

**RECOMMENDING COMMITTEE MEETING OF
OCTOBER 15, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 4**

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

6

7 **Appearance List:**

8 STAVROS S. ANTHONY, Councilman/Chair

9 VAL STEED, Chief Deputy City Attorney

10 BOB COFFIN, Councilman

11 NAT HODGSON, Southern Nevada Home Builders Association

12 STEPHANIE ALLEN, 1980 Festival Plaza Drive, on behalf of the property owners of the former

13 Badlands Golf Course

14 TOM PERRIGO, Executive Director of Community Development

15 CRAIG NEWMAN, on behalf of Vegas Ventures, LLC

16 ANNE SMITH, Queensridge resident

17 MICHELE COMEAU, Queensridge resident

18 ELAINE WENGER-ROESENER, 9811 Orient Express Court

19 MELANIE HILL, homeowner at Silverstone Ranch

20 PAT SPILOTRO, Silverstone Ranch resident, 8177 Bay Colony

21 JOHN BOKA, Queensridge resident

22 STEVE CARREA, resident of 1 Queensridge Place condo complex

23 TERRY STRONG, Silverstone Ranch resident

24 DAN BURDISH, Special Assistant to Michele Fiore

25 LOIS TARKANIAN, Councilwoman

26

27 (45 minutes, 26 seconds) [00:9:35 - 00:55:01]

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28 Typed by: Speechpad.com

29 Proofed by: Jacquie Miller

30

31 **COUNCILMAN ANTHONY**

32 Okay, Item Number 4. This is Bill No. 2018-24 possible action. It's an abeyance item. It amends
33 LVMC Title 19 to adopt additional standards regarding the repurposing of certain golf courses
34 and open spaces to consolidate those provisions with previously adopted public engagement
35 provisions regarding such repurposing proposals.

36 So, this bill has been in front of the Recommending a few times, and it's been abeyed a few
37 times. We're – supposed to hear it today, and it's on the agenda for Wednesday at our City
38 Council meeting for a vote. So, unfortunately, Councilwoman Fiore will not be at the meeting in
39 two days, and she has requested that we at least send this bill out of this Recommending
40 Committee to the first meeting in November for final, for – look by the Las Vegas City Council.
41 I'm not, I personally am not prepared today to make a recommendation on whether I would vote
42 up or down on this at the City Council meeting. I'm not sure how everybody feels up here. I
43 would rather personally send this to the City Council without our recommendation and let the
44 City Council deal with it, and my intent would be at the meeting on Wednesday to obey the City
45 Council vote til the first meeting in November, and at that meeting we'll have a hearing. I'm
46 assuming we'll have a public hearing, 'cause people are gonna wanna show up and speak on it at
47 that particular date. So that is, that's my feeling on it. This is a public hearing, though, so I'll open
48 it up for public comment.

49

50 **VAL STEED**

51 Mr. Chair? Mr. Chair?

52

53 **COUNCILMAN ANTHONY**

54 Yes, Val.

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55 **VAL STEED**

56 Yes, what I wanted to do is – go through the changes that are in the proposed First Amendment.
57 Many have seen them, many have not. There should be copies out there for those who are
58 available. The (sic), there's a copy in your backup that has the clean text of the amendment, and
59 I've also provided Council members, Committee members as well as for the public who wants to
60 come up and look, a highlighted version.
61 Just wanted to take you through the changes that were made. We received requests from the
62 Home Builders, from NAIOP in contact with the sponsor of this bill. So I wanted to draw your
63 attention on your, on your highlighted copy. I just wanted to go through, even though your
64 intention appears not to do anything other than move this along, I wanted for the record to point
65 out what changes have been made.
66 On Page 2, we added an exception to the entire section about repurposing.

67

68 **COUNCILMAN COFFIN**

69 Are we looking at the white copy?

70

71 **VAL STEED**

72 Yes.

73

74 **COUNCILMAN COFFIN**

75 Has that been online?

76

77 **VAL STEED**

78 Yes, but not on, it - has been online, but not in highlighted form. So if you'll turn to Page 2, I'll
79 show, I – want to point out the changes that have been made. Exception was added, Exception 5.
80 This entire section on repurposing of golf courses and open spaces does not apply to any
81 currently, to any currently required, currently required development application or applications
82 that have already been approved by the approval authority with no further discretionary approval

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83 pending. That was to let people know our standard practice. If you've been through the process,
84 it's not going to apply to your applications.

85

86 **COUNCILMAN COFFIN**

87 (Inaudible)

88

89 **VAL STEED**

90 The next changes are on Pages 4 and 5. You'll see that there are a few instances where the word
91 "any" has been added in, highlighted. That's to acknowledge, it's just a correction that was
92 required, that we should have made when the original, initial version, phase one, went through.

93 As you remember, the Council decided not to require any design workshops. It was gonna be up
94 to the developer. So this simply changes those references to design work, workshops if they're
95 going to report if they had any design workshops the information that pertained to those.

96 On Page 6, a change that was requested, as may be amended from time to time, and that refers to
97 the land use and rural preservation element to the Las Vegas 2020 Master Plan. There is a desire
98 to have that take into account that that plan gets amended from time to time. That was not an
99 objection.

100 On Page 7, Line 20 it was requested that we include a – density or intensity exhibit instead of
101 just a density exhibit. "Density" is the term that's typically required to residential development,
102 and I believe the addition of the word "intensity" was to take into account applications for non-
103 residential development, which is the appropriate term for that kind of development.

104 At the bottom of Page 7 and following up two other places on Page 8, there were three types of
105 submittals that initially were required for all projects having to do with an environmental
106 assessment, having to do with conceptual master studies, and having to do with a 3D modeling.
107 It was decided that those requirements wouldn't be necessary for smaller projects. So this
108 establishes for each of those submittals a one acre or more threshold. If you one, if you have less
109 than one acre, you wouldn't be required to submit those right up front, which is what the other
110 larger developments would have to do.

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111 On Page 9, this was requested by the Homebuilders, if you've got a development that has
112 CC&Rs that address repurposing of golf courses or open space in any manner, then the
113 requirements of Subsection K of this section, which are the development standards, won't be
114 applied to those. The desire was to allow those aspects to be governed by the CC&Rs, and so that
115 provides an exemption for them.

116 On Page 10, there was concern about how the closure maintenance plan, which is the plan that's
117 required to be filed when you have closed or withdrawn open space or golf course development,
118 there was a requirement that a plan had to be submitted how you're gonna maintain that. There
119 was concern that, somehow, if something had already been closed, that the Council would ask
120 for those, the maintenance to be required to the same level it was when it was discontinued. That
121 obviously won't work so it provides that where the continuance, the discontinuance of the golf
122 course, the withdrawal of open spaces happened before this ordinance became effective that,
123 rather than having it be the maintenance level at the time of discontinuance and withdrawal, it
124 would, something that would be proposed by the applicant and worked out in connection with
125 the Department of Planning.

126 I believe those are the – changes that were made between the initial version and the, and the
127 proposed First Amendment.

128

129 **COUNCILMAN COFFIN**

130 Mr. Chairman, through you to Counsel. Val, does the sponsor of the bill approve of these
131 changes?

132

133 **VAL STEED**

134 Yes.

135

136 **COUNCILMAN COFFIN**

137 All right, thank you.

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138 **COUNCILMAN ANTHONY**

139 Okay. Thank you, Val. I appreciate that. So we have Bill No. 2018-24 with a First Amendment,
140 so who would like to come up and make public comment here? Come on up, state your name,
141 and tell us what you're thinking.

142

143 **NAT HODGSON**

144 Good morning, Mayor Pro Tem, Council. Nat Hodgson for the record with the Southern Nevada
145 Home Builders Association. As placed on the record previously, SNHBA has been at the table
146 since October 2017 on this issue with – the City. We've consistently focused our comments and
147 position on the scope of the ordinance, and we appreciate the sponsor as well as staff working
148 with us to make sure the exemptions limit, as much as possible, the unintended consequences
149 that could come out of this.

150 With the proposed First Amendment and the changes, specifically in Section B, Subsection 5 on
151 Page 2, exempting development, developments where the repurposing of open space has already
152 been approved, and Section F, Subsection 4 on Page 9 exempting communities that have CC&Rs
153 that address how to handle your open space repurposing. At the Advisory Panel meetings at the
154 end of last year and the beginning of this year, we asked multiple times for a minimum acreage
155 limit, so we appreciate seeing the under one acre limit put in there as well.

156 We just want to point out that this thing does move forward, even with these exemptions, that it
157 will be, it will put some barriers in front of the developer who does want to purchase and develop
158 the – open space. But we do appreciate the City and staff. We know this has been a pretty big
159 ordeal, but we appreciate them working with us, and we appreciate the First Amendment. Thank
160 you.

161

162 **COUNCILMAN ANTHONY**

163 Thank you.

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164 **STEPHANIE ALLEN**

165 Good morning, Mr. Chairman, Council, members of the Council. Stephanie Allen, 1980 Festival
166 Plaza Drive, here on behalf of the property owners of the former Badlands Golf Course. I'll be
167 brief. We remain opposed to this ordinance as we believe that the ordinance is targeted directly
168 at the former Badlands Golf Course properties.

169 I do have a letter that I'll submit for the record, that will go to the entire City Council today
170 outlining some substantive objections to the ordinance. But the main concern again is the
171 targeted and unconstitutional nature of the ordinance as we believe again that it's directed
172 specifically at the former Badlands Golf Course.

173 At the last Recommending Committee, we did ask or someone asked the question of staff, how
174 many properties would, in fact, fall under this ordinance, and I don't think staff had done the full
175 analysis, but there were 292 properties that they referenced would be intended to fall under this
176 ordinance. We did that analysis, and I'll submit it for the record, but of those 292 properties, 279
177 of them are separate APNs, and 13 of them are golf course properties. Of those, 274 of them
178 have CC&Rs, PD zoning, PC zoning, or in, are in some special area, special planning area, so
179 they're exempted out under the version that's before you today.

180 In addition to that, there are 16 properties that are owned by the City and controlled by the City,
181 so that narrowed it down to two properties. Out of the 292 parcels that the city provided, two
182 properties remain. One of them is the former Badlands Golf Course, and if I could direct your
183 attention to the overhead, the other is actually, interestingly, in Peccole Ranch. It's this little pink
184 area here. It's a wash, that a portion of it, this portion over here, is owned by the HOA. This
185 portion is still under the Peccole Trust, and our clients spoke to them. I guess they're in the
186 process of trying to get that converted over to the HOA. So if that were converted to the HOA, it
187 too, would be exempt under this ordinance, and then again we're back to one specific property
188 that this ordinance will actually apply to with all the exemptions that are put into the ordinance.
189 So there's significant concern. Obviously, it's unconstitutional to pass laws that are targeted at
190 one particular property owner, and there are serious ramifications for the City if it were to
191 impose such a law.

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192 So I will submit this into the record along with the letter to all the members of Council and let
193 our objection, I guess, remain. Thank you.

194

195 **COUNCILMAN ANTHONY**

196 Thank you.

197

198 **COUNCILMAN COFFIN**

199 Mr. Chairman, Mr. Chairman? I need to know what the objections are. Don't just hand us a letter,
200 Stephanie. It should be really easy to highlight the objections in your letter, in other words,
201 because this is such a sensitive (sic) thing these days with who can vote, who cannot vote, all
202 these lawsuits passing back and forth. Is there a discussion on who's eligible to vote or in any
203 way in that letter?

204

205 **STEPHANIE ALLEN**

206 No. My, our, my letter is specifically, I don't represent any of the litigation matters. We, we're
207 their zoning counsel, so the letter that I just submitted are all the concerns we've raised at a
208 number of hearings before. I'm happy to go through them, but the main one is the targeted nature
209 of the zoning ordinance, and then, substantively, if it were to apply to all those 292 properties, I
210 think it's fairly anti-development. There's requirements in there now, they've been changed to any
211 property over one acre, but requirements that you do a 3D model and all of your master studies
212 and a lot of the things that are not required in the City of Las Vegas currently for developers, that
213 would be required on the front end and cost developers throughout the City of Las Vegas
214 hundreds of thousands of dollars before they can even get to a pre-submittal conference. So from
215 an overall development perspective, if it were to apply to the entire development community, it's
216 – a very onerous and financially burdensome bill. Additionally, it impacts lenders. So if someone
217 were to rely on, like in the Badlands situation, a zoning verification letter before they buy a piece
218 of property and then be subjected to all of these additional meetings and additional (sic) onerous
219 requirements prior to a submittal of an application or prior to being able to do what they want

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220 with the property, lenders' values on their collateral could be substantially decreased. That's a
221 concern.

222 I can go through the whole list if you'd like. I've put it on the record a number of times, but
223 there's-

224

225 **COUNCILMAN COFFIN**

226 If I could just ask one more question. Thanks, Steph.

227

228 **STEPHANIE ALLEN**

229 Sure.

230

231 **COUNCILMAN COFFIN**

232 Thank you, Mr. Chairman. Just wanted to make sure I understand this correctly, because, as I
233 understand it, the City Council has not approved anything at the former Badlands Golf Course.
234 That, in fact, the courts have rejected that and the Council has affirmed the decision of the court.
235 So there is no, nothing pending right now. Is that fair to say?

236

237 **STEPHANIE ALLEN**

238 There's a number of lawsuits. I believe you guys approved one project, denied one project. Both
239 are still either on appeal or moving through the court system is my understanding.

240

241 **COUNCILMAN COFFIN**

242 Okay. All right.

243

244 **COUNCILMAN ANTHONY**

245 Okay. So if I heard you correctly, you – mentioned 292 parcels you believe are affected by this
246 ordinance in the City. Is that right?

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247 **STEPHANIE ALLEN**

248 Well, it's 292 parcels that your staff gave us the list of. We went through that analysis-

249

250 **COUNCILMAN ANTHONY**

251 Okay.

252

253 **STEPHANIE ALLEN**

254 -and it narrowed down to two that remain after all the exemptions that have been put into the
255 ordinance. So of those 292, they are all subject to either CC&Rs, they're owned by the City, they
256 have deed restrictions on them, so they wouldn't be subject to this ordinance. There's two that
257 remain.

258

259 **COUNCILMAN ANTHONY**

260 Okay. So as – Ronald Reagan said, trust but verify. So Mr. Perrigo, I – would like to know if
261 that's an accurate statement, that, just so I – can verify that 292 parcels, this ordinance would
262 affect just those two. You don't have to do it today, 'cause I don't, 'cause we're moving this to
263 the City Council, so, but, eventually, I would need to know that.

264

265 **TOM PERRIGO**

266 Yes, sir, and I think that would require that staff would have to review all of those CC&Rs for all
267 of those HOAs. So that would be a huge task to see if they in any way mention repurposing. And
268 so I think that's the process, but I'm looking at the Deputy City Attorney for confirmation.

269

270 **VAL STEED**

271 Yeah, I think that's – a fair statement. Let me also point out that there are very few properties that
272 are exempt entirely from this ordinance, notwithstanding what Ms. Allen says. Most of those
273 open spaces are subject to some aspect of the ordinance. There are some exemptions for CC&R
274 properties from one subsection. And even though everyone acknowledges that Badlands was the

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275 impetus for this ordinance, almost every ordinance you pass is brought to your attention by a
276 specific example.

277 This ordinance was not written to talk about one golf course. It was written to talk about all golf
278 courses that could ever come within its provisions, and even though we can't name a bunch of
279 those, someday any of those could become subject to the provisions. The City could get rid of its
280 golf courses, which would then take it out of the exemptions. Those open spaces that are
281 currently exempt from some provisions could become eligible for more provisions depending on
282 what happens within it. We legislate for the future. So just to point out that we will do that
283 analysis, but it's not quite the way Ms. Allen represents, respectfully.

284

285 **COUNCILMAN ANTHONY**

286 Okay. Well, if I, if I could, if you could do some kind of analysis and just give me an idea of
287 what you're – thinking and how it compares to what's been made at public comment, that would
288 be helpful.

289

290 **TOM PERRIGO**

291 Thank you, and just to be clear, Mr. Chairman, I will follow up with the, Mr. Steed and have
292 some analysis for you, but it's unlikely that we're gonna go through all of those CC&Rs
293 specifically, but we will do further analysis. But I – completely agree with Mr. Steed. I mean
294 those, again, respectfully, with what Ms. Allen was saying, those properties will likely be subject
295 in some form or fashion to some of the provisions within this, within this text amendment, this
296 ordinance.

297

298 **COUNCILMAN ANTHONY**

299 Okay, great. All right. We'll have that conversation. All right, thank you.

300

301 **STEPHANIE ALLEN**

302 Thank you. Appreciate it.

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303 **COUNCILMAN ANTHONY**

304 Who else would like to comment? Come on up.

305

306 **CRAIG NEWMAN**

307 Good morning. My name's Craig Newman. I'm here on behalf of Vegas Ventures, LLC, which is
308 the lender and holder of a first Deed of Trust on the property where the Badlands Golf Course
309 used to sit. I can tell you that my client loaned a substantial amount, over eight figures, on this
310 property and did that loan based upon the existing development plans, the zoning that existed on
311 the property and also the zoning verification letter that was provided by the City. We absolutely
312 would not have loaned the money on this property absent those items, and the zoning that exists
313 on this property is residential. And I can tell you that-

314

315 **COUNCILMAN COFFIN**

316 LuAnn, can I have one of those waters?

317

318 **CRAIG NEWMAN**

319 -since the last meeting we've done some further research into the matter and just sort of tried to
320 think let's look at the history of this entire situation. Number one, the Badlands Golf Course was
321 approved by the City. Okay, the City had to approve the development plans. It didn't require any
322 zoning change. It allowed the zoning to remain residential at the time that the Badlands was
323 developed. What happened thereafter? Queensridge is developed. People move in. A lot of
324 people move in. They are all provided CC&Rs. Every single one of them is provided CC&Rs
325 when they move in. Everyone is provided a CC&R that states that the Badlands is not part of
326 Queensridge, number one, so it's essentially their neighbor. It's not part of their development. It
327 is their neighbor, and they are either on constructive notice or actual notice that the property is
328 zoned residential. I know they don't like the way that it's standing now, and they can certainly
329 come and – object to zoning requests, I mean development requests, and they have-

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330 **COUNCILMAN ANTHONY**

331 Okay. Let – me just, we're – not here to have a public discussion about Badlands. We're here to –
332

333 **CRAIG NEWMAN**

334 -Okay. No, I understand, so, but-

335

336 **COUNCILMAN ANTHONY**

337 Are you in agreement or disagreement with the ordinance and why? That's all we're talking about
338 here.

339

340 **CRAIG NEWMAN**

341 Yeah, okay. Well, we are against it, number one, because we would not have loaned the money
342 on this property had we known that this, that this ordinance would have been proposed. Okay? If
343 this ordinance were in, were, had been proposed or had been passed, absolutely we would not
344 have loaned in excess of \$10 million on this property. No way.

345

346 **COUNCILMAN ANTHONY**

347 Okay. All right.

348

349 **CRAIG NEWMAN**

350 You understand. So and –, and if – in fact, the ordinance is passed, it will constitute a taking of
351 our collateral, because our collateral will be rendered valueless. So that will have to be resolved
352 vis-à-vis litigation. You know, I mean, that just, it happens, and that would be what would have
353 to be resolved. We would be a plaintiff to recover the value of our collateral.

354 In addition, if the application of this statute, ordinance, is applied retroactively as to closure,
355 which it is intended to, it's saying that, you know, Badlands, even though this ordinance didn't
356 exist when you were developed, we're now saying that you have to, are subject to these closure

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357 provisions. That is ex post facto law, which is being applied retroactively and will be challenged
358 constitutionally.

359 So our client, our – client is definitely opposed to the ordinance. We believe that it will render
360 our – collateral valueless, and we believe that, and, in fact, it's been pointed out, I'm not gonna
361 belabor the point, that we feel this ordinance is singularly focused, and that's something that, of
362 course, the City is going to have to, the City Council is going to have to consider.

363

364 **COUNCILMAN COFFIN**

365 Mr. Chairman?

366

367 **CRAIG NEWMAN**

368 And if it is singularly focused, it is also unconstitutional.

369

370 **COUNCILMAN ANTHONY**

371 Okay. Thank you.

372

373 **COUNCILMAN COFFIN**

374 Thank you. Thank you, Mr. Chairman. Craig, thank you. This is a lawyer's dream, isn't it, this is,
375 or a nightmare depending on where you are, because I don't think I've ever had a ex post facto
376 bill drafted in front of me. So I – hope this is not ultimately judged to be ex post facto. But what I
377 want to know is who is Vegas Ventures, LLC? Who represents it? I know you talked about it last
378 meeting. But who is it?

379

380 **CRAIG NEWMAN**

381 It is an LLC, and its managing member is Paul Roberts, which I, which I provided last.

382

383 **COUNCILMAN COFFIN**

384 Paul Roberts?

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385 **CRAIG NEWMAN**

386 Paul Roberts.

387

388 **COUNCILMAN COFFIN**

389 Is it Delaware?

390

391 **CRAIG NEWMAN**

392 It's a Delaware LLC. Paul Roberts is the managing member.

393

394 **COUNCILMAN COFFIN**

395 Who's the main owner? Who owns them?

396

397 **CRAIG NEWMAN**

398 I'm not sure who that is. I know Paul Roberts is the managing member. I mean, if – the City
399 would like to engage in some sort of dialogue, maybe we can set something up.

400

401 **COUNCILMAN COFFIN**

402 Is Sheldon Adelson an owner?

403

404 **CRAIG NEWMAN**

405 He may, he may have an interest. I know he has associations with Paul Roberts.

406

407 **COUNCILMAN COFFIN**

408 Uh-huh.

409

410 **CRAIG NEWMAN**

411 I don't know the answer to that, sir.

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412 **COUNCILMAN COFFIN**

413 I don't either, but it's nice to know. Thank you.

414

415 **COUNCILMAN ANTHONY**

416 Okay. Thank you. Appreciate it.

417 Hi. Come on up. If anyone else is gonna be commenting, come on down.

418

419 **ANNE SMITH**

420 Thank you.

421

422 **COUNCILMAN ANTHONY**

423 Hi.

424

425 **ANNE SMITH**

426 Hi, hi, here again. So while we understand-

427

428 **COUNCILMAN ANTHONY**

429 Go – ahead and state your name.

430

431 **ANNE SMITH**

432 Oh, I'm sorry. I always do that. Anne Smith. I'm in Queensridge. While we understand it takes a

433 long time to come up with an ordinance like this, a good ordinance, it's kind of disappointing that

434 it keeps getting kicked down the road a little bit because it's hard to get people here over and

435 over again. So we would appreciate that, if we're gonna do it in November, then it actually

436 happens, because it's like we're crying wolf all the time to get people down here. Okay.

437 But just the attachments to this meeting, there were 45 plus people that wrote in to all of you in

438 support of this, and there were no people writing in, in opposition to the ordinance, so I'd like

439 you to keep that in mind. And they weren't all from Queensridge. There were people from Desert

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440 Shores, there were people from The Lakes and there were people from Canyon Gate, which are
441 also on that list that you have in front of you of the 292 properties. So we would really like to
442 offer that we're in support of it, and we would appreciate it if it could come to some conclusion.

443

444 **COUNCILMAN ANTHONY**

445 Thank you.

446

447 **ANNE SMITH**

448 Thank you.

449

450 **COUNCILMAN ANTHONY**

451 I'm with you. Hi, come on up.

452

453 **MICHELE COMEAU**

454 Hi. My name is Michele Comeau. I'm a longtime resident of Queensridge, and several of my
455 elderly friends weren't able to be here today. First of all, we want to commend the staff for their
456 research, attention to detail and preparation of a truly purposeful ordinance for consideration and
457 just to let you know that we support it. Thank you.

458

459 **COUNCILMAN ANTHONY**

460 Thank you for coming down.

461

462 **ELAINE WENGER-ROESENER**

463 Good morning. I'm Elaine Wenger-Roesener, and I live at 9811 Orient Express Court in
464 Queensridge North. And I am here, we, I am also speaking for three people in the audience,
465 myself and five other people that were not able to make it. And we just wanted to say that we are
466 in support of this open space ordinance, and we are grateful that we have the support of the
467 Southern Nevada Homeowners Association and other development organizations in the valley.

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468 We'd like to take thank the City staff for all the work that they've done, the research and the
469 preparation and the Recommending Committee for the time that you've spent on this too, and we
470 just want to let you know we're in support of it. Thank you.

471

472 **COUNCILMAN ANTHONY**

473 Thanks for coming down.

474

475 **MELANIE HILL**

476 Good morning. My name is Melanie Hill, and I'm a homeowner at Silverstone Ranch, and I think
477 it's great that this ordinance is-

478

479 **COUNCILMAN ANTHONY**

480 A homeowner where?

481

482 **MELANIE HILL**

483 Silverstone Ranch.

484

485 **COUNCILMAN ANTHONY**

486 Silverstone. Okay.

487

488 **MELANIE HILL**

489 And I think it's great that this ordinance is anti-development. I like that it's anti-development.

490 When I bought my house on Silverstone Golf Course, I'm an original owner, I was told that my
491 house would always be next to a golf course, and I paid \$150,000 lot premium to live on a golf
492 course. And I now look at a dead golf course and a boarded-up country club, and I have for three
493 years. And my house is still under water, and it's continuing to remain under water because of
494 this litigation and because somebody came in and bought our golf course with the intent of
495 developing it.

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496 If this ordinance was in place, developers wouldn't buy open space and wouldn't buy golf courses
497 thinking that they were going to turn a huge profit on the backs of the homeowners and at the
498 expense of the homeowners, and I have no problem with that. I don't think that we should be
499 supporting a business model in Nevada where developers think that they can come in and buy
500 golf courses and destroy homeowners' lives and destroy their property values so that they can
501 make millions of dollars.

502 So I don't care that the lender might lose money, and I don't care that Mr. Lowie might lose
503 money, because he bought Badlands Golf Course knowing that he was gonna have to come
504 before the City and try to get permission to build.

505 So this golf course ordinance is gonna protect Silverstone, it's gonna protect Canyon Gate, it's
506 gonna protect The Lakes if they want to drain the lake. It's gonna protect all open space. It's not
507 gonna protect, it's not gonna prevent building on vacant land, which we've heard a lot of. It's only
508 gonna prevent building on open space and golf courses. And when people buy their homes
509 integrated into a golf course community expecting it to remain a golf course, I don't think that
510 the City should be used as a pawn for developers to come in here and bully them to try to make
511 money on golf courses. So I'm absolutely in support of the ordinance, because I think it will
512 prevent developers from continuing to chop up golf courses in the state of Nevada, and I
513 encourage you to vote in favor of the ordinance.

514

515 **COUNCILMAN ANTHONY**

516 Thank you. Hi, come on down.

517

518 **PAT SPILOTRO**

519 Hi. My name is Pat Spilotro. I'm also from Silverstone Ranch, 8177 Bay Colony, 89131. I run
520 the Saving Silverstone Facebook page. I also run the Saving the Silverstone Ranch discussion
521 group. As a matter of fact, I think you're in it, or at least I sent you an invitation, Councilman
522 Anthony.

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523 I recommend you guys look up the information that I'm posting there because it has to deal with
524 all these cases and golf courses and stuff. You don't have any input from Silverstone Ranch, and
525 there's probably a reason for that, and I don't want to get into it here because Councilwoman
526 Fiore is not here. However, I can tell you without a doubt the overwhelming support of
527 Silverstone Ranch is behind this (sic) behind this ordinance. I mean, like, nine to one. I only
528 know of one other person that's against it, one other person that has a problem with it, and,
529 personally, they're, they don't know the facts.

530 The fact that it applies to 242 pieces of property in – in the Las Vegas, that's a good thing. I
531 really would like for you guys to take a look at where this started. This is 208-5. We've been
532 waiting for months to get this thing done. We've been trying to get it through, trying to support it.
533 When you don't get the input from Silverstone Ranch, you don't even get listed in a lot of the
534 stuff that gets brought before you. However, I will tell you every homeowner I've talked to is in
535 favor of the ordinance.

536 I'd also like to submit this letter from our largest property owner. She owns 21 properties in the,
537 in the complex. She is absolutely in favor of the ordinance and wants to know why this
538 information has not been put in front of the (sic) City Council.

539 This is Ordinance 3469 from Henderson. It amazes me that Henderson come to Las Vegas, get
540 information from Las Vegas, take the information back to Henderson, pass a law to protect the
541 golf course, probably one of the reasons why Legacy is still operating and Silverstone Ranch and
542 Badlands are closed. They managed to get their ordinance done, and so, and Las Vegas can't?
543 You know, Las Vegas is out of step with every other city in the United States who is passing golf
544 course ordinances. Texas, Missouri, Florida, all these states have all passed laws for the state, on
545 a state level to protect open spaces and golf courses.

546 Last week, a company called Shun Lee Lending was assigned the note and the deed for
547 Silverstone Ranch. Again we're playing a shell corporation with LLCs. We need to know what
548 our rights are, and we need to have some law in place so we have some protection for our damn
549 open space. Had this law been passed and not delayed at the request of Michele Fiore, had it not

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550 been delayed and dealt with, this (sic) this law probably would have been in place and would
551 have been applied to the new, the new noteholder, Shun Lee Lending.
552 So how long are we gonna delay this for, seriously, because you're leaving us hanging out in
553 space out there? Melanie's \$300,000 upside down on her house, she's still living in the recession.
554 These are recession prices on houses, and that's what we're dealing with. One homeowner sold
555 her house last month. She lost \$115,000 on her house, \$115,000. All the rest of the markets are
556 all back at pre- pre-recession highs, but we're losing money. These are people's cash. I don't have
557 a note I can walk away from on my house. I have cash in my house. So if I walk away now, I
558 lose \$140,000. The least the City could do is give us some protection.
559 I would also like to put one other thing on record. This is legislative intent, since Michele Fiore
560 actually quoted legislative intent from the bill before you at the last meeting. It says open space
561 means a current employment of the land, the preservation of which would conserve and enhance
562 the natural and scenic resources, protect streams, water supplies, maintain natural features which
563 enhance the control of floods, preserve sites designated for historic, as historic by the Office of
564 Historic Preservation, of Department of – Conservation and Natural Resources. The use of real
565 property and the improvements on that real property as a golf course shall be deemed to be an
566 open space use of the land.
567 That's part one. One more short part. Bear with me. I'm really bad at this, sorry. Okay. This is the
568 law that says that any person claiming that an open space real property is no longer an approved
569 open space use may file a complaint, proof and claim with the Board of County Commissioners
570 in the counties in which the property is located. This is the statute that I used to (sic) apply for
571 the change of tax classification on both Silverstone Ranch and Badlands, so if the County was
572 able to assess higher taxes. I did that for a reason, so these people actually have to pay something
573 to come into these properties. It makes absolutely no sense for somebody to walk in and pay \$7.5
574 million or \$10 million or five or \$15 million for 250 acres when the 15-acre parcel across the
575 street sold for \$27 million. That's what just happened at Badlands. The parcel across the street on
576 Rampart, off of Rampart sold for double the amount that they paid for Badlands. So how do you
577 justify making the stroke of a pen and giving Yohan Lowie and a developer \$150 to \$200

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578 million, which he's suing under reverse condemnation. He admits that that's what the land's going
579 to be worth. You do it with the stroke of a pen? You know, the courts find that to be unjust
580 enrichment usually.

581 I just, I'm sorry, but I warned the City, I warned the City a long time ago, when this case first
582 came in front of the City, that if you stepped into it, you were going to be in a legal quagmire.
583 Everybody's gonna be sued. Eight – lawsuits later, I mean, Silverstone Ranch, we're up to 18
584 defendants or something like that. We're on, like, our 25th lawyers. We got a new lawyer for the,
585 for the, for the HOA now, and now the company just got transferred. We need some clarity.

586

587 **COUNCILMAN ANTHONY**

588 Okay.

589

590 **PAT SPILOTRO**

591 Okay?

592

593 **COUNCILMAN ANTHONY**

594 (Inaudible)

595

596 **PAT SPILOTRO**

597 That's the, that's the job of this body is to give us some kind of legislative clarity.

598

599 **COUNCILMAN ANTHONY**

600 All right.

601

602 **PAT SPILOTRO**

603 I'm gonna get into it farther at the City Council meeting, and I'll have a presentation there.

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604 **COUNCILMAN ANTHONY**

605 Great. Thanks for coming down, sir. Appreciate it.

606

607 **PAT SPILOTRO**

608 Thank you.

609

610 **COUNCILMAN ANTHONY**

611 Hi.

612

613 **JOHN BOKA**

614 Two tough acts to follow. My name is John Boka. I'm a resident of Queensridge since 1997. I've
615 been involved with this debacle going on three years now. I was one of the first to – be involved,
616 and I've been to more meetings here in this building that I can count. Anyhow, I just want to tell
617 you that I am support of-.

618

619 **COUNCILMAN ANTHONY**

620 Thank you, sir. Thanks for coming down.

621

622 **JOHN BOKA**

623 -the measure. Thank you.

624

625 **STEVE CARREA**

626 Steve Carrea. I'm a resident of 1 Queensridge Place condo complex. I have a vocal cord
627 condition, so I apologize, but I want to thank the members of the Council for all of your hard
628 work and diligence. Obviously, we know this is a very complex and it's a very controversial
629 issue. I want to concur with the last few speakers in support of the ordinance, and also I want to
630 add just a few items.

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631 One is – that the atrocious media reports that have been attacking members of the Council are
632 totally unjust. There – should be an opportunity for these public figures to be able to speak up
633 and to defend themselves instead of just salacious stories about things that really are
634 unsubstantiated. You all are giving your time. It's not like you're getting wealthy sitting on this
635 Council, and I want to thank you for that attention.

636 In addition, I would just like you to know that the last two court rulings, two, have said that,
637 particularly on the Badlands case, that they don't have the right to build. They have to have a
638 major modification, and so we have to remember that. This is the law of the land for right now.
639 Now, I know the Mayor has said the courts will determine this, and that probably is the case. But
640 Mr. Seroka, Councilman Seroka has spent an enormous amount of time going through and
641 working with staff and connecting the dots, and he's come to the same conclusion that the legal
642 judicial system has.

643 And so I ask you support what our judges are saying, support what the law says, and they say
644 there is no inverse condemnation. This is just intimidation tactics, and we have people, and I've,
645 and I've seen, and I've seen this many times, this is the last point I want to make, I've seen this
646 many times, talking about the wealthy of Queensridge. I want you to come and look at the
647 wealthy of Queensridge, and you're going to see 90 percent of the people that live there are either
648 retirees or just average homeowners, and these homeowners have had significantly greater losses
649 as a result of all the bad press and the activity associated with Badlands than any investment that
650 took place into this project.

651 So we appreciate your consideration, and we appreciate your hard work, and thank you.

652

653 **COUNCILMAN ANTHONY**

654 Thanks. Hi.

655

656 **TERRY STRONG**

657 Hi. My name is Terry Strong, and I am a resident of Silverstone Ranch also. Just asking if you
658 Council folks are aware of the fact that NRS includes the statement the legislature hereby

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659 declares that it is in the best interest of the State to maintain, preserve, conserve, and otherwise
660 continue existence, in its existence adequate agricultural and open space lands and the vegetation
661 thereon to assure continued public health and the use and enjoyment of natural resources and
662 scenic beauty for the economic and social well-being of the State and its citizens. The legislature
663 hereby further finds and declares that the use of real property and improvements on that real
664 property as a golf course achieves the purpose of conserving and enhancing the natural and
665 scenic resources of this State and promotes the conservation of open space.

666 We at Silverstone have been through an ordeal for three years. A little different than what
667 Badlands is going through. At least they've known from the beginning who their opponent is or
668 who it is that they're fighting. We at Silverstone have been fighting straw buyers, bankruptcy,
669 two different courts, federal and state. We're now looking at another buyer and perhaps being
670 thrown out of state and back into federal court. Our attorneys' fees have been horrendous, and the
671 majority of people in Silverstone are behind this ordinance and would like to see it passed as
672 quickly as possible.

673 We've been waiting. We've been kind of quiet. I know there's not a lot of us represented here, but
674 it is certainly a topic of conversation. At a recent town hall meeting, there were a lot of our
675 residents who were made aware of this ordinance, and they all support and hope that the Council
676 will pass it as quickly as possible.

677

678 **COUNCILMAN ANTHONY**

679 Well, thanks for coming down, and you represented them well. So anyone else like to make a
680 public comment?

681

682 **DAN BURDISH**

683 Mr. Chairman, Dan Burdish. I'm Special Assistant to Michele Fiore. I just want to read into the
684 record part of a email that I got this morning from Tom Mason, who is President of the
685 Silverstone Ranch Community Association.

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686 "Good morning. Thank you for-“ wrong place. I lost it. "I was hoping to make a Recommending
687 Committee this morning but will be unable to attend due to work conflicts. There may be several
688 Silverstone residents who plan to attend. Please note that these individuals do not represent the
689 SRCA Board of Directors. The Board has not taken a formal position while this ordinance
690 evolves and has not formally polled the members for – sentiment."
691 I'll go ahead and forward this to the entire City Council and to LuAnn so that it can be in the
692 record.

693

694 **COUNCILMAN ANTHONY**

695 Thank you. Anyone?

696

697 **TERRY STRONG**

698 Wait.

699

700 **COUNCILMAN ANTHONY**

701 No, we, we've already heard from you, ma'am, so we're fine. So anyone else?

702 Okay. **I will go ahead and close public comment, and unless I hear differently I am going to**
703 **make a motion to refer this with no recommendation to the City Council for a vote.** It's
704 scheduled for a vote this Wednesday, and at the request of Councilwoman Fiore, who will not be
705 here, I'm gonna make a motion to abey the City Council vote to November 7th. So that's my
706 motion. Any comments up here?

707

708 **COUNCILWOMAN TARKANIAN**

709 I – would just like, because I'm sort of coming in here relatively new on this. That way Michele
710 Fiore is recognized as having a concern, and, professionally, we're granting her that time, right?
711 And are you saying, then, that we will hear it on the, in November? Because I want to say I –
712 understand where these individuals are coming from, and I know Mr. Seroka has spent a lot of
713 time and effort in doing this, and it's hard. I have an issue myself that keeps coming back, and it's

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714 hard for people to know when to come and can you do this, how many times can you, you know,
715 get off work and things like that. So I just wanted to ensure that we're intending to hear it on that
716 date for sure.

717

718 **COUNCILMAN ANTHONY**

719 Well, the only thing I care about is getting it out of this Committee onto the City Council agenda.
720 It'll be scheduled for the November 7th City Council agenda. What happens in our City Council
721 meetings, who knows?

722

723 **COUNCILMAN COFFIN**

724 Wait.

725

726 **COUNCILWOMAN TARKANIAN**

727 Okay. But you-

728

729 **COUNCILMAN ANTHONY**

730 Anything can happen, but it will, it will be on that-

731

732 **VAL STEED**

733 Mr. Chairman?

734

735 **COUNCILMAN ANTHONY**

736 -on that agenda for public discussion, and it'll be up to the Mayor and the City Council what we
737 want to do.

738

739 **VAL STEED**

740 Yeah, just – to clarify, it – is – listed on the Council agenda for this coming Wednesday. Mr.,
741 Chairman Anthony has indicated he intends to make a motion to hold it in abeyance from that

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742 meeting until November. We don't know the outcome of that vote, so we can't provide anybody
743 any assurance that it won't be adopted this week or that it will be adopted in November. I just
744 wanted that, to clarify that.

745

746 **COUNCILMAN ANTHONY**

747 That's accurate. Thank you.

748

749 **COUNCILMAN COFFIN**

750 Mr. Chairman, I'll be supporting your motion to, I'm sorry. Were you through?

751

752 **COUNCILWOMAN TARKANIAN**

753 I, I'm through. That's all right. I'm only a woman here. That's all right.

754

755 **COUNCILMAN COFFIN**

756 Me too, so to speak. Well, we have a contest on whether or not a couple of members of the
757 Council can vote. I will be voting today in favor of your motion to move it to Council without
758 recommendation.

759 I have in front of me here the motion denial by the federal court, which was an attempt to keep
760 Councilman Seroka and I from participating in these discussions, and the emergency was
761 declared out of bounds Thursday. So I will be able to vote today and Wednesday and November
762 7th if that is what we decide to move it to. So if anybody wants to see this, I suppose I could put
763 it in the record since there has been some noise about it. Thank you, Mr. Chairman.

764

765 **COUNCILMAN ANTHONY**

766 Okay. Let's go ahead and vote then.

767

768 **COUNCILWOMAN TARKANIAN**

769 Could I just say one other last thing? I'm sorry. But, you know, I – feel an offense when

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770 somebody says that we had something pre-planned. I voted on every single time this came up. I
771 voted the same way I voted on issues for 14 years practically, and it had nothing to do with Mr.
772 Yohan. It had nothing to do, I voted strictly on the issues, and I don't think it's fair to bunch us all
773 up and say that we haven't followed through on issues, rather it's more personalities, and I just
774 wanted to make that objection on the record. Thank you.

775

776 **COUNCILMAN ANTHONY**

777 Okay. **Let's go ahead and vote and post. Okay. Motion carries. (Motion carried**
778 **unanimously.)** If anybody is unclear on the procedure as we stated up here, you can contact my
779 office, and I will be glad to explain it further for you. So there you go. All right, it's, this is out of
780 Recommending, and it's in the hands of the City Council.

781

782 **(END OF DISCUSSION)**

783

784 /jm