

MINUTES

SPECIAL MEETING OF THE SAN JACINTO CITY COUNCIL

AUGUST 5, 2009, 3:30 p.m.

City of San Jacinto City Hall Conference Room
595 S. San Jacinto Avenue, San Jacinto, CA 92583

1. ORGANIZATION

1.1 Call to Order

Mayor Dale Stubblefield called the special meeting of the San Jacinto City Council to order at 3:36 p.m.

1.2 Roll Call

Present: Jim Ayres, Steve Di Memmo, John Mansperger, Jim Potts, Dale Stubblefield
Absent: None

2. PUBLIC COMMENTS:

2.0 Public Comments

None

3. OLD BUSINESS

None

4. NEW BUSINESS

4.1 Soboba Fee to Trust Application (to be discussed with possible action of direction, at either City Hall or Hemet Public Library or both)

Mayor Dale Stubblefield presented the presentation; the full presentation is on file with the city clerk.

Council Member Jim Ayres said that there was nothing mentioned in the mayor's speech about the loss of sales tax or hotel (TOT) tax; that has to be in there. There is a misconception that the City is going to collect sales tax and hotel (TOT) tax. The environmental document states that the city is going to gain nine-hundred thousand dollars (\$900,000) a year in sales tax. That is a myth and it needs to be stated in the speech. The City also needs to be accurate on the contract with the Sheriff Department. There is also the issue of the loss of property taxes that will be gone if this goes through. Five Hundred and thirty-five acres that will be gone forever.

Especially now when we are talking about loss of revenue in government. This has a permanent impact if this goes through. Currently the tribe owns the property that they are paying taxes on. Council Member Jim Potts commented especially after putting in the new clubhouse.

Council Member Ayres also stated that when the clubhouse was built the tribe went through the proper planning process, it was approved and all the standards were followed. If this annexation is approved the tribe will not have to abide by those standards and can build anything they want. The residents in the area will have to endure it and that is wrong.

Vice Mayor John Mansperger said that what the residents in the area will have to go through, if this is approved, is the most important issue.

Council Member Ayres said that with no contract with the Fire or Sheriff Department the burden will fall on the tax payers of the City of San Jacinto.

Vice Mayor Mansperger said that one of his concerns is the weapons that are floating around on the reservation, of which many are illegal.

Council Member Ayres commented that if seventy (70) weapons were confiscated from the reservation, it stands to reason there would be more.

Vice Mayor Mansperger asked if Police Chief Bill Tyler had a number of how many weapons had been confiscated in the last year.

Chief Tyler responded that he had a number of how many weapons has been confiscated for the last seven to eight years.

Council Member Ayres said at one of the Public Safety Sub-committee meetings, Chief Tyler estimated the number of weapons confiscated to be in the hundreds. The issue of guns on the reservation is not new, residents hear them, and stray bullets are dangerous. Whenever there is a gun battle with the Sheriffs Department it is a serious issue.

Council Member Steve Di Memmo commented that the public safety issue is a big issue. He said that the tax issue could be mitigated, the City does not want to lose money. He said he had not received much feedback from the residents of the mobile home park but there are approximately twenty-eight (28) people against the Soboba Fee to Trust application. The public opinion seems unbalanced with four to five hundred people not responding and only twenty-eight against. Council Member Di Memmo said he supports the public safety issue, the weapons issue, and the tax issue but feels they can be resolved. He said as far as the constituency issue, for or against the Fee to Trust application, he will remain neutral. Council Member Di Memmo said he sees nothing in the Environmental Impact Statement (E.I.S.) that is not resolvable, except for the patching of the reservation.

Mayor Stubblefield asked for clarification on Council Member Di Memmo's stand on the issue of the casino being at the proposed location.

Council Member Di Memmo responded that he was supportive of public safety, on the City's Police Department and all that. He said that he was going to remain neutral on the casino going in because he does not have all the facts.

Mayor Stubblefield stated this is the one and only time for the City to comment on this issue to the Bureau of Indian Affairs (BIA).

City Attorney Ballinger added that this is the time for the City to comment on the process.

Council Member Di Memmo said this is his time to comment.

Mayor Stubblefield said that this is the time for the City to comment.

Council Member Di Memmo said he was commenting here and at this time he is going to remain neutral.

Council Member Potts clarified that Council Member Di Memmo was remaining neutral because he did not have all the facts yet.

Council Member Di Memmo said he was remaining neutral because he did not have the numbers from the people that live in the three communities. They are not more than fifty percent.

Council Member Ayres stated he strongly disagreed with Council Member Di Memmo based on experience and tenure on the council. (At this time Council Member Di Memmo started to talk and Council Member Ayres asked him not to interrupt and let him finish what he was saying). He said in the past, before Council Member Di Memmo was seated on the council, they met with the residents. Rooms of several hundred people where they all stood up and said they were against it, not only was the Mayor there, Sheriff Stan Sniff was there, and County Supervisor Jeff Stone was there. He said based on the council's efforts in the community over a longer period of time, not just the last couple of months, the general consensus is that the residents are against this. They don't want to be surrounded by a casino gaming operation. They support the gaming operation on the existing six thousand acre reservation, but not in their back yards. Council Member Ayres suggested to Council Member Di Memmo, if he believes all of the other issues of guns, drugs, and the impacts can be mitigated, he recommend to the tribe that they withdraw their application for five years and clean up their act and resubmit it.

Council Member Di Memmo responded by saying he had no problem with Council Member Ayres suggestion.

Council Member Ayres said long before Council Member Di Memmo was seated, the City Council took them on regarding the Horseshoe property, which is around the Soboba Mobile Home Park, and the council got the Soboba Tribe to withdraw their plans. He asked for confirmation from City Attorney Ballinger.

City Attorney Ballinger confirmed Council Member Ayres statement.

Council Member Ayres said this is the same process.

Council Member Di Memmo asked what the reason to withdraw the application was.

City Attorney Ballinger responded that the project had an inadequate Environmental Review.

Council Member Ayres commented that is exactly what this is. They have supplied a document that has not answered a single question that this council put forward. The Tribe has basically ignored the council and the existence of the residents that live in that area. Council Member Ayres asked Council Member Di Memmo if he read the document.

Council Member Di Memmo responded yes he had read the document.

Council Member Ayres said that Council Member Di Memmo should have seen that in there. He asked if he was right or wrong.

City Attorney Ballinger responded that Council Member Ayres was right.

Council Member Ayres said after all that is factored in to it, and the Tribe never telling the council about the land and trust fee. The council heard about it from the consultant in Washington. The way the Soboba Tribe has this laid out from the land use aspect, the public safety aspect; the lack of respect of the rule of law, and the total disrespect. The public embarrassment in regards to comments that have been made by senior officials from the reservation about this government and governments around this government. Council Member Ayres said how anyone can support this is beyond his comprehension.

Council Member Potts said if there was a group that totally supported this and were organized and came to the council as their elected officials with a list of people endorsing it and said they were for this; he would say that yes, this is the way the democratic system works. But the council has not heard from anyone from the mobile home park or the tract of homes that will come forward and say they are for the project, not one.

Council Member Di Memmo said that when it was brought up early on after he was seated he said he would not make a decision until he had all the

facts. He said that he made a flyer and walked the neighborhood leaving them on the doors of the homes in the area. He received twenty-eight (28) responses from people out of the mobile home park that said they absolutely do not want it.

Council Member Potts said they should have petitioned the council, instead of going through one councilman. He said they don't know that that's true; he could come in here and say there are 200 people that told me they like this project. How do we as the rest of the elected officials know that's true, these are innuendos.

Council Member Di Memmo responded no they are not; he said he had emails from many people.

Council Member Potts interjected that Council Member Di Memmo should bring the e-mails in and share them with the Tribal Sub Committee and not keep them to himself.

Council Member Di Memmo responded no, he is gathering facts as he was advised to do.

Mayor Stubblefield said there needs to be an understanding that this is an Environmental Impact Statement (E.I.S.) that they have brought out that needs to incorporate mitigation measures. The Tribe is saying they are making a positive public safety impact and we all know that is wrong. From a land use aspect, looking at the City's zoning code, it is primarily residential and was going to be developed with residential and now we are looking at putting a commercial complex there. This is not consistent with the city ordinance. The issue of who wants it and who does not want it is not the issue. The fact that the Horseshoe project (the annexation) is making islands of the homes in the area is unprecedented in the State of California. How is this to be served with public safety, they are islands? You can't argue that fact, that issue needs to be addressed. When you start looking at those issues and its not that I don't like Soboba, or I don't think they should have a casino, it's a good thing, or I think they should have the casino, it comes down to what are the impacts and how the city is going to be mitigated for them, not only today but fifty (50) years from now. How is this going to work out? You are right, maybe the public safety can be mitigated. We are not saying these things can not be mitigated, we are saying they are not addressed in the statement, and the Council is asking the Bureau of Indian Affairs (BIA) to meet with the City to go over these concerns. We are asking because there are so many issues, we are asking them to relocate their casino operation on their existing reservation because that is the ultimate mitigation measure. Right now the BIA is not talking to the City, right now the Tribe is not talking to us. This is a starting point for us, to be able to get a good starting point. It is not intended for us to put up a big wall or anything else. I have stayed quiet through this whole process of hearing you guys. This is what I think is best for the City, and

we've talked about it at the Tribal Sub Committee. This is what the City Attorney and the City staff has recommended to the Tribal Sub Committee and it is the same position that Riverside County is taking.

Council Member Di Memmo said to Mayor Stubblefield, you give the BIA the information that we stand on here, right. Mayor Stubblefield said that this is a portion of it, there is other information that... Council Member Di Memmo asked if the City Attorney sends them this is information and this is what the City wants handled in the EIR and then it goes back to BIA, is that correct?

City Attorney Ballinger said the City Attorney's office will be providing a more comprehensive list of issues. This is thumbnail of the main issues. Those issues are sent to the BIA for their review and they do with it what they are supposed to do and, what we are saying that in the past they have blown us off, they have not incorporated any of the significant mitigation measures that the City has asked for last September.

Council Member Di Memmo asked if City Attorney Ballinger was assuming the BIA would do nothing.

City Attorney Ballinger said if past practice is any indication then he would have to assume the BIA would do nothing.

Council Member Ayres said that for the Oaks Project there was no Environmental Impact Review (EIR) given to the County, no acknowledgment of it whatsoever. That's why we are dealing with them on that issue now. The Tribal Headquarters, there was no environmental mitigation done, it was just done on their own with no questions asked as to how it impacted the City, no regard to the citizens of this city who we are all sworn to represent. That's their "M. O." and that is what is happening here, except we caught them. The EIR protects everybody and if they do not answer our twenty or twenty five questions or what our issues were on other projects how can we believe they are credible at this point? How can the City not take the position that the Mayor has outlined, where all we are saying is go ahead and build this complex, but do it on the existing reservation. Have your hotel, have your gaming, have your arena, but build it on your reservation? It is pretty simple, it's not hard, leave our citizens alone, leave our property tax alone, and then we will talk about mitigation on the impacts as far as transportation goes, which is another topic that we don't need to get into now. How does the Council go out of this room tonight and not be united? How do we go out there, in front of everybody, with the BIA and be divided? I stand behind the Mayor on this.

Council Member Di Memmo said on the Oaks Project, the Tribe was wrong; no question they were wrong, the County didn't do anything, County Supervisor Stone didn't do anything. The County didn't go out there and shut them down. The County did not care. So yes, they were wrong on

that, on the building on the Tribe, sovereign nation. Now they could have come to the Council and said we want to build a new tribal hall, here's what we want to do but that's sovereign nation.

City Attorney Ballinger pointed out that the City did respond on the Oaks project, a letter was sent in terms of mitigation and it was not incorporated in a meaningful way into the ultimate decision. This is why the City must negotiate with the Tribe right now. This is why we want to go through this process and engage the BIA with these comments so that later on we have preserved the rights of the city to take action.

Council Member Di Memmo said that the City should be a part of this, no question, but he is just saying in regards to the tribal hall, that was built on sovereign nation. That's their land; they can do what they want on Tribal land.

Council Member Ayres said then they can build their casino anywhere they want.

Council Member Di Memmo said that's true, the Tribe can.

Council Member Ayres asked Council Member Di Memmo if he had met with the tribal council since he had been elected.

Council Member Di Memmo said he has not met with them but he knows them all.

City Attorney Ballinger said to Council Member Di Memmo that when you talk about part of the issue when you talk about the tribal hall all of this land here (he points to the slide) their proposal for a casino (indicates another area) here, if that goes forward all of this land remains vacant but is tribal land which means they can do whatever they want with that.

Council Member Di Memmo said that is correct.

Council Member Ayres said it would be sovereign nation and they can do whatever they want, build their casino on sovereign nation, and build it all out there, that's what we're saying. Do you agree with that?

City Attorney Ballinger said they could build a seventy story building out there and there is nothing the City can do about it.

Council Member Di Memmo said once that becomes sovereign nation that is correct. I am not saying that I support that, what I am saying is, I support the public safety; I support all the other factors that we are looking at, that the City needs to be involved, we need to protect our citizens and our community. I support all that. I haven't seen any set of plans, or anything, just this land here.

Council Member Potts asked City Attorney Ballinger once this is brought into the sovereign nation, these pieces that they want, they can basically do about what they want on that land, right?

City Attorney Ballinger said, not basically, they can do anything they want.

Council Member Potts said so whatever they want to put in there they can, sort of like the Oaks.

City Attorney Ballinger said yes, more so than the Oaks because the Oaks was not Interrupted by Mayor Stubblefield

Mayor Stubblefield interrupted and stated lets talk about the environmental issues. There are two proposals that they are proposing tonight. This is proposal "A", their preferred proposal, where they realign Lake Park, and put the home (he points out the area on the map) you can see the plan actually the way it overlays is going to come up to the back, this is the road, right to the back of the existing mobile homes. This is a four story parking garage.

Council Member Potts commented the parking garage would be looking right over into those homes.

Mayor Stubblefield said this is a five thousand square foot arena and this is what we are talking about, noise, when they hold their concerts at this arena down here the people in these communities can hear them all night long.

Council Member Ayres (pointing to the map) I know the gentleman that lives right here, his name is Dan Thompson, and to place a freeway behind his house is not what he had hoped for to retire.

Mayor Stubblefield said that the environmental concerns that the Council were talking about is that there is a fault line that runs through here, (pointing to the map) that's why they configured it the way that it is, you have the blue line streams that comes out of this here that is not even mitigated in The E.I.S. and how are they going to handle the flooding. The money we spend to take care of the Soboba, that two-hundred thousand dollars for the land slides.

Council Member Ayres again stated that this project is all fine and dandy but put it on your reservation. Have the impacts born by those who are going to benefit from it the most.

Council Member Potts said all these people that live along here will be looking up at a three story parking structure.

Mayor Stubblefield said that the difference in proposal "B" is that Lake Park goes straight through and there is another parking garage, the gas station, and then this arena is here in this area right here.

Council Member Ayres said so when Def Leppard comes to play those seniors are going to be rocking. I can hear my phone ringing now.

Council Member Di Memmo said, you keep it on the reservation and do a new bridge at Esplanade, right?

Council Member Ayres said the City would not support a bridge, the City would support a Arizona Crossing (which is a low water road, similar to what used to be out there) it is six million dollars cheaper and gives them access. We went to them after the Esperanza fire and sat down with the Chairman and said, we would support punching Esplanade through to the reservation which will give your folks on the reservation a second ingress and egress off the reservation in case of a catastrophic fire. This was a lesson we learned from the Esperanza fire. We were told flat out, no.

Council Member Di Memmo asked if they were given a reason or if they just said no.

Council Member Ayres said we have had meetings where we show up and they don't, this has gone on for years and now all of a sudden when we ask to have in the room Congressman Jerry Lewis, Senator John Benoit, Assemblyman Paul Cook, Supervisor Jeff Stone, someone from the Governors' office, they stop wanting to meet with us. We're here in the best interest of the citizens of San Jacinto, we are not saying no, we are saying build it on the reservation, they have six thousand acres out there.

Mayor Stubblefield said to further illustrate that issue (he referred to the city map on the wall in the conference room). This is the existing casino operation, the proposal that they are going to do takes it up this spot right here. They still have all this room here, this is Esplanade. This looks so much better; it gives them two points of access.

Council Member Ayres said you can't even see the oaks or the tribal headquarters in this photograph, it goes farther back.

Mayor Stubblefield said as you start to look at it, this area makes more sense. The thing is we would support some kind of green belt crossing that goes across here to the golf course but they have no proposal for that. We have been trying to get the Tribe to the table. All we have so far is this EIS being shoved down our throat and going to be approved with no mitigation. That's why we bring up these points; if they come to the table and start discussion with us about these things. There are other issues.

Council Member Ayres said how do you mitigate noise, how do you mitigate someone looking into your back yard from a three or four story hotel. How do you mitigate 24/7 major gaming operation in a senior laden three neighborhood community; You don't!

Mayor Stubblefield said that the only mitigation he sees is if they put it over here (indicating a place on the map).

Council Member Ayres said and the Tribe can do whatever they want. That has been our story from the very beginning, it has never changed.

Mayor Stubblefield said the Council kept an open mind and tried to communicate with them to see what they are going to do, how it is going to work out and wanted to see all the evidence.

Council Member Di Memmo asked how many meetings the Tribal Sub Committee had with the Tribe. That they actually sat down with the tribe.

Council Member Ayres said I think we should be accurate about this and have Deputy City Clerk Rick Miller go back and pull those out so that Council Member Di Memmo will have them. We should not give a number because if we are off by two or three that can be misinterpreted. We have had several meetings and we have never got to meet with the Chairman, he would always send Rose Salgado out. We were meeting for a while, City Manager Barry McClellan, myself, Tobin White, and Rosemary Murrillo over at their clubhouse at least four or five times. We were getting nowhere.

Council Member Di Memmo said he only knew of one meeting, that was when he was first seated where City Manager McClellan said that the Chairman was not going to be there so it was cancelled.

Council Member Ayres said tribal representatives stopped coming to meetings.

Assistant City Manager Tim Hults asked Council Member Ayres if those meetings were before this particular application was submitted.

Council Member Ayres responded that he did not believe it was.

Assistant City Manager Hults said he remembered there were some meetings at the old clubhouse.

Council Member Ayres said he could not give an exact number but there were, without the City Manager here, and being accurate, regardless of how many meetings there were we have not gotten anywhere. You can meet with these people until you are blue in the face and you are not going

to get anywhere. This document is living proof of that; it's a slug in the face. I don't see how anybody can't see it that way. That's how I see it.

Mayor Stubblefield said in the interest of time, it's time to get over to the Public Hearing, it is 4:20 p.m.

M/S/C (Ayres/Potts) moved to support the recommendation of the Tribal Sub Committee and the power point presentation and conclude to relocate the project back on the existing reservation and withdraw the Soboba Fee to Trust Application. Motion carried 4/1

Ayes: Ayres, Mansperger, Potts, Stubblefield,
Nays: Di Memmo
Absent: None
Abstain: None

5. MEMBERS REPORTS / DISCUSSIONS

None

6. RECESS to Public Scoping Meeting, located at Hemet Public Library, 2nd Floor, 300 E. Latham Ave., Hemet, CA 92543

7. ADJOURNMENT

Having no further business before the Council, Mayor Stubblefield adjourned the meeting at 8:45 p.m.

City of San Jacinto

Dale Stubblefield, Mayor

ATTEST:

Barry McClellan, City Clerk

Approved as read: 9-03-09
Approved as amended: _____