOR GOODMAN**

1418 How –

1419

1420 **JIM LEWIS**

1421 – of a piece of property is.

1422

1423 **MAYOR GOODMAN**

1424 How about the issue as far as the southern beltway not being there and – the increase of the value
1425 of that property? Is that a windfall?

1426

1427 **JIM LEWIS**

1428 Is the, is this a windfall to Focus Property Group?

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1429 **MAYOR GOODMAN**

1430 Right.

1431

1432 **JIM LEWIS**

1433 The answer is – no for – a few reasons. We believe it's no. The City believes it's no and we're
1434 gonna – talk about this. You heard from Public Works at – a minimum, we're talking about a
1435 hundred and twenty nine million dollar savings to the taxpayer if we choose the northern
1436 beltwell (sic) alternative. Number two, the Planning Department can talk to you about many of
1437 the things that the City is receiving in return from the prop, Focus Property Group in our later
1438 item, the development agreement, because of the change to the alignment. There is a fire, we, I
1439 can get into some of it now, but there are fire sprinklers that wouldn't have otherwise been there.
1440 It's the first time we've ever had that in the – City of Las Vegas, sixteen thousand units
1441 sprinkled. We've got forty acres more of parks and open space than we would have otherwise
1442 had on a typical application. And one of the most important aspects of this is in 2004, this Board
1443 through resolution said, we want a new kind of community. We want a community that's walk-
1444 able, sustainable. We want – people to get outside and – go places. We don't want them to rely
1445 upon their cars. I will tell you that the planners and I should probably let Tom talk about this
1446 because I'm not a planner by any stretch, but with this alt –, with this southern alignment, we
1447 can't really get you there as easily. It doesn't become as walk-able. So those are some of the
1448 benefits that – we get.

1449 Lastly, you can call the developer forward. The developer can explain to you that it has to, if the
1450 northern beltway happens, it's gonna have to purchase, using its own money, fifty-six acres of
1451 land up here in the northern beltway and give those to the City, free and clear. That's it.
1452 They're going to have to do other, their, they've got other costs associated with that transfer.
1453 But you know what, I'm probably not the guy that should be speaking for the developer. If
1454 you'd like to hear from the – developer, I'd ask you –

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1455 **COUNCILMAN REESE**

1456 Let me –

1457

1458 **JIM LEWIS**

1459 – to have him come forward.

1460

1461 **MAYOR GOODMAN**

1462 All right.

1463

1464 **COUNCILMAN REESE**

1465 Let me talk to you first, though.

1466

1467 **JIM LEWIS**

1468 Yes, Sir.

1469

1470 **COUNCILMAN REESE**

1471 I'm kinda like the Mayor. I'm – a little bit confused myself.

1472

1473 **JIM LEWIS**

1474 Yes, Sir.

1475

1476 **COUNCILMAN REESE**

1477 I find, I've been sitting here trying to rationalize. Okay. My house backs up to Mojave. For

1478 some reason, there's proposed expansion of Mojave. They're gonna use the west side.

1479

1480 **JIM LEWIS**

1481 Okay.

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1482 **COUNCILMAN REESE**

1483 Okay. I need to get, we – may not do that for ten years, though.

1484

1485 **JIM LEWIS**

1486 Okay.

1487

1488 **COUNCILMAN REESE**

1489 So all it is, is in the planning stages.

1490

1491 **JIM LEWIS**

1492 Yes.

1493

1494 **COUNCILMAN REESE**

1495 Okay. I get transferred out of town so I gotta sell my house. I have to disclose, now my house is
1496 appraised at a hundred thousand dollars.

1497

1498 **JIM LEWIS**

1499 Okay.

1500

1501 **COUNCILMAN REESE**

1502 So I have to disclose the fact that there may be an expansion and you may lose this house or part
1503 of this backyard in seven or eight years, ten years or whatever. So here you're gonna say, well,
1504 I'm gonna give you twenty thousand. I gotta leave town so my property is diminished. And so,
1505 all of a sudden, they decide, well, it's cheaper to buy the houses on the east side to expand. So
1506 now I can go back and sell my house for a hundred and fifty thousand. Does that make sense?

1507

1508 **MAYOR GOODMAN**

1509 Yeah.

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1510 **JIM LEWIS**

1511 Well, I and, Councilman, I – understand your point. So do others, it seems. What we’re talking
1512 about here, let, I kinda wanna bring this back and hopefully I’m answering your question by
1513 bringing it back to what it is we’re here on, which is this Master Plan of Streets and Highways
1514 Amendment. Which one is more appropriate? Which one saves the taxpayers more money?
1515 Which one has the Public Works Department gone out, done an independent study, the – and so
1516 the decision with regard to the policy question as to whether this is a windfall or not rests upon
1517 that. And the – quick answer, Councilman Reese, or Mayor Pro Tem Reese, to your question, I
1518 suppose is if – your realtor disclosed a Master Plan, well, your realtor – would disclose a Master
1519 Plan Amendment, a Master Plan of Streets and Highways line that affects your property. That
1520 not only would affect your property but every property up and down your street, whatever that
1521 street may be, let’s call it Mojave on the west side.

1522

1523 **COUNCILMAN REESE**

1524 Wait –

1525

1526 **JIM LEWIS**

1527 And so –

1528

1529 **COUNCILMAN REESE**

1530 But – wait. (inaudible) I’ve have to move.

1531

1532 **JIM LEWIS**

1533 Right.

1534

1535 **COUNCILMAN REESE**

1536 And those people, they’re gonna sit there over ten years. They’re gonna sit there for the next ten
1537 years. So when we have to come in and buy it and they’re gonna get the appraised value, but I
1538 gotta leave.

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1539 **JIM LEWIS**

1540 You are, well, when the appraisers are done, when the appraisals will be done, it'll be done on –
1541 all the –

1542

1543 **COUNCILMAN REESE**

1544 No –

1545

1546 **JIM LEWIS**

1547 – the properties around you.

1548

1549 **COUNCILMAN REESE**

1550 No – what I'm saying is, I own this house. I gotta leave a year from now.

1551

1552 **JIM LEWIS**

1553 Right.

1554

1555 **COUNCILMAN REESE**

1556 So I put it up – for sale, but I gotta disclose the fact that there may be an encroachment coming
1557 in and taking my, taking some of my property.

1558

1559 **JIM LEWIS**

1560 Okay.

1561

1562 **COUNCILMAN REESE**

1563 So they're gonna say, well, it's – not gonna be worth anything so, we'll, so the other people that,
1564 my neighbors, they stay there, for the ten years, they're gonna receive the full benefit. My –
1565 property was – no road going through there. They haven't – increased the – size of the road yet,
1566 but I've still lost the value of my house because I had to move. I had a – depressed sale or
1567 whatever you wanna call it.

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1568 **JIM LEWIS**

1569 Okay. Understand your point.

1570

1571 **MAYOR GOODMAN**

1572 All right. Mr. Fiorentino, I think it's your turn. Tell me why this isn't a sweetheart deal for your
1573 client.

1574

1575 **MARK FIORENTINO**

1576 Good afternoon, Your Honor, Councilmen, members. You're sure you don't wanna make it
1577 Perrigo's turn? I'm just, I'm sorry. I'm Mark Fiorentino. I represent the master developer of
1578 the Kyle Canyon project. First, just to get the facts clear, that is not the equivalent of saying the
1579 Focus Property Group. The master developer of the Kyle Canyon project is a consortium of the
1580 Focus Property Group and eight preeminent homebuilders in the City, all names that you would
1581 recognize. I have been listening and I have made some notes. And I think I can, we need to
1582 make this simpler, I – think.

1583

1584 **MAYOR GOODMAN**

1585 I think so too.

1586

1587 **MARK FIORENTINO**

1588 There is no question that the issues that have been raised by the people who spoke and by the
1589 questions that you've asked, Mayor Pro Tem, and Councilman Brown has asked and the Mayor
1590 has asked, are absolutely legitimate questions and issues. When does a taking become a taking?
1591 And how much money are you gonna pay me if, in fact, it's become a taking. 'Kay. But they
1592 are irrelevant to the decision that is before you today because as Councilman Brown points that
1593 out, you have exactly those same issues no matter which alignment you adopt. Either alignment,
1594 you have, it affects private property owners. The people who are under the current alignment
1595 have the same concerns or they should have the concerns. Have you today taken my property
1596 and how much should you pay me. All legitimate issues that have to be worked out but

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1597 irrelevant to the question of which alignment is the best alignment under the public interest.

1598 ‘Kay.

1599

1600 **COUNCILMAN WOLFSON**

1601 May I interrupt here one second?

1602

1603 **MAYOR GOODMAN**

1604 Yes.

1605

1606 **COUNCILMAN WOLFSON**

1607 One point.

1608

1609 **MAYOR GOODMAN**

1610 Councilman Wolfson.

1611

1612 **COUNCILMAN WOLFSON**

1613 I understand what you’re saying except for one thing. When you talk about which alignment,

1614 that implies that a choice hasn’t already been made. A choice has already been made. The

1615 southern alignment is on the books. The question is whether to change it to the northern

1616 alignment. So when – you say which alignment to go with, that almost presupposes that a choice

1617 hasn’t been made, but a choice has been made. The question is do we choose the alternative.

1618 And a lot of the people, and I’m not saying where I’m going with this, but the people that are

1619 coming in here complaining are complaining because they relied on the southern alignment for

1620 years and years and years and now this northern alignment is being presented to them. So it’s

1621 not like nothing’s been chosen up ‘til date, there has been a choice. It’s the southern alignment

1622 unless we change it to the northern alignment or am I missing something?

1623

1624 **MAYOR GOODMAN**

1625 No, you’re, that’s right.

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1626 **MARK FIORENTINO**

1627 Mayor, Councilman, that is only partially true. Okay.

1628

1629 **COUNCILMAN BROWN**

1630 Mr. Fiorentino –

1631

1632 **MARK FIORENTINO**

1633 First of all –

1634

1635 **COUNCILMAN BROWN**

1636 Excuse me.

1637

1638 **MARK FIORENTINO**

1639 I'm sorry.

1640

1641 **COUNCILMAN BROWN**

1642 Could I follow up to that because maybe in answering, you could help me out too. Let's suppose

1643 that there was no private property up here. It was all BLM and the southern alignment was there.

1644 The City comes in and evaluates the northern alignment. We wouldn't be having this discussion.

1645 It would be a hundred and twenty six million dollar savings to the taxpayer. We introduce the

1646 fact that there is private property ownership, that starts creating this value or impact on – those

1647 private property owners.

1648

1649 **MARK FIORENTINO**

1650 That's correct. You're –

1651

1652 **COUNCILMAN BROWN**

1653 Without the private property, it, it's a no-brainer. We're gonna save taxpayers a hundred and

1654 twenty six million and more.

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1655 **MARK FIORENTINO**

1656 That's right.

1657

1658 **COUNCILMAN BROWN**

1659 So –

1660

1661 **MARK FIORENTINO**

1662 And in both alignments you have private property owners who are gonna be impacted. But what
1663 you said, I think, is only partially true and let me explain what I mean by. First, both alignments
1664 exist on your Master Plan today. This is, you did that by action almost a year ago, to add the
1665 second alignment as a study alternative. Okay. And the first alignment has not been on your
1666 Master Plan for years and years and years. The staff can correct me if I'm wrong. It's been on
1667 the Master Plan for about two years. 'Kay. It's relatively new as well. Of that two years, plus
1668 or minus, it might be slightly longer, almost a year of that, you've had both alignments on the
1669 Master Plan.

1670 The decision before you today is actually a pretty simple one. There's two, I suggest to you
1671 there are two questions you need to ask yourself today. The first is do you need an outer beltway
1672 at all? Do you need a regional roadway? As Councilman Brown points out, that's a
1673 fundamental question. The answer to that should be yes. You have four or five years' worth of
1674 studying going into whether a roadway, regardless of where you put it, is required. You have
1675 spent a lot of taxpayer dollars already doing traffic analysis, and impact studies, and charettes
1676 and public hearings. And they all lead to the conclusion that you need a regional roadway.
1677 'Kay. So we shouldn't debate over that. Both alignments, either one, require roughly the same
1678 acquisition of private land.

1679 The second question you have before you today, so which alignment best serves the public
1680 interest. The public interest, forget about Kyle Canyon's interests, forget about Mr. Moran's
1681 client's interests for a second and everybody else who spoke. Forget, frankly, about the other
1682 people here, what their interest, what is best served in the public interest? Which alignment is
1683 best? Clearly we will submit to you and your staff already concluded that there is some public

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1684 benefit through the development of the Kyle Canyon Master Plan. You get more efficiency.
1685 You get better roadway networks. You get preservation of arroyos. You get a better overall
1686 community design. But again, I submit to you, you don't have to fall into that debate that,
1687 because it's, you don't even have to get that far. The study that you commissioned tells you that
1688 the northern alignment is safer and it's a hundred and twenty six million dollars cheaper to the
1689 taxpayers. That's why, if you're gonna move the alignment, you should move it, regardless of
1690 what – tangential benefits you get and you get substantial benefits from the development of the
1691 Kyle plan.

1692 Now, on this whole financial windfall to the developers of Kyle Canyon, we gotta get some
1693 things straight here. First of all, there's no question that when you erase the yellow on our plan
1694 and you replace it with purple on our plan, we get more acres. 'Kay. I don't wanna debate over
1695 whether its eighty acres or seventy acres 'cause I and I'm gonna submit to you that's almost
1696 irrelevant. We get acreage back. Okay. It, getting that back, again, creates a better overall
1697 Master Plan so we get benefit from a better overall Master Plan. But to anyone to suggest that
1698 this alignment or – moving it to another alignment is being done for the financial benefit of the –
1699 Kyle people, that's just utterly silly, utter silliness. And let me explain to you why.

1700 First of all, of the eighty acres, only a portion of that developable. It's not like we can put
1701 buildings on it. This exhibit probably shows it the best. A good portion of that yellow you're
1702 giving back is still utilized by right-of-way for the inter, the Kyle Canyon Interchange, for parks,
1703 that's what this green is, for parks and arroyo preservation. So we don't get eighty acres back.

1704 But let's just assume for a second that we did. And let's assume for a second that Mr.
1705 Kajkowski's number is right. It's worth half a million dollars an acre. So we get roughly a
1706 forty-million dollar benefit. Right. But we paid nearly eighty million dollars before you even
1707 get to our development agreement for the right to get that forty-million dollar benefit. We had to
1708 go out and acquire all of this land in here at our cost and we almost have two years' worth of
1709 interest carry on the project to make it work. So if that is a sweetheart deal for Focus, don't
1710 bring me anymore sweetheart deals where I gotta spend eighty million to get arguably forty
1711 million dollars in benefit back.

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1712 The other thing that everybody needs to understand is those criteria that we tried, it was, it's just
1713 patently false for Mr. Silver to suggest to you that all this happened in a vacuum and all of the
1714 work that – your staff has put in over this, happened in a vacuum with no discussion of the outer
1715 beltway. That isn't true. We, you all, the City Council, adopted a resolution about what you
1716 wanted to see happen on the Kyle plan long before my client owned it. We weren't even in the
1717 picture. You established certain criteria. We said from day one some of those criteria conflict
1718 with this alignment. You're gonna, you, City are gonna have to choose which – you want us to
1719 do because you can't do them all.

1720 That eighty acres that we get back, right, one more final point on a financial windfall is
1721 remember, it is subject to the obligations of our development agreement. Okay. So that eighty
1722 acres, when we develop it, it has to contribute to parks, fire stations, sprinkling, Metro
1723 substations and everything else. The land that we had to buy and give you didn't have those
1724 same obligations and they are substantial. Substantial. I wanna give you an example. Focus
1725 Property Group is developing Mountains Edge in Clark County, the – master-planned
1726 community Mountains Edge. Everybody, you have seen the obnoxious commercials about it. It
1727 is one of the most successful, fastest selling communities in the United States. Not in Las Vegas,
1728 in the United States. It is not being developed with the concepts embodied in the resolution that
1729 you adopted before we bought the land. It doesn't have the energy efficiency. It doesn't have
1730 the walk-ability (sic). It costs us three times per acre to develop a project like this than it does
1731 Mountains Edge. It is utter silliness to suggest we get a huge financial windfall from helping the
1732 City move to an alignment that is better overall for everybody in – the City, in the taxpayers, the
1733 people you represent.

1734 Now, I don't know if that answers your question, but unless you have further questions, that's
1735 really all I have to say on it.

1736

1737 **MAYOR GOODMAN**

1738 Well, it – helps, it helps me understand the issue. I – think you – framed it in a way that more
1739 meaningful; however, when the property was bought by the BLM, by the purchasers, be it Focus

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1740 or this conglomerate, the property was paid, you paid substantially less than you would have had
1741 the southern beltway not been there. Correct?

1742

1743 **MARK FIORENTINO**

1744 Can I, no. Can I address that?

1745

1746 **MAYOR GOODMAN**

1747 Please.

1748

1749 **MARK FIORENTINO**

1750 ‘Cause that is also absolutely inaccurate.

1751

1752 **MAYOR GOODMAN**

1753 Okay.

1754

1755 **MARK FIORENTINO**

1756 There was an appraisal done on this land, again, obviously before we owned it and before the
1757 auction. The, there was a public bidding process. It was very active and very competitive.
1758 Ultimately Focus and its partners won. They won at a price, something like three hundred
1759 million dollars above what the land was appraised for. ‘Kay. So we paid way above and
1760 beyond. Now there’s no question the appraisal took into account that this property would be
1761 burdened in some way by a roadway improvements, but it also took into a number of other
1762 assumptions that also turned out not to be true. For example, it assumed we would have two
1763 hundred more developable acres than we actually have. Why is that the case? Because your
1764 staff did a very good job in negotiating with us and making sure we, they got schools, and parks
1765 and open space. So we have less developable acres than the appraisal presumed and we still paid
1766 three hundred million dollars more than what the appraisal assumed. So we didn’t get any
1767 windfall through the BLM process either.

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1768 **MAYOR GOODMAN**

1769 All right. Well, these are – the issues that we have to determine and I’m – happy, not
1770 withstanding one or two comments that perhaps we’re taking too much time. I’m happy that
1771 we’re going through this process. I think this is a way to vet the issues so that we’re not gonna
1772 have criticism in years to come and when we leave here. But we are trying to make the right
1773 decision as far as this is concerned. I think there are certain givens that the northern beltway
1774 certainly is of economic benefit to our constituents. I think that’s a given. I, I’m concerned still
1775 about the – taking issue, but we have to rely on our City Attorney there. He says it’s not a
1776 taking, certainly at this point in time. And as far as the windfall or the – sweetheart deal, based
1777 on the exchange that the City is getting in return for the developer doing all these things that
1778 we’ve heard about, making it into the kind of sustainable green community that the City
1779 envisions. I even have been told that you’re gonna put in Lied commercial-type, Lied certified
1780 commercial properties, that we’re gonna have at least one Lied-certified public building there
1781 and that, to me, is critical to what this City Council is trying to achieve. So I want you to say
1782 one more time, my attorney, that this is not an issue involving eminent domain.

1783

1784 **JIM LEWIS**

1785 Mr. Mayor.

1786

1787 **MAYOR GOODMAN**

1788 Yeah, I think we, okay. Good. Yesterday during our briefing, Councilman Wolfson asked that
1789 he, we receive in writing our City Attorney’s position on these issues and you do, you have filed
1790 a brief where the first question was does position action to approve the, I’ll exchange the MS, the
1791 MSH for the northern beltway effect a taking of property by the City of Las Vegas and your
1792 answer to that is no.

1793 The second question was does positive action to approve the taking, approve that northern
1794 beltway effect a – taking of the property by the City and your answer is no. So you stand by
1795 that?

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1796 **JIM LEWIS**

1797 Yes, Mayor. I drafted this memo for the seven of you because I knew that that question would
1798 becoming to you. And I would be getting that question today before you. I think that it would
1799 be best if you placed that into the record –

1800

1801 **MAYOR GOODMAN**

1802 I'm going to.

1803

1804 **JIM LEWIS**

1805 And if anybody has questions in the future, you – can rest assured the City Attorney's Office has
1806 given you – advice that this is not the City, if you took positive action on this MSH, you would
1807 not be authorizing the City to take private property from one individual and give it to another
1808 private individual for private use.

1809

1810 **MAYOR GOODMAN**

1811 Ms. Bridges, could you file this, please. All right.

1812

1813 **MARK FIORENTINO**

1814 Your Honor, are you done with me? May I sit down?

1815

1816 **MAYOR GOODMAN**

1817 I don't know whether I'm done with you. Let me see. I'm done with you.

1818

1819 **MARK FIORENTINO**

1820 Thank you.

1821

1822 **MAYOR GOODMAN**

1823 Yes.

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1824 **COUNCILMAN WOLFSON**

1825 Thank you, Mayor Goodman. I – just wanna make sure I understand something and I think you
1826 hit on it, Mr. Fiorentino. Whether it's the northern or southern beltway, as we're calling it, these
1827 are extensions to our current beltway. It's an additional arm, if you will, to help the traffic flow
1828 in this area of our Valley.

1829

1830 **MARK FIORENTINO**

1831 Yes.

1832

1833 **COUNCILMAN WOLFSON**

1834 And that neither of these, well certainly not the northern, but the southern one, the one's that in
1835 yellow on our screen right now, wasn't even presented for consideration until just a short few
1836 years ago. Is that right?

1837

1838 **MARK FIORENTINO**

1839 Yeah. It, my estimation is about two years ago, but problem – Public Works will probably come
1840 up and say so. Approximately three years ago.

1841

1842 **COUNCILMAN WOLFSON**

1843 Three years ago. So I guess my point is and – I mean this with the utmost respect to the property
1844 owners in this general area, people that bought the property in the seventies and eighties and
1845 even in the nineties can't say that they had a reasonable expectation about anything involving
1846 this extension to the beltway because this extension to the beltway wasn't even proposed until
1847 about three years ago.

1848

1849 **CHARLIE KAJKOWSKI**

1850 It was February 2004 –

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1851 **COUNCILMAN WOLFSON**

1852 Well, that's three years ago, Charlie. Right?

1853

1854 **CHARLIE KAJKOWSKI**

1855 Yes.

1856

1857 **COUNCILMAN WOLFSON**

1858 Okay. So if somebody purchased property in O-5, thinking that, well, this southern extension
1859 was gonna go into effect and now we're talking about a northern extension, it would be easier to
1860 understand their beef because, hey, this southern extension is going in but I'm up north, I'm not
1861 gonna be affected. Wait a minute, now we're talking about the northern, I can understand their
1862 displeasure. But persons that bought property many years before didn't have the same
1863 expectation because this so-called southern extension wasn't even presented until three years
1864 ago. Is that an accurate characterization of where we're at?

1865

1866 **MARK FIORENTINO**

1867 He said yes and I agree.

1868

1869 **COUNCILMAN WOLFSON**

1870 Okay. Thank you.

1871

1872 **MAYOR GOODMAN**

1873 All right. Now, one last question on my part. Ms. Fretwell who has been, I'm, and I'm not
1874 putting you on the seat, I'm – I just have to get the answer from you because you've been an
1875 integral member of the negotiating team which has worked out negotiations concerning what the
1876 City is going to receive and what the taxpayers are going to receive as a result of this. I, I'm just
1877 gonna ask you a bottom line question. In your opinion, and you've been through a lot of these as
1878 far as real property development's concerned, have you not?

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1879 **ELIZABETH FRETWELL**

1880 Yes, Sir.

1881

1882 **MAYOR GOODMAN**

1883 Is – this a sweetheart deal for – the developer?

1884

1885 **ELIZABETH FRETWELL**

1886 I think we've negotiated a very fair deal that will benefit all the residents of the City of Las
1887 Vegas. I don't think you can construe it as sweetheart.

1888

1889 **MAYOR GOODMAN**

1890 Fair enough. Okay. Thank you. Now, Councilman Ross, you've been sitting there quietly when
1891 this is your baby, so I'd love to hear from you.

1892

1893 **COUNCILMAN ROSS**

1894 I've been sitting here quietly all day, Your Honor.

1895

1896 **MAYOR GOODMAN**

1897 That's all right.

1898

1899 **COUNCILMAN ROSS**

1900 First of all, let me express my appreciation to the folks who came down today to – let us know
1901 how – you feel about this as we move on to the next items, I expect to hear from you again. I
1902 wanna express my sincere appreciation to our Public Works Director and City Engineer. When I
1903 had realized and Jorge Cervantes brought this to my attention, the significant impact in regards
1904 to taxpayer savings for realigning this. It – became something of – importance to me in regards
1905 to this taxpayer savings. Councilman Brown, is one twenty six, I think, is the dollar amount,
1906 another ten million dollars for – flood control improvements and – everyone knows when a dark

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1907 cloud comes over the northwest, someone's house is gonna get flooded, someone's yard is gonna
1908 get washed away. That's just how it is.

1909 After reviewing this with staff and, again, staff, you've done a fantastic job getting to this point.
1910 I appreciate the comments from – the public. I appreciate the comments from legal counsel,
1911 those – folks impacted by this but these numbers are absolutely moving. It is challenging for us,
1912 Your Honor and – Councilmembers, to make these difficult decisions for a growing city. I think
1913 Mr. Silver hit it on the head when he talked about a blank slate. I mean, that's a canvas waiting
1914 to be painted out there. This Council's vision and prior to – me being in this seat, was to – create
1915 a community that's walk-able (sic), that's sustainable, that people can live, work and play in and
1916 to not get in their cars. And we'll address those issues in the upcoming items, but this is part of
1917 it.

1918 Mr. Kajkowski, our Public Works Director, prior to me coming to this office, had spent a few
1919 minutes with me and – Charlie, I appreciate that, but he showed me this great plan for the
1920 northwest. He showed me the many meetings that they had to – put this all together with many –
1921 of the stakeholders involved. He has a vision. We – we've gone through a couple of – meetings
1922 where we've recognized the City is freeway poor. Anybody been on US 95 or I-15 lately can
1923 probably attest to that. This is a significant – item for the future of this City. Your Honor,
1924 Councilmembers, our vote today and our votes on issues such as this affect years to come and
1925 generations to come. And that's why it's – important to understand how difficult this is. We
1926 certainly don't want to harm anyone economically. We certainly don't want to hurt anybody in
1927 any way, shape or form. When it comes to smart growth and thinking about the future ten,
1928 twenty years from now, and the generations to come, we have to make those decisions today.
1929 It's part of our challenge. It's part of our commitment and part of our calling to sit on this
1930 Council. So I appreciate everybody that's been involved up to this point to get here and
1931 appreciate the – public input.

1932 With that, Your Honor, I – can't express enough appreciation to my colleagues because I've
1933 been quiet because I've gone through this. I've asked the questions. And grateful to the City
1934 Manager's Office for putting this in the briefing so all of you could be involved, so you could

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1935 have an understanding of the progress, so you could have an understanding of the impact on the
1936 citizens of this City and what it means to the – future.

1937 With that, Your Honor, and after receiving all of the – testimony and – details, **I'm going to**
1938 **move to approve Agenda Item 93.**

1939

1940 **MAYOR GOODMAN**

1941 All right. Let's vote, please. Post. (**Motion carried UNANIMOUSLY.**) Motion carries.

1942 **(END OF DISCUSSION)**

1943 /ac;cv/lc;vwd