

CITY COUNCIL MEETING OF

FEBRUARY 21, 2018

VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

1 **ITEM 122 - GPA-72220 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -**
2 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**
3 **General Plan Amendment FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO:**
4 **ML (MEDIUM LOW DENSITY RESIDENTIAL) on 132.92 acres on the east side of**
5 **Hualapai Way, approximately 830 feet north of Charleston Boulevard (APNs 138-31-601-**
6 **008; and 138-31-702-003 and 004), Ward 2 (Seroka) [PRJ-72218]. The Planning**
7 **Commission vote resulted in a tie, which is tantamount to a recommendation of DENIAL.**
8 **Staff recommends APPROVAL.**

9
10 **ITEM 123 - WVR-72004 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**
11 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**
12 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**
13 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED**
14 **WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 71.91**
15 **acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-601-008;**
16 **138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned**
17 **Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka)**
18 **[PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

19
20 **ITEM 124 - SDR-72005 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**
21 **72004 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**
22 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 75-**
23 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 71.91 acres on**
24 **the north side of Verlaine Court, east of Regents Park Road (APNs 138-31-601-008; 138-32-**
25 **202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development -**
26 **7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71990].**
27 **The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

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28 **ITEM 125 - ABEYANCE - TMP-72006 - TENTATIVE MAP RELATED TO WVR-72004**
29 **AND SDR-72005 - PARCEL 2 @ THE 180 - PUBLIC HEARING -**
30 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**
31 **Tentative Map FOR A 75-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on**
32 **22.19 acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-**
33 **601-008), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2**
34 **(Seroka) [PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend**
35 **APPROVAL.**

36

37 **ITEM 126 - WVR-72007 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**
38 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**
39 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**
40 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED on a**
41 **portion of 126.65 acres on the east side of Hualapai Way, approximately 830 feet north of**
42 **Charleston Boulevard (APN 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-**
43 **301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned**
44 **Development) Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote)**
45 **and Staff recommend APPROVAL.**

46

47 **ITEM 127 - SDR-72008 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**
48 **72007 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**
49 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 106-**
50 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 126.65 acres**
51 **on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard**
52 **(APNs 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7**
53 **(Residential Planned Development - 7 Units per Acre) and PD (Planned Development)**
54 **Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote) and Staff**

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55 **recommend APPROVAL.**

56

57 **ITEM 128 - ABEYANCE - TMP-72009 - TENTATIVE MAP RELATED TO WVR-72007**

58 **AND SDR-72008 - PARCEL 3 @ THE 180 - PUBLIC HEARING -**

59 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**

60 **Tentative Map FOR A 106-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on**

61 **76.93 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston**

62 **Boulevard (APN 138-31-702-003), R-PD7 (Residential Planned Development - 7 Units per**

63 **Acre) Zone, Ward 2 (Seroka) [PRJ-71991]. Staff recommends APPROVAL.**

64

65 **ITEM 129 - WVR-72010 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**

66 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**

67 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**

68 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED**

69 **WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 83.52**

70 **acres on the east side of Palace Court, approximately 330 feet north of Charleston**

71 **Boulevard (APN 138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-**

72 **PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development)**

73 **Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff**

74 **recommend APPROVAL.**

75

76 **ITEM 130 - SDR-72011 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**

77 **72010 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**

78 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 53-**

79 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 83.52 acres on**

80 **the east side of Palace Court, approximately 330 feet north of Charleston Boulevard (APNs**

81 **138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential**

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82 **Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2**
83 **(Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff recommend**
84 **APPROVAL.**

85
86 **ITEM 131 - TMP-72012 - TENTATIVE MAP RELATED TO WVR-72010 AND SDR-**
87 **72011 - PARCEL 4 @ THE 180 - PUBLIC HEARING - APPLICANT/OWNER: 180**
88 **LAND CO, LLC - For possible action on a request for a Tentative Map FOR A 53-LOT**
89 **SINGLE FAMILY RESIDENTIAL SUBDIVISION on 33.80 acres on the east side of**
90 **Palace Court, approximately 330 feet north of Charleston Boulevard (APN 138-31-702-**
91 **004), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned**
92 **Development) Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote)**
93 **and Staff recommend APPROVAL.**

94

95 **Appearance List:**

96 CAROLYN G. GOODMAN, Mayor

97 STEVEN G. SEROKA, Councilman

98 BRADFORD JERBIC, City Attorney

99 PETER LOWENSTEIN, Deputy Planning Director

100 LUANN D. HOLMES, City Clerk

101 BOB COFFIN, Councilman (via teleconference)

102 MICHELE FIORE, Councilwoman

103 STAVROS S. ANTHONY, Councilman

104 STEPHANIE ALLEN, Legal Counsel for the Applicant

105 MARK HUTCHISON, Legal Counsel for 180 Land Co, LLC, Seventy Acres LLC and Fore
106 Stars, Ltd.

107 FRANK SCHRECK, Queensridge Resident

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108 **Appearance List (cont'd):**

109 TODD BICE, Legal Counsel for the Queensridge Homeowners

110 LISA MAYO, Concerned Citizen

111

112 (38 minutes, 17 seconds) [02:59:21 - 03:37:38]

113 Typed by: Speechpad.com

114 Proofed by: Debra A. Outland

115

116 **MAYOR GOODMAN**

117 Now, goodness, we are gonna pull forward at your request?

118

119 **COUNCILMAN SEROKA**

120 Yes, Ma'am.

121

122 **MAYOR GOODMAN**

123 Okay. We are pulling forward Agenda Items 122 through 131. And so, shall I start, or shall you
124 start, Mr. Jerbic?

125

126 **CITY ATTORNEY JERBIC**

127 If you could ask the Clerk —

128

129 **MAYOR GOODMAN**

130 Can you turn on your mic? Or it's not hearing you.

131

132 **CITY ATTORNEY JERBIC**

133 I'm sorry. It's on, but it's just away from my mouth.

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134 **MAYOR GOODMAN**

135 Thank you.

136

137 **CITY ATTORNEY JERBIC**

138 It was my understanding that the motion to abey included Items 122 through 131. Is that correct?

139

140 **MAYOR GOODMAN**

141 No.

142

143 **CITY ATTORNEY JERBIC**

144 No. They were on the call-off sheet, but they were not part of your motion.

145

146 **MAYOR GOODMAN**

147 And – Right.

148

149 **CITY ATTORNEY JERBIC**

150 Okay.

151

152 **MAYOR GOODMAN**

153 They were not – I did not speak to those. So, at the request of Councilman Seroka, we've asked
154 to pull those forward. And so I – think before I even begin to discuss those, you on legal have
155 some issues to address before I even speak.

156

157 **CITY ATTORNEY JERBIC**

158 Just very quickly, Your Honor. Prior to today's hearing, there have been two letters sent to
159 Councilman Coffin and to Councilman Seroka by the law firm of Hutchison & Steffen. Both

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160 letters claim, for different reasons, that they each have conflicts that should prevent them from
161 voting.

162

163 With respect to Councilman Coffin, who is on the line, this is the same argument that, to my
164 knowledge, was made earlier when Coffin, Councilman Coffin voted on similar items in the past,
165 and we advised that he did not have a conflict of interest. There's an objective and a subjective
166 portion to the test. One is, is he objectively disqualified under Nevada law? We don't believe so.
167 Of course, if somebody has a feeling of prejudice that would cause them to feel that they couldn't
168 make an impartial judgment, they should always abstain. Councilman Coffin made a record
169 before that he does not feel that he is prejudiced by anything that would cause him to not be
170 objective, and so he was advised that he could vote then. And I'm giving that same advice today.

171

172 With respect to Councilman Seroka, it has been argued that, during the campaign, he made
173 comments and at other meetings he made comments regarding an application, which is not
174 before this body today, a development agreement, that have indicated some mindset that causes
175 him to not be impartial today and therefore denies the Applicant due process of law as he sits in a
176 quasi-judicial capacity.

177

178 Before I begin, I had asked Mr. Lowenstein, prior to today's meeting, Items 121 [sic] through
179 131 involve applications for three separate projects, but they are in 10 items on today's agenda.
180 Can you tell me, Mr. Lowenstein, when those items first came to the City's attention? Not the
181 City Council's attention, but the City of Las Vegas, when those applications were submitted for
182 processing?

183

184 **PETER LOWENSTEIN**

185 Through you, Madame Mayor, the first time the projects were created in our database system
186 was October 26th and then the subsequent child applications later that month, on October 30th.

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187 **CITY ATTORNEY JERBIC**

188 That was October 26th of 2017?

189

190 **PETER LOWENSTEIN**

191 That is correct.

192

193 **CITY ATTORNEY JERBIC**

194 Okay. The, I have opined to Councilman Seroka that these applications came long after the
195 election. Any comments made during the campaign about a development agreement are
196 completely unrelated to the three applications here today. Furthermore, these arguments were not
197 made at the time Councilman Seroka voted on the development agreement, and if they had any
198 relevance at all, which I don't believe they do, they should have been made at that point in time
199 regarding the development agreement. He could not possibly have made comments during the
200 campaign about applications that didn't even exist until months later.

201

202 Therefore, I have opined for that and other reasons that Councilman Seroka does not have a
203 conflict of interest and he can vote on both the abeyance item and any, if it comes back in the
204 future, on the merits of these items. So having made that record, I understand there's going to be
205 a suggestion by Councilman Seroka or you, Your Honor, that these items be continued at this
206 point in time.

207

208 **MAYOR GOODMAN**

209 I should read these all into the record, correct, first?

210

211 **CITY ATTORNEY JERBIC**

212 I think – you can state generally what was stated on the callout sheet, which is –

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213 **MAYOR GOODMAN**

214 And that would – Okay.

215

216 **CITY ATTORNEY JERBIC**

217 I think you can state that this involves Items 122 through 131, and then –

218

219 **MAYOR GOODMAN**

220 And just read those numbers?

221

222 **CITY ATTORNEY JERBIC**

223 If you want, I'll read them, or you can read them, if you want.

224

225 **MAYOR GOODMAN**

226 No, I prefer you read them.

227

228 **CITY ATTORNEY JERBIC**

229 Sure. It's Item 122 through 131, which is GPA-72220 –, WVR-72004, SDR-72005, TMP-72006,

230 WVR-72007, SDR-72008, TMP-72009, WVR-72010, SDR-72011, and TMP-72012,

231 Applicant/Owner 180 Land Company, LLC and 180 Land Company, LLC, et al. regarding these

232 multiple parcels. The request is to abey these items until May 16th, 2018 made by the –

233

234 **MAYOR GOODMAN**

235 And could you make a statement as to the fact that we are a body sitting here of four with

236 another Councilperson on the line and that in order for that abeyance to pass, it will need – I'd

237 like you to speak to that.

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238 **CITY ATTORNEY JERBIC**

239 It will need four votes. Under Nevada law, anything that comes before this Council requires a
240 majority of the governing body. The governing body in this case is seven members. A majority is
241 four. No matter how many people are absent or sick, it's going to require four votes on anything.
242 The only exception to that is if an individual receives a written opinion from the Chief Legal
243 Counsel of the City indicating they have an ethical conflict under Nevada law 281A. Then you
244 reduce the governing body by whatever number of written opinions are given.
245 No written opinions have been given in this case. So the governing body remains seven, and
246 anything today requires four votes. So a motion to hold this in abeyance is going to require four
247 votes, and a motion on any one of these applications, 122 through 131, if they were heard today,
248 would also require four votes.

249

250 **MAYOR GOODMAN**

251 And that does include the fact that we have a vacancy with no one serving as Councilperson in
252 Ward 5?

253

254 **CITY ATTORNEY JERBIC**

255 That's correct. Nevada law does not grant you a – pass because somebody is not in office.

256

257 **MAYOR GOODMAN**

258 Okay. Well, with that under consideration and knowing that we will have someone, and I'd like
259 to hear from the City Clerk again what is the timeline for the vote on Ward 5, and then what
260 would be the opportunity for seating that individual once that individual is voted in.

261

262 **LUANN HOLMES**

263 So, election day for Ward 5 will be March 27th. We will canvas the votes the first meeting in
264 April, which is April 4th. We will seat them on April 18th. That's when they'll actually be seated.

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265 And the May 16th date that you're speaking of is approximately 30 days after that new
266 Councilperson seats.

267

268 **MAYOR GOODMAN**

269 Okay. Well, having spoken to legal staff and knowing Councilwoman is not here – Are you still
270 there, Councilman? Are you still there?

271

272 **COUNCILMAN COFFIN**

273 I'm still here. (Inaudible) phone ringing.

274

275 **MAYOR GOODMAN**

276 Okay.

277

278 **COUNCILWOMAN FIORE**

279 I don't think he's got his phone on mute. Tell him to put his phone on mute.

280

281 **MAYOR GOODMAN**

282 Oh yes, you can put your phone on mute. Anyway because of —

283

284 **COUNCILMAN COFFIN**

285 (Inaudible)

286

287 **MAYOR GOODMAN**

288 Thank you.

289

290 **COUNCILMAN COFFIN**

291 (Inaudible)

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292 **MAYOR GOODMAN**

293 Okay, thank you. Because of the vacancy and because Councilwoman isn't here today to
294 participate in this discussion and because of the fact, obviously, Councilman Coffin is abroad
295 and unable to be here as well, to me, it is, it's a really, it's a disservice to this two-and-a-half-year
296 process to go ahead and hold hearings on this and make some decisions.

297 So the recommendation to abey it, giving enough time to the new Councilperson in Ward 5 to be
298 brought up to speed and have opportunity to consult with Staff and Councilmembers as they
299 choose, additionally to have Councilwoman here and Councilman Coffin back in – place with us,
300 I really believe the best thing for us to be doing is to go ahead and abeying this until we can get
301 that together. I have from day one, when we first heard this back, I think it was in October of '16,
302 said that there's going to be no winner in this unless this is mediated and a, an agreement
303 somehow is reached among the parties.

304

305 And as you all well know, there are several lawsuits out there, and my feeling is, even though
306 there's been a district judge determination, that will be appealed and it will end up at the Nevada
307 Supreme Court. There is not a one of us that sits on this Council that's an attorney that can make
308 a determination as to what in the language prevails and takes precedent.

309

310 And therefore, being in that and with the vacancy in 5 and with Councilwoman not here and
311 Councilman Coffin here on the phone, my motion is going to be to abey it for these reasons. And
312 asking too for this, I'm gonna to turn to guidance from our staff as to hearing on this. The vote, is
313 it best to hear from everyone first, or am I at liberty to ask for a motion and –

314

315 **CITY ATTORNEY JERBIC**

316 I believe since you would not be hearing it on the merits if the motion passes, you are not under
317 obligation to have a hearing today on anything since the hearing will be – we'll see how the
318 motion goes. If the motion doesn't pass and you're gonna hear it today, then you'll have a

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319 hearing. And if you, the motion does pass, then there will be a hearing on whatever given date
320 you set the – items to.

321

322 **MAYOR GOODMAN**

323 Okay. Councilman Anthony?

324

325 **COUNCILMAN ANTHONY**

326 What's – the date again, Luann?

327

328 **LUANN HOLMES**

329 May 16th.

330

331 **COUNCILMAN ANTHONY**

332 May 16th. **So, I will make a motion to abey Agenda Items 122 through 131 until May 16th.**

333

334 **MAYOR GOODMAN**

335 So there is a motion. I'm holding off on you, Councilman Coffin, until all of us have voted. And
336 then once I see everybody there, now I'll ask for your vote?

337

338 **COUNCILMAN COFFIN**

339 I vote aye.

340

341 **STEPHANIE ALLEN**

342 Your Honor, before the vote, do we have an opportunity on – Oh, I guess not.

343

344 **MAYOR GOODMAN**

345 And so, if you would post this. Did I miss – It – was, It's all ayes on the abeyance. **(Motion**

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346 **carried with Tarkanian excused)** So, at this point, it will be heard on the 16th of May, and can
347 we make it the first item on the agenda, the first item on the afternoon agenda, if that would
348 work? And Mr. Jerbic, do – Is there appropriate to hear from anybody or no?

349

350 **CITY ATTORNEY JERBIC**

351 Since you've already voted the – If anybody wants to make a record, I know that Mr. Hutchinson
352 is here; I'm sure he wants to make a record.

353

354 **MARK HUTCHISON**

355 Thank you.

356

357 **CITY ATTORNEY JERBIC**

358 I – would give him a certain amount of time. I wouldn't give an indefinite amount of time since
359 we're not hearing this on the merits. I assume you just want to make a record on the two letters
360 that you sent regarding disqualification?

361

362 **MARK HUTCHISON**

363 I am.

364

365 **CITY ATTORNEY JERBIC**

366 Okay.

367

368 **MARK HUTCHISON**

369 Yes, Mr. Jerbic and – Madame Mayor, if I may make a record on – that matter, and just for the
370 record, we – vehemently oppose any kind of abeyance and continued delay of this matter.

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371 **MAYOR GOODMAN**

372 Oh, I'm sorry.

373

374 **MARK HUTCHISON**

375 I under –

376

377 **MAYOR GOODMAN**

378 Could you repeat your name for the record? Thank you.

379

380 **MARK HUTCHISON**

381 Sure. This is Mark Hutchison. And Your Honor and members of the – City Council, I am
382 appearing on behalf of my clients in my private capacity as legal counsel for 180 Land, Seventy
383 Acres, and Fore Stars, which are applications that you have just abated and a question was, has
384 surfaced that we raised before this vote occurred in terms of the impartiality, the prejudice, the
385 bias of two members of this body.

386

387 And as a result, we sent out last week two letters, one dated February 15th and one dated
388 February 16th, as you noted, Madame Mayor, and I'd like to have those presented to the Clerk
389 and a matter of record for the purposes of this proceeding.

390

391 And I appreciate the opportunity to make a record. Appreciate the opportunity to be here to
392 respectfully request this action by Councilman Coffin and by Councilman Seroka that they
393 recuse themselves. We had asked before this vote that they recuse themselves. We heard nothing
394 back, and so I'm just simply gonna make a record, and I will not belabor the points, Your Honor,
395 that we have made previously in our letters, but I do think it's important for the City Council to
396 hear this and for this to be a matter of record as we proceed.

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397 Mr. Coffin is a member of this Council who has served admirably. Mr. Seroka is a member of
398 this Council who's served admirably. But on these applications, they should not be permitted to
399 participate.

400

401 Mr. Coffin has repeatedly and publicly demonstrated a personal animus towards the Applicant's
402 principal, Mr. Yohan Lowie, for reasons that are completely unconnected with the merits of the
403 application. Mr. Lowie is of Israeli nationality. He's of the Jewish faith. Mr. Coffin, perhaps, the
404 most egregious examples of why he should not be allowed to participate and continue to be
405 involved in either the deliberations or the votings on the applicants, applications of my clients is
406 that he has publicly stated on multiple occasions that my client, Mr. Lowie, is treating the
407 residents of Queensridge like the Jewish state of Israel allegedly treats "unruly Palestinians."

408

409 That's not the end of the factual bases for the request for recusal, however. And again, I want to
410 be clear on the record, Mr. Jerbic. I'm not seeking recusal based on the ethics in government laws
411 or 28, 281A. That may be part of the analysis. What I'm basing the recusal on is the U.S. and the
412 Nevada Constitution that guarantees a fair tribunal when a body like a city council is sitting on a
413 land use application or a business license application.

414

415 Once this body assumes that position, you are now in a quasi-judicial proceeding. You are no
416 longer strictly in some sort of a policy-making proceeding or a legislative-making decision,
417 proceeding. This body is unlike the Nevada legislature. You sit on, adjudge people's property
418 rights. And when you adjudge people's property rights, the due process clause of the Constitution
419 applies. You have to act in conformity with a quasi-judicial capacity, and that quasi-judicial
420 capacity requires you to be fair and impartial. Fair and impartial.

421

422 And that's the basis of our request for recusal. We don't believe that my client can receive a fair
423 hearing when Councilman Coffin has expressed the sentiments he has towards my client's

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424 nationality and religion. In a early meeting in 2015, in a meeting with my client, he simply told
425 him that he would not, as well, take an interest adversed to a friend of his who lived in
426 Queensridge and would not be going against an interest, his interest.

427

428 In April of 2016, in another meeting with representatives of the property owners and with his
429 friend present at that meeting, he instructed my clients to hand over the 183 acres with certain
430 water rights in perpetuity and that was a fair deal and they should accept it.

431

432 In a January 2017 meeting, when meeting with Mr. Lowie, he once again compared Mr. Lowie's
433 personal actions in pursuing the development of the properties to Netanyahu's settlement of the
434 West Bank. He then doubled down on this in a letter to Todd Polikoff, who's the President of
435 Jewish Nevada, when he protested in a letter to Councilman Coffin and Mr. Lowie accused
436 Mr. Lowie of pursuing the acquisition of the properties in an opportunistic manner. He classified
437 his actions as inconsiderate and again compared Mr. Lowie's business decisions to the highly
438 political and divisive issue of the Jewish settlements in the West Bank.

439

440 In an April 17th, 2000 meeting with Mr. Spiegel, he told him that the only issue that mattered to
441 Councilman Coffin was a statement that was made to Mr. Lowie regarding the unruly
442 Palestinians, and he stated that the issue, until that issue was remedied, he could not be impartial
443 in any application that the property owners would bring forward. He made then good on his
444 comments and denied every application that came before him submitted by my – clients, the
445 property owners.

446

447 Mr. Seroka has, and – in contrary again, Mr. Jerbic, to your – points, it's just not about what
448 happened during the campaign. It's that and more. But once you – move from being in a judicial
449 role to being in an advocate role, you cease to be a fair and impartial arbiter of facts. And

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450 Councilman Seroka has become an advocate in opposition to the applications that are before this
451 City Council.

452

453 Beginning with his campaign handouts, he says that the property owners would be required to
454 participate in a property swap – regardless of the property rights currently held by the property
455 owners. He also – His plan highlighted that he was unwilling to even consider the property
456 owner's rights and development plans.

457

458 In a February 14th, 2017 Las Vegas Planning Commission meeting, while wearing the Steve
459 Seroka for Las Vegas City Council pin, he strongly advocated against my client's property rights
460 and development plans, stating “Over my dead body will I allow a project that will drive
461 property values down 30 percent. Over my dead body will I allow a project that will set a
462 precedent that will ripple across the community, that those property values not affected in
463 Queensridge, but throughout the entire community.”

464

465 He then asked the County – Mr. Seroka then asked the Commissioners to reject the Staff's
466 approval and recommendation to deny the applications. The following day at the City Council
467 meeting, he stated “I'm against this project.”

468

469 After Mr. Seroka's election, at a town hall meeting in November 29th, 2017, the Queensridge
470 Clubhouse, he stated that having the City Staff follow the letter of the law when reviewing
471 development applications is “The stupidest thing in the world in this case.”

472

473 He continued then by encouraging Queensridge homeowners to send in opposition to the
474 Planning Commissions and to the City Council.

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475 At the August 2nd, 2017 City Council hearing for the proposed development agreement for the
476 entire properties, negotiated by City Staff, including the City Attorney, and after delivering what
477 appeared to be pre-scripted remarks, he made a motion to deny the development agreement
478 shortly thereafter.

479

480 At another City Council meeting, September 6th, 2017, he then proposed a six-month
481 moratorium, specifically targeting development of my client's property, further delaying what
482 has already been a long and tortured and delayful process.

483

484 In short, Councilman Seroka has become an outspoken advocate against my client's property
485 rights and have actively squelched timely consideration of my client's application. As I say, why
486 does – all this matter? Because you're a government body. The Constitution applies to you. My
487 client has Constitutional rights and property interests that must be protected. And if you are
488 unfair or if you're biased, the due process clause of the Nevada Constitution and the U.S.
489 Constitution is violated.

490

491 You are – You sit in judicial roles in a quasi-judicial fashion, and the law adjudges you by the
492 principles that we would judge a judge in terms of impartiality. We would never allow a judge to
493 be both an advocate and then sit and be the judge of that case. That's exactly what Councilman
494 Seroka is doing. We would never allow a judge to express anti-religious and anti-nationality
495 comments and then to sit as a judge.

496

497 So the basis of all of these points, Madame Mayor, is that my client cannot receive a fair hearing
498 or have a fair and impartial tribunal as is required under the Constitution, and I respectfully ask,
499 again, that Councilman Seroka and Councilman Coffin no longer participate in these proceedings
500 and no longer vote.

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501 I do have, I do have one – suggestion for you, Your Honor, and that's this. If – it really is so
502 important to this Council that this property not be developed, then just simply concede to inverse
503 condemnation, and then we'll just be arguing about value. You can get rid of all of these
504 applications. You can get rid of all the neighbors. You can get rid of all of the headaches that you
505 have. If it really is your intention not to allow the property owner to develop, just concede to the
506 inverse condemnation –

507

508 **CITY ATTORNEY JERBIC**

509 Mr. Hutchison?

510

511 **MARK HUTCHISON**

512 – because you've got one of two choices.

513

514 **CITY ATTORNEY JERBIC**

515 Mr. Hutchison? You were given time to make your record on disqualification. You are going
516 way afar from the two letters that you filed talking about inverse condemnation. Do you have
517 anything else to say with respect to your attempt to recuse both Councilman Coffin and
518 Councilman Seroka, specifically?

519

520 **MARK HUTCHISON**

521 My – Mr. Jerbic, my follow-up remarks were addressed to that point that you can avoid all of
522 this by simply ceding the inverse condemnation. Those are my remarks. Madame Mayor, thank
523 you for the time. Members of the City Council, thank you for your time, and I ask that you take
524 these matters very seriously. They involve Constitutional rights and my client's property interest.
525 Thank you.

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526 **MAYOR GOODMAN**

527 Mr. Jerbic, the only other item would be anybody who wishes to comment on the abeyance
528 alone?

529

530 **CITY ATTORNEY JERBIC**

531 I – don't know that any comment is necessary, but I have a couple of comments that I would like
532 to put on the record. And, you can make a decision if you want to comment at the end of that.

533

534 This is really between right now Mr. Hutchison's letters and the City Council. I will say that we
535 looked at these matters and take them very seriously. I can say there was a court ruling just
536 recently where the judge took the bench and read the decision before he took any oral argument.

537 This Council reads background information all the time before hearing testimony of the public.

538 Everybody comes to this Council with some feeling one way or the other on just about every
539 item. And, if it were true that you have to be Caesar's wife to sit on a City Council and not have
540 any opinion about anything before you sit down, then nobody's ever voting on any issue ever. So

541 I – don't agree with the characterization of the frame of mind that individuals have to have.

542

543 If an individual were to say I'm against alcohol and therefore I will never vote for any application
544 that approves a liquor store, or I'm against a strip club and because it's against my religious
545 belief, I can never vote for one, or because I'm against any golf course conversion and can never
546 vote for one, I would understand the point. But for an individual during a campaign to talk about
547 a development agreement and these issues weren't even raised when he voted on the

548 development agreement, and today he's got three issues before him that are completely different
549 from the development agreement, which involved over 2,000 multi-family homes, this doesn't.

550 This involves 235 single-family homes, and he hasn't made a single comment, to my knowledge,
551 other than I want to work with the Applicant and the neighbors.

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552 Further, let me state that advocating for neighbors is not the same as advocating against an
553 applicant. I think every good elected official, in my opinion, advocates for their constituents.
554 And if the standard is that by advocating for your constituents, you have somehow placed
555 yourself in an adversary position to any applicant and can never vote, then nobody on this
556 Council is ever voting on any application ever in the planning session of the Council meeting. So
557 I – wanted to put that on record.

558
559 The other thing I will state is that I have been directed by Councilman Seroka many times to
560 reach out to the Applicant and the neighborhood to see if a deal can still be reached. So, with that
561 in mind, we have given the advice that Councilman Seroka does not need to disqualify himself,
562 unless he feels for some subjective reason that he can't be fair, and he's indicated that he can.
563 Second, let me state, and this is probably controversial, but let me state that the comments stated
564 by Councilman Coffin, and he made this record earlier, and I don't know – Councilman Coffin,
565 are you still on the phone?

566
567 **COUNCILMAN COFFIN**

568 Oh, yes. I'm eagerly listening.

569
570 **CITY ATTORNEY JERBIC**

571 Okay. Councilman Coffin has stated earlier, and I'm – paraphrasing here that you can read
572 comments sometimes made by people two separate ways. To – compare somebody to a tough
573 national leader, who negotiates very effectively on behalf of his people and says you don't have
574 to behave that way, can be read one way as admiring somebody and saying you don't need to be
575 that way in this negotiation, or it can be read the way you're choosing to read it, which is there is
576 some anti-Jewish or anti-Israeli prejudice here. I think Councilman Coffin needs to address that
577 directly and has in the past. Councilman, do you care to make a comment on that issue?

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578 **COUNCILMAN COFFIN**

579 Yes, I'm delighted to talk to all of this. First of all, I am following the advice of legal counsel on
580 this – vote, so I will be voting. Perhaps (inaudible) has to take place soon, because there are
581 many false statements in this letter, which I finally received a copy of it yesterday. It was
582 delivered to our offices after the close of business, before a long weekend, and so Tuesday was
583 the first day that I saw an email description of the letters which seems to repeat the same
584 misstatements and falsehoods that were said earlier during the campaign against (inaudible).

585

586 So my point is that first of all, Mayor, I'd like – I'm sorry I can't be there to see the Lieutenant
587 Governor's face, but I (inaudible) – Is he looking at you while he's making these statements or if
588 he is righteously indignant. No answer. Therefore, he must be righteously indignant.

589

590 I have many times been on the campaign trail and seen a person make a statement, for example,
591 Candidate A might say in advance during the campaign they are pro-life. Well, they know what
592 that means, and I know what that means. However, (inaudible) but they make that position clear
593 in order that people might rely on their vote to ensure their policy is continued. So the pro-life
594 people vote for the candidate who is pro-life, perhaps Lieutenant Governor Hutchinson is of that
595 mind, in which case if I like him, I'd vote for him because he's pro-life. Well, he hasn't even
596 heard a case or a bill on pro-life or voted on one. So it could be that these kinds of circumstances
597 can occur in the heat of a campaign.

598

599 Now, regarding my position, my position was that Bibi Netanyahu, the Prime Minister of Israel,
600 who is a buffoon and who is leading his country into an eternal state of war. I am here in Korea
601 with several hundred religious, political leaders who are trying to help get peace in the North
602 Korean Peninsula and the South Korean. They are comprised of members of many faiths.

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603 I discussed this last night with a rabbi from Israel, as well as a couple of friends from Israel, all
604 (inaudible) who said and they almost rolled off their chairs when they heard this argument that
605 somehow those settlements would have anything to do with politics or anti-Semitism, because
606 half of Israel is opposed to the settlements. So that is their statement. They could be wrong. They
607 (inaudible) a few percentage points off, but I just wanted to say that this is an arguable
608 proposition.

609

610 In any event, I grew up with members of many faiths and 66 years I have lived in Las Vegas, and
611 the first time I have been accused of being bigoted would have been last year. He seems to
612 continue to rely upon this, on this half-truth in order to secure my abstention, which would rob
613 me of my vote and rob one-seventh of the citizens of Southern Nevada in the City of Las Vegas
614 of a vote on this issue. I will not do that. I will vote for abeyance.

615

616 **MAYOR GOODMAN**

617 Well, and I believe just in response, the abeyance did carry. So it's on for the 16th of May. Now,
618 Mr. Jerbic, we have some gentlemen in front of us. May they speak to the abeyance and that's it?

619

620 **CITY ATTORNEY JERBIC**

621 It is your call, Your Honor. There's no, nothing that legally prohibits them. It's your – It's only
622 with your permission.

623

624 **MAYOR GOODMAN**

625 All right.

626

627 **FRANK SCHRECK**

628 Your – Honor.

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629 **MAYOR GOODMAN**

630 We will stay on the abeyance.

631

632 **FRANK SCHRECK**

633 No, we – would like to just address –

634

635 **TODD BICE**

636 We need to make –

637

638 **FRANK SCHRECK**

639 – the Lieutenant Governor's statements. Mine's very brief –

640

641 **TODD BICE**

642 We need to make –

643

644 **FRANK SCHRECK**

645 – and his is very brief.

646

647 **TODD BICE**

648 Yeash. We need to make our record on this as well. You allowed them to make a record on this.

649 We believe that it's appropriate that the record be accurate –

650

651 **FRANK SCHRECK**

652 Complete.

653

654 **TODD BICE**

655 – and complete on this –

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656 **MAYOR GOODMAN**

657 Okay.

658

659 **TODD BICE**

660 – as opposed to one-sided.

661

662 **MAYOR GOODMAN**

663 You're together –

664

665 **TODD BICE**

666 Yes.

667

668 **MAYOR GOODMAN**

669 – so can you share the time?

670

671 **FRANK SCHRECK**

672 No. I – Mine is going to be very short on one specific item that's personal.

673

674 **TODD BICE**

675 As is –

676

677 **FRANK SCHRECK**

678 He's going to be more general.

679

680 **TODD BICE**

681 As is mine. With all due respect to my friend, Mr. Hutchison, the legal, the – standard is not as

682 he articulates it. In fact, I almost wish it were, because if it were, the votes of this City Council in

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683 the past on behalf of this developer were blatantly unlawful if Mr. Hutchison were right. With all
684 due respect to Councilman Beers, who's no longer here, he was this Applicant's biggest advocate
685 and everybody knew it. And there have been other advocates for him on this, on the Council. So
686 that is not the legal standard, number one.

687

688 Number two, I do not think it is an accident that this slander against the two Councilmen has
689 escalated now after the district court has ruled that the developer bullied the City into violating
690 the rights of the homeowners, and that is exactly what Judge Crockett has found is that this
691 Applicant bullied the City into changing the rules to accommodate him.

692

693 And, this is exactly – I'm taking this right out of the judge's transcript, out of his statements. Is
694 that one of the problems developed here is that this Applicant represented that he had secured
695 pre-approval from every member on the City Council at the time he bought this property, outside
696 of a public meeting in blatant violation of the open meeting law, if it's true. But Mr. – Lowie, I'll
697 leave it to the others to assess his credibility, but Mr. Lowie's version of what happened is that he
698 secured an unlawful agreement by the City Council to pre-approve his project outside of a public
699 meeting. And that's what Judge Crockett called him on that, because that is exactly what he is –
700 contending.

701

702 So, with all due respect to Mr. Hutchison, the party here who was trying to, by his own, by his
703 words, rig the outcome of a vote was this Applicant. And the judge has set it aside. And he
704 doesn't like that fact, and so now he's resorted to slandering Councilmembers. I think that just
705 speaks volumes about this Applicant and why this problem, why this has escalated in the fashion
706 that it has.

707

708 So, with that in mind, under the actual law, there is no violation of anybody's rights here. The
709 only rights that have been violated were the rights of the homeowners, and the court has so found

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710 that. And, I'll turn it over to Mr. Schreck –

711

712 **MAYOR GOODMAN**

713 Only –

714

715 **TODD BICE**

716 – with one final observation.

717

718 **MAYOR GOODMAN**

719 Only after you state your name, which you forgot.

720

721 **TODD BICE**

722 Madame Mayor, my apologies. Todd Bice, Pisanelli Bice, 700 or 400 South 7th Street. My
723 apologies. So, in paragraph number 12 of his counterclaim, where this Applicant has sued the
724 City, he specifically claims, again, that he had this pre-approval at the time that he purchased the
725 property, which again, if he's telling the truth, he's the one who's admitting to the violations of
726 the law and the violations of my client's rights. I thank you for your time.

727

728 **FRANK SCHRECK**

729 Is this on? Okay. Frank Schreck, 9824 Winter Palace Drive. I just want to briefly touch on the –
730 anti-Semitic statements about Mr. Coffin. All of us know Mr. Coffin, and all of us know he's not
731 an anti-Semite. But it seems that this Applicant, Mr. Lowie, has a propensity, when he loses or
732 gets angry at someone, to call them anti-Semite. He did in a letter in the primary election. He
733 called Councilman Seroka and Christina Roush anti-Semites. He's called Councilman Coffin an
734 anti-Semite.

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735 And one week before I was to be honored by the – Anti-Defamation League, which you know is
736 a Jewish organization, to get their annual Jurisprudence of the Year Award, which goes to an
737 attorney who's exhibited work in terms of civil rights, equal rights for everyone, a week before
738 that, he told the Director of the ADL that he was gonna tell people not to go to the luncheon
739 honoring me because I was an anti-Semite.

740

741 So this is a, this is a – pattern that this Applicant has that if you don't agree with him, he will call
742 you a name. I was called an extortionist. Jack Binion was called an extortionist. There's no limit
743 to what he will call you if he doesn't get his way. And I don't have to tell you when he said that
744 he had gone to each one of your Council, each Councilperson and – got a commitment, that was
745 one of his rants in front of you about a year and a half ago, and that's just how he acts. But he
746 chooses to call people names that don't fit, and it certainly doesn't fit with Councilman Coffin.

747 Thank you.

748

749 **MAYOR GOODMAN**

750 Okay. I think this is closed at this point. And, is this on the abeyance?

751

752 **STEPHANIE ALLEN**

753 Yes, Ma'am, please.

754

755 **MAYOR GOODMAN**

756 Okay. And only the abeyance?

757

758 **STEPHANIE ALLEN**

759 Only the abeyance.

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760 **MAYOR GOODMAN**

761 Okay.

762

763 **STEPHANIE ALLEN**

764 Thank you, Your Honor, Council. Stephanie Allen, 1980 Festival Plaza, here on behalf of the
765 Applicant. I'd like to just speak to the zoning item. I know there's a lot of personalities here and a
766 lot of issues –

767

768 **MAYOR GOODMAN**

769 No.

770

771 **STEPHANIE ALLEN**

772 – that are being discussed that are outside of the zoning, but the zoning applications that are on
773 the agenda –

774

775 **MAYOR GOODMAN**

776 No.

777

778 **STEPHANIE ALLEN**

779 – and the abeyance in particular

780

781 **MAYOR GOODMAN**

782 No.

783

784 **STEPHANIE ALLEN**

785 – are what I want to talk about.

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786 **MAYOR GOODMAN**

787 Only the abeyance –

788

789 **STEPHANIE ALLEN**

790 Only the abeyance.

791

792 **MAYOR GOODMAN**

793 Not the, not the zoning.

794

795 **STEPHANIE ALLEN**

796 Correct. So the – What I'd like to put onto the record is that we're three years into this, and I
797 know you didn't ask and the Council has already voted, but three years into this, where we've
798 been trying to get something approved so we can develop this property, do something with this
799 property. We've had a number of different applications before you.

800

801 We believe this is the final application, probably, where it's a conforming application, no request
802 for a zone change, just an application to develop the property under its existing R-PD7 zoning.
803 Three more months is tantamount to a denial. Every time this gets abeyed, whether it's these
804 applications or the prior applications, it directly harms the property owner, and it directly harms
805 the community.

806

807 So I – know the vote has already taken place, but for purposes of this Council, we would
808 appreciate a vote on these applications and due process and the ability for you all to hear the
809 zoning facts, not the personality discrepancies, just the facts of the zoning case and make a
810 determination as to whether or what he can do with this property so that we can move on for the
811 betterment of him and the overall community, because that's really what your job is as a Council
812 and the leadership of this Council is, is to decide what's best for the community and the

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813 constituents, not the few folks that come up here every single time, but the overall community,
814 and we'd like to do something with this property and we'd like to have a hearing on the
815 application. So –

816

817 **MAYOR GOODMAN**

818 Thank you.

819

820 **STEPHANIE ALLEN**

821 I just wanted to put that on the record.

822

823 **MAYOR GOODMAN**

824 Thank you.

825

826 **STEPHANIE ALLEN**

827 Also, I would like to defend my client's character. I don't think it's fair to say that he comes up
828 here and calls everyone names. He has been called a lot of names that are unfair as well. He's a
829 man of integrity. He does beautiful work. And all that this Council should be doing is looking at
830 this application on its face from a zoning standpoint. So we'd appreciate that opportunity in a
831 couple months. Thanks.

832

833 **MAYOR GOODMAN**

834 Thank you very much. Okay. We are gonna move on now to Agenda Item 88. This issue –

835

836 **LISA MAYO**

837 Mayor –

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838 **MAYOR GOODMAN**

839 – is closed.

840

841 **LISA MAYO**

842 I'm sorry. Lisa Mayo. I was told that only on this Item, 122, could I ask the question regarding
843 the report that was given, per Councilwoman Fiore's request, to find out how much taxpayer
844 money has been spent on this project. And I called yesterday to find out if we could get a report
845 on that, and they said I had to just come up during Item 122 in order to talk to that. So I'd like to
846 see if we could get a report on this item as to how much taxpayer money has been spent by Staff
847 to this. And now we're adding another three months to it. So I think whatever that number is, add
848 another \$300,000 to it and the taxpayers of this community are seeing the number go way up.

849 Can we have a report on that –

850

851 **CITY ATTORNEY JERBIC**

852 Ms. Mayo –

853

854 **LISA MAYO**

855 – please?

856

857 **CITY ATTORNEY JERBIC**

858 Ms. Mayo, I gotta – I've got to cut you off because we are, first of all, not even agendaed for that,
859 and that would be more appropriate under public comment. But I can tell you, Staff will get back
860 to you with whatever information you requested and give you a reason, either give you the
861 answer or reason why they can't give you the answer.

862

863 **LISA MAYO**

864 Okay. But – it really needs to be in public comment. The public needs to know about this. How

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865 do we get it into the public record?

866

867 **CITY ATTORNEY JERBIC**

868 You can wait until public comment at the end of the meeting.

869

870 **LISA MAYO**

871 Okay, I will. Thank you.

872

873 **CITY ATTORNEY JERBIC**

874 You got it.

875

876 **MAYOR GOODMAN**

877 Thank you. Okay.

878

(END OF DISCUSSION)

879 /dao