

**RECOMMENDING COMMITTEE MEETING OF
JUNE 19, 2017
VERBATIM TRANSCRIPT – ITEM 8**

ITEM 8 - Bill No. 2017-27 - For possible action - Adopts that certain development agreement entitled “Development Agreement For The Two Fifty,” entered into between the City and 180 Land Co, LLC, et al., pertaining to property generally located at the southwest corner of Alta Drive and Rampart Boulevard. Sponsored by: Councilman Bob Beers

Appearance List:

RICKI BARLOW, City Councilman

TOM PERRIGO, Planning Director

BRAD JERBIC, City Attorney

CHRIS KAEMPFER, Attorney

STAVROS ANTHONY, City Councilman

DEBRA KANER

STEPHANIE ALLEN, Attorney

ARTIE PARKER, Queensridge resident

FRANK SCHRECK, Queensridge resident

GEORGE GARCIA, 1052 Whitney Ranch Road, Henderson

ANNE SMITH

GORDON CULP, Queensridge resident

TERRY MURPHY, 1930 Village Center Circle, representing the Frank and Jill Fertitta Trust

MICHAEL BUCKLEY, representing the Frank and Jill Fertitta Trust

JERRY ENGEL, 700 Pont Chartrain Drive

DOUG RANKIN, 1052 Whitney Ranch Road, Henderson

YOHAN LOWIE, Queensridge resident

BOB COFFIN, City Councilman

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26 (2:37:20 – 3:21:26)

27 (44.08 minutes)

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29 Typed by: Speechpad.com

30 Proofed by: Jacquie Miller

31

32 **COUNCILMAN BARLOW**

33 Okay. We are now opening Bill Number 2017-27. This is possible action which adopts that
34 certain development agreements entitled Development Agreement for The Two Fifty, entered
35 into between the City of Las Vegas and 180 Land Corp., LLC, pertaining to property generally
36 located at the southwest corner of Alta Drive and Rampart Boulevard. This is sponsored by
37 Councilman Bob Beers. We are now out of recess. Staff?

38

39 **TOM PERRIGO**

40 Mr. Chairman, Tom Perrigo, Planning Director, for the record. This bill is, as you read into the
41 record, is to adopt the development agreement. The development agreement has not yet been
42 heard by Council, so pending that action, staff has no recommendation on this particular item. I
43 do have a much longer presentation that goes into the development agreement itself, but I'll leave
44 it up to you whether or not you want to hear all that or just discuss the development or the
45 ordinance itself.

46

47 **COUNCILMAN BARLOW**

48 Okay. So having said that, Tom, if the development agreement is not in place, then why is it
49 before my committee?

50

51 **TOM PERRIGO**

52 Mr. Chairman, I think the decision was made that in order for Council to hear the entire package
53 at one time, and that being Wednesday's City Council meeting coming up this Wednesday, that it
54 would be preferred to have the development agreement and the ordinance all at one time for

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Council to consider. The development agreement will be open for public hearing on Wednesday, and that will follow the development agreement discussion. It's two separate items. One is the development agreement itself, which essentially is a contract between the applicant and the City for the development of land, and then that's followed by an ordinance. It is not mandatory that an ordinance be adopted for the development agreement, but it's our standard practice to do that. It allows the development agreement to be recorded. So the timing, I think the intent was for the ordinance to go directly to Council to be heard as a committee as a whole, as sometimes we do take an ordinance straight to the – all of the Council to be heard as a public hearing and as a (sic) opportunity for final adoption or – not at the pleasure of the Council. So, again, it was really the – I believe the intent was to have the entire package before the Council at one time.

COUNCILMAN BARLOW

So, in essence, this landed on the calendar of Recommending by error?

BRAD JERBIC

Let me jump in here. For want of a better way to put it, yes. The, I was not at the last City Council meeting. I was in negotiations on Badlands. Had I been there, I would have made the recommendation to the Mayor at the time that it be sent directly to the Council to be heard at the same time of the development agreement. On Wednesday, there's going to be a full-blown public hearing on the development agreement on what we call The Two Fifty, which is for the redevelopment of the Badlands Country Club. At the end of that, the Council will take a vote. If you vote yes, then you would next consider whether or not –

COUNCILMAN BARLOW

Yes on the ordinance, or yes on the development agreement? Which one comes first?

BRAD JERBIC

Yes or no on the development agreement first. That's the first vote.

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83 **COUNCILMAN BARLOW**

84 Okay.

85

86 **BRAD JERBIC**

87 Yes or no on the development agreement. If the answer is yes on the development agreement,
88 then it's yes or no on the ordinance so that the developer can record that development agreement,
89 which you would have just approved.

90

91 **COUNCILMAN BARLOW**

92 Okay.

93

94 **BRAD JERBIC**

95 If the answer is no, we'll strike the ordinance from the agenda, because it will be irrelevant at
96 that point in time.

97

98 **COUNCILMAN BARLOW**

99 Great. Okay.

100

101 **BRAD JERBIC**

102 So today, our recommendation, I would believe, is no recommendation since we don't know
103 what the Council's gonna do with the development agreement on Wednesday.

104

105 **COUNCILMAN BARLOW**

106 With the development agreement. Right. Okay, that makes sense. Okay. How are you, Chris?

107

108 **CHRIS KAEMPFER**

109 Yes, Mr. Chairman.

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110 **COUNCILMAN BARLOW**

111 Yes, sir.

112

113 **CHRIS KAEMPFER**

114 Members of the Committee, Chris Kaempfer and Stephanie Allen. I introduced her as Jennifer
115 Lazovich at the Planning Commission hearing, so I corrected that. So I'm doing better already.
116 I've just started. I appreciate the comments made, especially with regard to the no
117 recommendation for this purpose. At Planning Commission, we had a hearing that went almost
118 three hours. That included comments from the public, our comments, comments from other
119 counsel. I cannot believe, maybe I'm wrong, that you don't want to hear a three-hour presentation
120 now and that exact same presentation on Wednesday. We're happy to do as little or as much as
121 you want. We just think it makes more sense for everybody to say what they have to say at one
122 time, and if we don't give you a full presentation, then it's not fair to you, because you're
123 recommending something on other than a full presentation. So what we would just like to say
124 initially is we're ready to – move forward. It's been clearly established. The history of this is long
125 and arduous and for all of us, to a degree, frustrating and tiresome on both sides. We started out
126 with the Badlands had to stay a golf course. Then it was, okay, it doesn't have to stay a golf
127 course –, but it can't be developed. Then it was, okay, it can be developed. Then we've had two
128 separate court cases have said yes, it can be developed. We are at the position, we had the City
129 Council approve a 435-unit development on the Badlands Golf Course. So it can be developed.
130 The question is: How is it to be developed? At the City Council, it was made crystal clear to us
131 that other than piecemealing this thing together, with 61 homes here and 10 homes here and 50
132 homes here, that we try to come up with a universal plan, and we have been working very hard to
133 do that. We appreciate the efforts of – Mr. Jerbic and – Mr. Perrigo in – meeting with the various
134 entities and trying or interests and trying to come up with something. Now, we –

135

136 **COUNCILMAN BARLOW**

137 So is the question that you're asking is whether or not we want to hear your report?

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138 **CHRIS KAEMPFER**

139 Yes.

140

141 **COUNCILMAN BARLOW**

142 Okay. No.

143

144 **CHRIS KAEMPFER**

145 Okay.

146

147 **COUNCILMAN BARLOW**

148 And I say that respectfully, because from what ftaff has shared with me and made clear is the
149 fact that the same report will be provided on Wednesday.

150

151 **CHRIS KAEMPFER**

152 Right.

153

154 **COUNCILMAN BARLOW**

155 Okay. So what I'm going to do is allow for public comment to take place. So feel free to share
156 whatever you choose to under public comment so that the residents who are unable to make it
157 back on Wednesday. And before I do that, let me make sure, will residents have an opportunity
158 to, is this a discussion item on Wednesday?

159

160 **BRAD JERBIC**

161 Yes, it is. It's a public hearing.

162

163 **COUNCILMAN BARLOW**

164 Okay. Okay, great. So I wanted to make sure it was a discussion item. So, therefore, I'm going to
165 open up public comment, allow everyone to come forward and share their comments on the
166 record. If in fact they're unable to make it Wednesday, then that information will be recorded

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167 with the Clerk on the record as to their support or opposition to this particular item. So, at this
168 time, I'm going to open up public comment and anyone wishing to speak under this portion of
169 the agenda may come forward and share with our body as you choose. And I'll start with the two
170 of you. Two minutes.

171

172 **CHRIS KAEMPFER**

173 Okay. What we have done is come up with a plan that we believe addresses most of the
174 concerns, if not virtually all of the concerns. Those of us who live on the golf course, and I'm one
175 of those, now 183 acres of that golf course will be devoted to no less than two-acre lots, except
176 those homes in my community, which are no less than half-acre lots. So what I – am strongly
177 suggesting is that we are a lot better off with this development agreement that this Council said
178 go back and do, and we've done. And it – has we've reduced the density. Originally, it was 3,000,
179 over 3,000 units. It's now down to 2,169. We've – done a myriad of things to make this far more
180 compatible. And I, I'll just say one thing, and then I'll let Stephanie take the rest of my time.

181 Only thing, the only thing I want to say is those of us who live on the golf course, the alternative
182 to this kind of development agreement is compatible, comparable zoning. The City Attorney has
183 said that is what we are entitled to. And so, for somebody like me, who lives in a quarter-acre
184 lot, instead of having half-acre lots behind me, I'll get four, and from my discussions with Staff,
185 because I'm on Charleston, maybe five or six units an acre behind my home and my neighbors'
186 homes on Fontainebleau. Instead, this development gives us half-acres. Those on the north side,
187 who have quarter-acre lots, are gonna have two-acre lots immediately adjacent to them. If this
188 development doesn't get approved, comparable and compatible zoning puts quarter-acre lots next
189 to them. They'll have eight homes on two acres instead of one. So anybody who lives on this golf
190 course, anybody who lives on this golf course that thinks compatible and comparable zoning is
191 the way to go has not read this with any specificity.

192

193 **COUNCILMAN BARLOW**

194 That's your two minutes.

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195 **CHRIS KAEMPFER**

196 All right.

197

198 **COUNCILMAN BARLOW**

199 Thank you, sir.

200

201 **CHRIS KAEMPFER**

202 Thank you.

203

204 **COUNCILMAN ANTHONY**

205 I have a question.

206

207 **COUNCILMAN BARLOW**

208 Okay. Councilman, and Councilman, before you speak, next will be Artie Parker, Anne Smith.

209

210 **COUNCILMAN ANTHONY**

211 Do you want to do that first?

212

213 **COUNCILMAN BARLOW**

214 No, no. You can ask your question. Oh, you want to ask them a question?

215

216 **COUNCILMAN ANTHONY**

217 Well, Chris could possibly answer this question.

218

219 **COUNCILMAN BARLOW**

220 Okay, I – apologize. We'll come back for it.

221

222 **COUNCILMAN ANTHONY**

223 Or maybe Brad or Tom.

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224 **COUNCILMAN BARLOW**

225 I thought maybe you had a question for staff.

226

227 **COUNCILMAN ANTHONY**

228 Well, I do, and it has to do with what Chris said.

229

230 **COUNCILMAN BARLOW**

231 Okay.

232

233 **COUNCILMAN ANTHONY**

234 So

235

236 **COUNCILMAN BARLOW**

237 Let me just, let's tee these individuals up, Councilman, real quick. Artie Parker, Anne Smith,

238 Debra, is it Karmel?

239

240 **DEBRA KANER**

241 Kaner.

242

243 **COUNCILMAN BARLOW**

244 Kaner, okay. In that order. Okay, Councilman.

245

246 **COUNCILMAN ANTHONY**

247 Okay. So I'm – just trying to understand the – process here. So, as I've – mentioned all along, the
248 owners of Badlands have a right to build on that property. Okay? So, and you, and, what I was –
249 against was doing it piecemeal, and that's what you mentioned. So I wanted the master plan.

250 What – is the plan for – building on that property so everybody could take a look at it, the
251 owners could take a, the – homeowners could take a look at it, I can take a look at it, everybody
252 can take a look at it. And if I understand the process correctly, we do that first, and we kind of

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253 are okay with that. And then we do a development agreement, because that's the contract with
254 the City, correct? Okay. So we had an agenda item put on for today for a development agreement
255 to agree on I don't know what. I don't know what we're agreeing on, because I have not seen the
256 master plan for us to come up with an agreement with the developer. So am I missing something
257 there? Or –

258

259 **CHRIS KAEMPFER**

260 No, no, no. That's exactly what the presentation is designed to do is to go through and show you
261 each separate area, what is agreed to where, what densities go where, that kind of thing.

262

263 **COUNCILMAN ANTHONY**

264 But we're not agendized to do that today, right?

265

266 **CHRIS KAEMPFER**

267 Well, I –

268

269 **COUNCILMAN ANTHONY**

270 We're – not agendized to – approve a master plan.

271

272 **COUNCILMAN BARLOW**

273 No. Wednesday.

274

275 **COUNCILMAN ANTHONY**

276 Are we gonna hear the master plan on Wednesday?

277

278 **CHRIS KAEMPFER**

279 You're gonna hear everything. Yes, sir. You are, on Wednesday.

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280 **COUNCILMAN ANTHONY**

281 What – agenda item is that?

282

283 **BRAD JERBIC**

284 No, I don't have it in front of me. I don't have the agenda in front of me. But it's all in the
285 afternoon, and there's gonna be a full-blown hearing on the development agreement, which is
286 this master plan.

287

288 **CHRIS KAEMPFER**

289 The develop, I'm sorry. The development agreement is the plan you're talking about. It shows
290 how something is to be developed, where it's to be developed, and – it's Item – 82.

291

292 **COUNCILMAN ANTHONY**

293 So you have a – picture of the entire master plan for Badlands?

294

295 **CHRIS KAEMPFER**

296 Yes.

297

298 **STEPHANIE ALLEN**

299 Yes.

300

301 **COUNCILMAN ANTHONY**

302 Where is that?

303

304 **CHRIS KAEMPFER**

305 Well, if we can go to the overhead.

306

307 **COUNCILMAN BARLOW**

308 Goes to the overhead.

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309 **TOM PERRIGO**

310 Mr. Chairman?

311

312 **COUNCILMAN ANTHONY**

313 But there's the – (inaudible) on the east side, that – doesn't tell me anything. Actually, that
314 doesn't – tell me anything.

315

316 **BRAD JERBIC**

317 If I could, Councilman.

318

319 **COUNCILMAN ANTHONY**

320 That's what I – mean, I'm just trying to understand the normal procedure. When you do a master
321 plan community, you do the master plan, you lay it out, do that, and then you do the
322 development agreement, because it locks in the developer with the City, creates a contract, and
323 everybody knows where they are legally. But I don't know what we're develop, what –
324 agreement we're doing here.

325

326 **BRAD JERBIC**

327 Let me tell you. I'll take a stab at this.

328

329 **CHRIS KAEMPFER**

330 Well that's – what I'm saying. That's our presentation.

331

332 **BRAD JERBIC**

333 Let me – try and take a stab at this. The, at –, when this item is called before the City Council on
334 Wednesday, Mr. Perrigo will begin as usual with a full staff report. I have been part of this
335 negotiation now for over 14 months. I can assure you during the course of the presentation, I'm
336 not – telling you which way to vote, I'm just telling you what you're gonna get. You're going to
337 get details, not just this general, overall Development Area 1, 2, and 3. You will get specific

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338 exhibits that will talk about what's in Area 1, what's in 2, what is in 3. You will get the unit
339 count. You will get the architectural style. You will get very, very specific details, right down to
340 where the houses will be and the lot sizes and the like. It's all in the development agreement.
341 There are a number of exhibits that talk about setbacks and heights and – construction schedules
342 and things like that. So you will have a full-blown presentation on that development agreement
343 without – suggesting –
344

345 **COUNCILMAN ANTHONY**

346 Brad –, normally we – do that in my office when I sit down and I look at it myself and I ask
347 questions and I like this, I don't like this. Is – there, so are we voting on a master plan on
348 Wednesday?
349

350 **BRAD JERBIC**

351 Briefings start tomorrow.
352

353 **COUNCILMAN ANTHONY**

354 But are we voting on a master plan on Wednesday and then we're voting on a development
355 agreement?
356

357 **BRAD JERBIC**

358 It's called a development agreement, yes. You're voting on a development agreement on
359 Wednesday. That as you – call it a master plan. It's – technically called a development
360 agreement. And then if you vote yes on that, you'll be asked to consider the ordinance that's
361 before you today.
362

363 **COUNCILMAN ANTHONY**

364 I mean I, this –

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365 **COUNCILMAN BARLOW**

366 Councilman, I believe Tom Perrigo has a – response for you.

367

368 **TOM PERRIGO**

369 Thank you, Mr. Chairman. Councilman, maybe I can help clarify this a little bit. The – zoning on
370 the property is – R-PD7, which is Residential Planned Development. In order for somebody to
371 use that zoning, they need a site development plan review. In this case, the development
372 agreement provides far more detail than would normally be required, and so that is what's
373 standing in place to meet the requirements for the applicant to exercise the zoning that they have.
374 So what you're thinking about are larger scale master plan communities, where they actually set
375 out a land use map and so on that establishes everything that's, you know, where the different
376 types of development will occur. This does set that out in the detail that Mr. Jerbic was talking
377 about, and all of that is in, contained in the – development agreement, but also in the exhibits of
378 the development agreement. But essentially, it's a different, it's a – little bit different than, say,
379 Skye Canyon or Summerlin or any of these others, in that it's –, the zoning is in place for
380 residential planned development. The development agreement is the mechanism by which they
381 are determining the details that they can, as to how that property would develop.

382

383 **COUNCILMAN ANTHONY**

384 So where are those details?

385

386 **TOM PERRIGO**

387 Those details are contained in a series of exhibits to the development agreement, and those are
388 all posted online.

389

390 **COUNCILMAN ANTHONY**

391 They're, are they here?

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392 **COUNCILMAN BARLOW**

393 In the backup?

394

395 **COUNCILMAN ANTHONY**

396 Do I have them in my book here?

397

398 **COUNCILMAN BARLOW**

399 He's asking tangibly, is it in the backup?

400

401 **TOM PERRIGO**

402 It's in the backup for the item on Wednesday. I, I'm not sure that those are in the backup for the

403 ordinance items.

404

405 **COUNCILMAN BARLOW**

406 Okay. So it sounds like someone needs to get the Councilman the – details of what he's asking if

407 in fact they're in the backup.

408

409 **COUNCILMAN ANTHONY**

410 Okay. So – Item 130 is the development agreement, right?

411

412 **COUNCILMAN BARLOW**

413 Yes, sir.

414

415 **COUNCILMAN ANTHONY**

416 And then 131 is a GPA and a waiver and an SDR and a TMP related to this agenda item?

417

418 **TOM PERRIGO**

419 Mr. Chairman, those items that follow the development agreement are items that were previously

420 abeyed at City Council, and that is a request by the applicant to develop 61 units on, I believe,

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421 roughly 30 or 33 acres. And so the applicant can describe what their intent is there. But those are
422 on the same property, but not necessarily related to the development agreement.

423

424 **COUNCILMAN ANTHONY**

425 Okay. It's –, this is just really, it's confusing, because there's an agenda item today, and then
426 we're being asked not to hear it. And there's a development agreement, and we're supposed to
427 hear it Wednesday. And there's all these GPAs after, and I haven't actually seen anything. It's
428 just, I don't know. I've never seen one of these before like this. Usually it's laid out and it's
429 organized and its, we take our time. So all right. I'll just wait and see what happens.

430

431 **CHRIS KAEMPFER**

432 Well, Mr. Chairman, if I might respond to the Councilman. That's why Mr. Jerbic said it was
433 basically put on here in error, because there is, this is designed for you to hear this and see this
434 and experience this on Wednesday, not at a Recommending Committee meeting.

435

436 **COUNCILMAN BARLOW**

437 Thank you. Thank you, Mr. Kaempfer. Stephanie?

438

439 **STEPHANIE ALLEN**

440 Yes?

441

442 **COUNCILMAN BARLOW**

443 Did you have anything you wanted to share?

444

445 **STEPHANIE ALLEN**

446 No.

447

448 **COUNCILMAN BARLOW**

449 You're good? Okay, great.

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450 **STEPHANIE ALLEN**

451 If we could respond maybe afterwards, if that's all right, just briefly.

452

453 **COUNCILMAN BARLOW**

454 I'm sorry?

455

456 **STEPHANIE ALLEN**

457 If we could respond to any questions that they raise or address –

458

459 **COUNCILMAN BARLOW**

460 Oh, we're not, no, I'm not going back and forth. So if you have something you want to share

461 now, please place it on the record.

462

463 **STEPHANIE ALLEN**

464 That's okay. We'll save it for Wednesday. Thank you.

465

466 **COUNCILMAN BARLOW**

467 Okay, great. I appreciate it. Thank you. So Artie Parker, Anne Smith, Debra.

468

469 **ARTIE PARKER**

470 We're going to have Frank talk first. This is Frank Schreck.

471

472 **FRANK SCHRECK**

473 If I might, my card's in there, but they asked me to talk first because I want to address a couple

474 things that have already been said. It's Frank Schreck, 9824 Winter Palace Drive. I live in

475 Queensridge. I've been living with this for now almost two years. And the reason why you're all

476 confused is that they've been trying to cram this development agreement down everybody's

477 throat on an expedited basis so nobody has a chance to understand it and review it. One of the

478 things Councilman Anthony asked is that he just got this agreement. It isn't up to the developer

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479 to tell you what it is that that this agreement says. You read it yourself first. This binds the City.
480 But what they want you to do is have this told to you by the City Attorney, who has made a lot of
481 misrepresentations to us and to the people in the community. The first one I'll say is (inaudible)
482 Mr. Perrigo. Mr. Perrigo says that this is already zoned and allowed residential. That's totally
483 contrary to the Planning Department's reports, staff reports in January 2016 and January, July of
484 2017. I'll just read you a couple excerpts, and it's replete over and over and over again in these
485 reports before the – integrity of the Planning Department was compromised by this political
486 process. In 2016, this is the one, July of 2016, less than a year ago, it says: The Peccole Ranch
487 Master Plan must be modified to change the land use designation from golf course drainage,
488 which is what's under, was approved by the City in 1990 and never been changed, to multi-
489 family prior to approval of a proposed general plan amendment to H. This is so they can build
490 the 3,000 units. And now it's 2,200. But there has to be a major modification of the Peccole
491 Ranch Master Plan first. There is no major modification before you. It's not even referenced in
492 the staff report that's submitted with this development agreement. In addition to that, prior to the,
493 oh, however, prior approval of a modification of the Peccole Ranch Master Plan on this area,
494 residential units would not be allowed. And that's replete through here over and over again.
495 There is no residential on that unless you modify the Peccole Ranch Master Plan, which
496 provided for no residential, and you do, by, through a major modification and then you do a
497 general plan amendment, because the general plan has us as PR-OS and every R-PD in the city,
498 there are seven of them, all our PR-OS, Park Recreation Open Space with no density. You have
499 to amend that to provide a zoning category, and then you can zone into it. There isn't a general
500 plan amendment before you with this development agreement. They don't even speak to a major
501 modification, all of which they said are conditions precedent less than eight months ago for the
502 same exact project. It's a development agreement that's been fine-tuned. I mean, I don't know
503 how you can go forward with this. The whole reason that this is being crammed down is because,
504 on Wednesday, there's four votes they can count, two of which won't be here any longer, one of
505 which is thrown out of office because the people in Ward 2 said they don't want this
506 development agreement.

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507 **COUNCILMAN BARLOW**

508 Two minutes, sir.

509

510 **FRANK SCHRECK**

511 But you're going to allow this to move forward to a Council that is already stacked against this.

512 That denies everybody the rights to representation, and is totally inconsistent –

513

514 **COUNCILMAN BARLOW**

515 Thank you, sir.

516

517 **FRANK SCHRECK**

518 With what Mr. Perrigo's staff said six or eight months ago.

519

520 **COUNCILMAN BARLOW**

521 Thank you. Okay. We have Doug Rankin.

522

523 **GEORGE GARCIA**

524 Mr. – Chairman?

525

526 **COUNCILMAN BARLOW**

527 Yes, sir.

528

529 **GEORGE GARCIA**

530 Members of the Council and Recommending Committee, George Garcia, 1052 –

531

532 **COUNCILMAN BARLOW**

533 Okay. Two minutes.

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534 **GEORGE GARCIA**

535 Whitney Ranch Drive, Suite 210. My – card's in there. Thank you for letting us go out, a little
536 bit out of order. I want to start with the fact that partly picking up there's – an enormous amount
537 of confusion here, and this started occurring before today with the oops by the City Attorney's
538 Office. And I find it hard to believe that anything that the City staff has spent so much time
539 putting on an agenda, putting in the backup and being before you is an oops. I think it was
540 probably a strategic error, perhaps, but maybe not a (sic) oops in the sense it shouldn't have been
541 here. Last week at the Planning Commission, we asked, I asked for an abeyance at the beginning
542 of the meeting and was told we could not request an abeyance. But at 6:00, there was an item on
543 earlier in the agenda and then there was one later. We asked for an abeyance, said no, you can't
544 be heard now. Come back at 9:00. I came back at 9:00 only to be, for the hearing, it was actually
545 11:00, but there was, I was sitting there starting at 9:00, and then there was no opportunity to be
546 heard yet again at the Planning Commission on the abeyance issue. The Planning Commission
547 Chairman or the Planning Commission forgot to call that item back for, that they told us we
548 would be back and be heard first before the agenda was even heard. So we think what's going on
549 here is there's a pattern essentially in the process of basically not being treated openly, fairly, and
550 transparently that we think that the way the law requires. To say nothing of, basically, we think
551 that's what you as the Council want and expect of this, the community and the way you want to
552 treat everyone. So we didn't get fair treatment there. The information at the hearing, I, part of the
553 reason I was complaining is the information is still changing as we speak. There's still ongoing
554 discussions and negotiations. Everybody's not been privy to these documents. We have not seen
555 all these documents. A development agreement, unlike any other approval, is a contract that's
556 binding on the City once done. There is no going back and revisiting it unless both parties
557 consent to do that. That creates enormous problems if this gets approved. On the Airbnb issue
558 you've had before you for some time, this – Committee has looked at this issue multiple times,
559 had hearings, deliberations, gone back and everything else. There's no reason that this item needs
560 to be moved forward. What's the – rush? What's the urgency for moving this item forward when
561 there's opportunity for a lot of deliberation at this point?

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562 **COUNCILMAN BARLOW**

563 Two minutes.

564

565 **GEORGE GARCIA**

566 I would request that based on the oops, the lack and way which we've been treated properly and
567 fairly under the, we believe under the laws of the State of Nevada, that this item should be
568 abeyed and basically abeyed until an opportunity to come back for the Council to have full
569 briefings by staff, by the applicants and be presented before you.

570

571 **COUNCILMAN BARLOW**

572 Thank you.

573

574 **GEORGE GARCIA**

575 And then at that time you can make a decision whether to move forward. We think now is not an
576 appropriate time or place to move forward. We would request that abeyance. Thank you.

577

578 **COUNCILMAN BARLOW**

579 Thank you, sir. I appreciate it. Thank you. Artie Parker?

580

581 **ARTIE PARKER**

582 Hi, I'm Artie Parker. I live at 664 Ravel Court, and I'm not a lawyer. What I'm here to say is I
583 can't believe, one, that we're doing this today. We're having this, and then, on Wednesday, we're
584 gonna have everything all together, and then we're gonna have a vote. And two of the people are,
585 have been voted out of the meeting. I don't understand why we're not having this in July when
586 you have a new Council and everything, and I object to this product, period.

587

588 **COUNCILMAN BARLOW**

589 Thank you. Anne Smith?

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590 **ANNE SMITH**

591 Thank you, Chairman and Committee. Ravel Court is still negotiating —

592

593 **COUNCILMAN BARLOW**

594 Your name for the record, please?

595

596 **ANNE SMITH**

597 Oh, sorry. It's Anne Smith.

598

599 **COUNCILMAN BARLOW**

600 Thank you.

601

602 **ANNE SMITH**

603 Ravel Court is still negotiating in good faith, through Brad Jerbic, with the developer to solve
604 our concerns over the multi-story condos 75 feet from our homes. However, we did oppose the
605 development agreement at the June 13th Planning Commission meeting, because the developer's
606 position had only changed by moving the condos a small distance versus reducing the density
607 behind our homes. In a side conversation with Brad Jerbic and my husband at that, at the
608 Planning Commission meeting, I asked, What was the next step in the approval process? Brad
609 told me that there were no more meetings before the Council meeting on June 21st. So we were
610 very surprised and confused, which like we see today, when we received the email from
611 outgoing Councilman Beers late Thursday for this public meeting. With only three days' notice,
612 we only have a handful of neighbors here. So we urge you to recommend holding the
613 development agreement over to a later Council meeting, as Brad is still coordinating a further
614 meeting tomorrow with the developer, which right the day before this meeting. So with so much
615 still in flux, we and, based on the confusion here today, surely the staff and Council still need
616 more time for review. Thank you.

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617 **COUNCILMAN BARLOW**

618 Thank you. Debra, how do you pronounce the last name?

619

620 **DEBRA KANER**

621 Debra Kaner.

622

623 **COUNCILMAN BARLOW**

624 Kaner.

625

626 **DEBRA KANER**

627 It could be my writing.

628

629 **COUNCILMAN BARLOW**

630 Okay. Thank you, Ms. Kaner. And then next we will have Gordon Culp, Theresa Murphy,

631 George Garcia has spoken, and Michael Buckley. Thank you.

632

633 **DEBRA KANER**

634 So my neighbors on Ravel Court have consistently opposed the density proposed behind our

635 house, because we will face the dense, the dense, the dense condos rather than all the beautiful

636 large estates in the other areas. Councilman Anthony, if you think you are confused today, you

637 can imagine how the residents feel. We got notification, and only some of us got notification,

638 Thursday afternoon. I happen to be on Bob Beers' list, but not all of my neighbors are. So they

639 didn't know about it, and it's not our job to inform them. We've appreciated Brad's help because

640 we wouldn't have got this far without him. But I urge you to take the time in looking at the

641 details of the plan, because you're gonna be presented with it possibly tomorrow, but it affects

642 our lives for the next 30 years. Thank you.

643

644 **COUNCILMAN BARLOW**

645 Thank you.

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646 **GORDON CULP**

647 Hi, I'm Gordon Culp, 653 Ravel Court. The process for review and approval of the development
648 agreement is, in our opinion, fatally flawed. We've had 18 months of constantly changing plans,
649 and just a few nights we got a totally new plan and a new development agreement just a few days
650 ago. That's when it was distributed to Queensridge residents. The hearing on that agreement
651 started just around midnight at the June 13th Planning Commission meeting, and the current
652 version of the plan and the agreement were being shown to the general public for the first time.
653 There were some amendments handed in, but we still haven't seen them. I don't know if you
654 have. We haven't. And we have been in discussions, as has been referenced, with the developer
655 about how we might resolve some of the devastating impacts of multi-story condos 75 feet from
656 our properties. And there are still some new ideas we understand forthcoming from the developer
657 that we're scheduled to hear about at 5:00 tomorrow, but we still don't know what those are.
658 Finding a mutually acceptable density behind our residence has been a real challenge. At the
659 Planning Commission meeting, the HOA attorney submitted several comments and questions
660 about the development agreement. Those ought to be resolved before you act on it. The vote was
661 finally taken at about 2:00 in the morning, and obviously there's pretty minimal public
662 involvement at that point. And even earlier in the Planning Commission meeting, an agenda item
663 on about 300 and some apartments and condos on a different project, near Alta and Rampart near
664 our project, have been moved to a separate special hearing. Yet our project with 2,100 units was
665 not granted a separate hearing. But the hearing really ran from about midnight to 2:00 a.m.,
666 hardly a time to stimulate public opinion. Once approved by the Planning Commission, the
667 development agreement was moved on to the June 21st Council meeting.

668

669 **COUNCILMAN BARLOW**

670 Two minutes.

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671 **GORDON CULP**

672 And all other items were moved to the July Council meetings. So let me just echo our desire of
673 my neighbors to have this deferred until we get the details worked out what exactly is in the
674 development plan.

675

676 **COUNCILMAN BARLOW**

677 Thank you, sir.

678

679 **TERRY MURPHY**

680 Morning, Terry Murphy, 1930 Village Center Circle. I'm here representing the Frank and Jill
681 Fertitta Trust. We have not been contacted by a representative of the developer or the City since
682 August of 2016, when we expressed our concerns, our serious concerns about flood control, the
683 building of a wall behind the house and water coming directly at it. We had those concerns, and
684 they were not addressed. In addition to Councilman Beers having sent out a (sic) email to
685 neighbors to come here, the attorney for the HOA left and received a call from the City Attorney
686 saying: We're not gonna hear this item today. So the neighbors who would have come down are
687 not here. And then finally, I just want to quote from the minutes of the July 12th Planning
688 Commission meeting, where Mr. Jerbic stated "Because R-PD stands for Residential Planned
689 Development, the reason is you have to be compatible with surrounding land uses. So, as I have
690 opined before, in my opinion, that if an individual were to come forward with R-PD7 and ask for
691 seven and a half units per acre next to one-acre parcels, half-acre parcels, quarter-acre parcels,
692 the Planning Department would never recommend approval of that because it's not harmonious
693 and compatible." The law requires that a development agreement be compatible with the master
694 plan, which is Parks, Recreation, and Open Space. We do not believe that it is. And you're not
695 putting seven units per acre next to one-acre homes or half-acre homes. Your development
696 agreement contemplates in excess of 35 units per acre next to those kinds of homes. That's all I
697 have today. Thank you.

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698 **COUNCILMAN BARLOW**

699 Thank you.

700

701 **TERRY MURPHY**

702 Oh, one more thing. As other people have stated, this is not ready to be heard, and we would
703 request a minimum of 30 days or more.

704

705 **COUNCILMAN BARLOW**

706 Thank you.

707

708 **MICHAEL BUCKLEY**

709 Good afternoon, Councilmen, Michael Buckley representing the Frank and Jill Fertitta Trust.

710 This development agreement, the procedures here are not normal. The development agreement
711 by statute needs to be found to be compatible with the general plan. There's no general plan
712 amendment that goes with this. There's no major modification as Mr. Schreck pointed out.

713 Although there's reference to the, there's been statements that this development agreement's been
714 negotiated for many, many months, the fact is that was last year. We all focused on that
715 development agreement last year. We all put it off to the side. The current development
716 agreement, is, the first draft is dated May 25th. That's the last one that I've had a chance to
717 review. The, actually, the development agreement contemplates that the City will cooperate and
718 assist the developer to get the general plan amendment that he needs. One of the more interesting
719 takes at the Planning Commission was that the, when, that when one of the Planning
720 Commissioners asked the staff and the developer, Why is this a 30-year development agreement
721 instead of a 20-year, which is typical? Nobody could answer that. Perhaps most importantly, a
722 development agreement is a contract. All of the, what is the City getting? Whatever the City is
723 getting is a promise. What – this development agreement, whatever the developer is promising is
724 within its discretion. It's with, it's as the market demands in his sole discretion. That is not a
725 promise, that's what is called an illusory promise. That's not a contract. Thank you.

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726 **COUNCILMAN BARLOW**

727 Thank you.

728

729 **JERRY ENGEL**

730 Good afternoon. I'm Jerry Engel. I live at 700 Pont Chartrain Drive. My home is the last home
731 that ties right into Ravel Court. The gentleman who represented EHB earlier and you told him
732 thank you but didn't listen to his plan, but he did use the words "compatible." I heard it six or
733 seven times, compatible, compatible, compatible. Gentlemen, I invite all of you to come to my
734 home, come to my backyard, look at my present view, and maybe 180 of the 250 acres that are
735 being proposed are compatible because they're single-family homes. They are spacious, two
736 acres. Many of them will be two acres with lots of green belts. Yes, that's compatible. But when
737 you come to my home and you go to the homes on Ravel Court, there's a corridor of 70 acres,
738 which he didn't identify, and on that 70 acres, which runs from Ravel Court, my home, all the
739 way down to Tivoli Village, the developer proposes to put, it was 3,000 units. Now he has
740 decreased it to 2,000 units. Well, gentlemen, that TV screen there, to that TV screen there is over
741 100 feet, and the developer proposes to put 2,000 high density units about 100 feet away from
742 my home, and I'll be looking at a wall that's 40 or 50 feet high. That is not compatible.
743 Gentlemen, the high density proposed has got to be taken out of Areas 1, 2, and 3. Thank you.

744

745 **COUNCILMAN BARLOW**

746 Thank you. And we have, you said you deferred your time.

747

748 **DOUG RANKIN**

749 Well, I – deferred my testimony to this time. Doug Rankin, 1055 Whitney Ranch Road. First, I
750 want to do one clarification. The development agreement has a master development plan in it.
751 It's not part of the City's general plan. It's part of this development agreement. So that is
752 different, and I wanted to clarify that, that it's the – plan that the developer is putting forward on
753 how their development's going to proceed. I just want to ensure that we have an opportunity to
754 speak at a public hearing on Wednesday to provide additional presentation, and I'd like to defer

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755 the rest of my presentation regarding the general plan and its origins and history, because there
756 was some confusion. I understand at Planning Commission, Mr. Jerbic indicated that there
757 weren't any documents that solidified this as Park Recreational Open Space, and there are
758 multiple documents that did so throughout time, and I want to present that and reserve my rights
759 to present that on this public hearing. I just wanted to confirm that.

760
761 **BRAD JERBIC**

762 Yeah, I think that's a – fair observation. I think that on Wednesday, whether this Council adopts
763 it or – doesn't adopt it or – holds in abeyance for that matter, I think everybody needs to have an
764 opportunity, and I will urge the Mayor to give you an opportunity, Mr. Rankin, and anybody else
765 who wants to, to make whatever record people need to make regarding the development
766 agreement.

767
768 **DOUG RANKIN**

769 Thank you for your time.

770
771 **COUNCILMAN BARLOW**

772 Thank you, sir. Yohan Lowie.

773
774 **YOHAN LOWIE**

775 Good afternoon, Committee. Yohan Lowie, 9409 Kings Gate Court, neighboring Queensridge.
776 Thank you for the time you're spending on this item. I know how hard most of you have worked
777 relentlessly on this project for the last two years. It has been two years now. And as you know,
778 we are now with a development agreement in front of you after a (sic) excruciating process that
779 has now been changed greatly in the last 18 months since the proposed development agreement,
780 based on the request of the Council and Council members and the Mayor that they want to see a
781 comprehensive plan for the entire 250 acres. Now, we are down to the wire with the same
782 development agreement, with changes into the development – agreement that reduce densities,
783 that provide more buffer, and – listen to homeowners' concern about the property behind Ravel

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784 Court, 25 feet down, install a one-story basement only and four stories on top of it. So what they
785 see from their house, if we had no landscaping, is two stories, not picture that you see, or you
786 will see at City Council. With that, that property is destined to be developed. And, we have no
787 interest to continue talking about a development agreement for the next year and the year after
788 and figure out what is good for everybody. We have three different companies that own the
789 property, and we would like you to either move – forward with the development agreement or
790 allow us to develop the property under its current zoning and allow us to move forward with our
791 land rights, the R-PD7 zoning district. And if we need to have this every couple months, we have
792 the plans for the entire project design on the R-PD7. If we have to file it, we will file it next. But
793 we – will ask you not to hold this item and not to – abey it and not to refuse it. I think it's the best
794 solution possible for the homeowners because they will know what's going to be built for the
795 next 20 years. By the way, people ask why it's 30 years. Thirty years has nothing to do with us.
796 That's a demand by the City. They were not going to be left with zoning after – 20 years.

797

798 **COUNCILMAN BARLOW**

799 Two minutes.

800

801 **YOHAN LOWIE**

802 Okay. I have a whole lot more to put in to explain the history of the property, if you wish.

803

804 **COUNCILMAN BARLOW**

805 Well –, the thing of it is that, depending on what comes out of the meeting here today, it'll be
806 brought before the Council on Wednesday.

807

808 **YOHAN LOWIE**

809 Okay. Thank you.

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810 **COUNCILMAN BARLOW**

811 Thank you. Is there anyone else wishing to be heard on this item? Seeing none, public comment
812 is closed.

813

814 **BRAD JERBIC**

815 If I could jump in real quick before you move on.

816

817 **COUNCILMAN BARLOW**

818 Brad, if you will.

819

820 **BRAD JERBIC**

821 Let me just state that before the meeting today, I met with Russell Rowe, a representative of
822 Boyd Gaming, who had some additional language regarding traffic, specific traffic at the corner
823 of Clubhouse Drive and Alta. But he has a proposed amendment to Section 5.03 of the
824 development agreement. I've provided a copy to the Clerk, and I wanted to represent on the
825 record that this will be incorporated into the final version of the agreement that will be presented
826 to the Council on Wednesday. Having said that, we will be providing full briefings on all of this
827 all day tomorrow, and, again, it will be Council's decision on Wednesday. If I can answer any
828 questions today, I'll be happy to.

829

830 **COUNCILMAN BARLOW**

831 Thank you, Mr. Jerbic. I'll turn the time now over to Councilman Anthony.

832

833 **COUNCILMAN ANTHONY**

834 Thank you, Mr. Chair. I guess the interesting thing is that, when I was talking to Brad, is it
835 doesn't really matter what we do today. It's gonna, this is agendized for Wednesday, and the Full
836 Council is going to hear it, so we technically can't abey anything. We're just recommending an
837 abeyance, but each City Council person is gonna make their own decision based on the

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838 presentation that is done on Wednesday, right?

839

840 **BRAD JERBIC**

841 Correct.

842

843 **COUNCILMAN ANTHONY**

844 So I just want everybody to be clear on – that, that if, even if we voted to abey it three to

845 nothing, it still gets heard on Wednesday, right?

846

847 **BRAD JERBIC**

848 That's correct. Your recommendation to abey would be heard on Wednesday.

849

850 **COUNCILMAN ANTHONY**

851 Right. And the recommendation could be approved or denied, or something else can come out of

852 it?

853

854 **BRAD JERBIC**

855 They could follow it or not.

856

857 **COUNCILMAN ANTHONY**

858 Okay.

859

860 **COUNCILMAN BARLOW**

861 Okay. Councilman Coffin?

862

863 **COUNCILMAN COFFIN**

864 I don't have anything further to add.

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865 **COUNCILMAN BARLOW**

866 Nothing further to add?

867

868 **COUNCILMAN COFFIN**

869 Nothing further to add.

870

871 **COUNCILMAN BARLOW**

872 Okay. Then my motion will be that we move this item to the full body of the City Council to be
873 heard on June 21st, 2017. That will be my motion at this time, with no recommendation coming
874 out of – Recommending. That is my motion. There's a motion on the floor. All in favor?

875

876 **COUNCILMAN ANTHONY**

877 Aye.

878

879 **COUNCILMAN COFFIN**

880 Aye.

881

882 **COUNCILMAN BARLOW**

883 Aye. So moved. We'll see you all June 21st, 2017.

884

885 **(END OF DISCUSSION)**

886 /jm