
MENTONE MATTERS

Vol. 1, No. 2

BY AND FOR MENTONITES, ABOUT MENTONE, CALIFORNIA

APRIL 2018

WHAT'S GOING ON WITH TOM'S BURGERS?



By Steve Rogers, P.E., special to Mentone Matters.

Where is it? Just about everyone passing through Mentone on Highway 38/Mentone Boulevard has seen it: that unfinished brown stucco building with broken or boarded up windows and doors, including a drive-thru window, located at the northeast corner of the 38/Boulevard and Turquoise Ave. Why has this substantially-finished commercial building - slated to be the home of a second fast-food restaurant by owners Sandy and Perry Karpouzis - taken over ten years to finish construction and open up its doors to the public instead of sitting dormant and uninhabited for so long?

Who is responsible? The Karpouzis's say the reason is that the City of Redlands refuses to connect the site to the public water system; this is even though *when the couple had first purchased the property in the '90's it was served by two water meters, which were later removed by the City's Municipal Utilities and Engineering Department (MUED)*. The City, however, contends that the blame belongs with the property owners for not following the City's process for obtaining Outside City Service (OCS).

Although the Karpouzis's have previously had success in building and opening a restaurant in Redlands - which is located at the southeast corner of Alabama Street and Lugonia Ave - this restaurant is a little different: it is located in the *unincorporated* County area. One thing is for sure: whoever or whatever is responsible for keeping this new business from opening up its doors in Mentone is creating an economic blight for the property owners, as well as placing a black eye on the entire community for those who have to pass by the unfinished business.

IN THIS ISSUE:	
Tom's Burgers?	1,2
Editorial Page	2
Hearing on Greenspot case	2
Moose Lodge meeting FAQs	
From the Good Ol' Days	4
Village news	
Local Organizations	
Community Garden Brochure	

The dispute's history: *Since 2005*, the Tom's #1 Burgers owners have been making application to the City of Redlands to have their Mentone fast food restaurant connected to the City's water system and, to date, the City has refused to allow that connection to occur without conditions.

What are the conditions imposed for receiving water and sewer service? As reported here in March, for any new development proposed outside of the Redlands City limits and within the unincorporated County territory known as Mentone or Crafton Hills - where the City of Redlands controls new utility service connections through their OCS process - developers are *required* to comply with the provisions of Measure U, as was approved by Redlands voters and incorporated into the City's Municipal Code. As part of the Redlands OCS policy and procedures, the developer is *required* to annex their property into the City limits, via a process conducted through the Local Agency Formation Commission (LAFCO) if the property is adjacent to the city boundary. Or, if it is not adjacent, developers are *required* to sign and pay fees for what's called a Pre-annexation "agreement."

Along with requiring the filing and execution of this Pre-annexation agreement and the payment of fees to LAFCO associated with the OCS process, pursuant to the Redlands Municipal Code and Measure U, any new development outside of the City of Redlands requesting connection to the City-owned utility must also pay all the City's Development Impact Fees. [Ed.'s note: said fees do not include installation, but are only fees to supervise it.]

How much are the fees? In a City staff report dated January 20, 2009, presented to and approved by the Redlands City Council to consider utility connection for Tom's #1 Burgers in Mentone, the City presented the Karpouzis's with a bill for a total of **\$637,192.66**. [See "BURGERS" on p. 2]

OP-ED PAGE

This is the second edition of Mentone Matters. If you missed the March issue please e-mail mentonematters@aol.com and it will be sent to you.

As of this writing, the webpage is still under construction but we hope to have it up and running soon, to replace this newspaper. Then the news about California's town of Mentone will be available for everyone in the world to access. We wanted to have a paper newspaper but don't have enough ad revenue to afford to publish even 2,000. More residents and property owners would be reached with the facts.

Also, if you missed the Mentone Matters-sponsored town hall on April 9 and if you live or own property in Mentone, get involved! There is a lot of hard work to do and there are fun tasks, as well. It can [take as much or as little](#) time you have to donate. For more information contact mentonematters@aol.com.

And, if you can donate money to protect Greenspot and, thus, our Boulevard, please do so, at ProtectGreenspot.com. Thank you.

BURGERS (Cont'd)

This outrageous and unreasonable fee was calculated to be the amount equivalent to all Development Impact Fees (DIF) *if the proposed development were actually located or annexed into Redlands city limits*. However, even though the property is not within the City boundary, the inapplicable City fees for development within the City have been determined by the City to be applicable and are demanded as "due as a condition of approval of an Application for a Water Service Connection and prior to meter installation" for the Karpouzis's property - which is outside the City and therefore does not benefit from the basic City services and facilities for which the fees are being collected. In other words, the fees for City Fire, Police and Library benefit only Redlands, since Mentone is served by such *County* agencies, but the City fees are nevertheless demanded as a condition.

This scenario becomes especially frustrating for the property owners because the site development, as planned and approved for construction, is actually within the jurisdiction of the County of San Bernardino. Herein lies the real dilemma for developers within the unincorporated County area, especially since *the State of California Department of Transportation or Caltrans is responsible for any construction within the Highway 38/Mentone Boulevard right-of-way*. [Ed.'s note: see, e.g., the City's "traffic study" fees demanded in the Exhibit A following this article.]

What else? In addition, the staff report identifies Water Connection Fees totaling \$36,490.00 and Sewer Connection Fees of \$42,900.00 due - in addition to requiring a sewer main extension in Mentone Blvd (SR38). However, *a septic tank for subsurface disposal had already been approved for use* at the Mentone location in 2006 by the California Regional Water Quality Control Board and was installed by the developer and inspected by the County Department of Environmental Services. The nearest city sewer, which was installed in early 2007 in conjunction with the Caltrans improvements to Mentone Blvd, currently terminates at approximately Opal Ave; it was installed to serve the County's Senior Center/Library. Thus, it runs past the proposed Tom's Burgers location.

Most developers in Mentone say there is a type of finger-pointing exercise which goes on between all three of the responsible agencies, with the local city, the county and the state agency Caltrans all having different responsibilities to the public; many times these areas of responsibility seem to overlap. The Karpouzis's aren't the only owner/developers in Mentone who have been subjected to and have suffered this kind of undue financial burden when developing, especially along the Boulevard; this is just by far the most obvious example.

Summary: although the Mentone Tom's #1 Burgers site is located within the County unincorporated territory and has been developed using the County's development standards, policies and procedures, the City of Redlands was still able to hijack the project's completion and disallow the opening of a new business. So there really is no question about who's at fault in stifling economic development opportunities in Mentone: it's the City of Redlands and their illegal and unreasonable requirements placed on hooking up to the City-owned water system.

What can Mentone residents do? Now that everybody knows who's to blame, it's about time that the community demands that the County of San Bernardino stand up to Redlands and demand that - through better intergovernmental coordination - the City discontinue its practice of bullying all Mentone property owners by imposing unreasonable and illegal fees and possibly illegal conditions on any new development projects.

Exhibit A:*

September 10, 2009

Tom's #1 Burger Impact Fees

In addition to the fees below the developer is required to install sewer from Olive Avenue to Turquoise Avenue on Mentone Boulevard as his business to 425 feet from a sewer main. This requirement is due to RMC 13.44 which states, developer shall construct a sewer line up to 100 feet per every four hundred gallons per day (GPD) if sewage production per day. As currently calculated the facility will produce 1948 GDP (1948/400* 100=487 feet), which puts the facility within the closest sewer facility (see attached map [not provided to Mentone Maters]).

[NAME OF FEE:]		[COST:]
Water Source Acquisition Fee	\$	3,300.00
Sewer Capital Improvement Charge	\$	42,900.00
Solid Waste Capital Improvement	\$	6,500.00
Frontage	\$	11,790.00
Traffic fees	\$	539,801.66
Fire Facilities	\$	2,650.00
General Gov. Facilities	\$	2,438.00
Library	\$	583.00
Open Space/Park	\$	3,286.00
Police Facilities	\$	1,643.00
Storm Drain		\$ 901.00
		TOTAL \$ 637,192.66

* Provided by the Karpouzis's, this is a copy of the actual City of Redlands' demanded fees, scanned in by Mentone Matters

HEARING HELD ON GREENSPOT'S CASE

On Friday, April 6 a hearing on the Greenspot Residents Association's joint (with the San Bernardino Valley Audubon Society¹) petition for writ of mandate was held in the San Bernardino Superior Court. The Residents petitioned for a court order setting aside the "Harmony" project approvals obtained from the City of Highland, until and unless the City complies with CEQA (California Environmental Quality Act) requirements. (The project seeks to convert farmland to a high-density residential area, similar to what has been happening to Mentone in the past few years.) Petitioners were joined by the Center for Biological Diversity. Respondents (defendants) are the City Of Highland; City Of Highland City Council; together with Lcd Greenspot, Llc; Orange County Flood Control District; County Of Orange; Orange County Board Of Supervisors.

The legal process: Both parties had filed briefs setting forth their positions: the original petition was opposed by respondents, who then were allowed to respond [Ed. Note: the judge often reads the last document and then the others, in the order in which they were submitted]. Both parties, through their respective attorneys, then participated in oral argument before the Honorable Judge Donald Alvarez. The court-filed briefs are posted on protectgreenspot.com.

What was the petition about? The petition's concerns are for 1) the environment, including the threatened habitat of the San Bernardino Kangaroo rat, Southwestern Willow Flycatcher, Least Bell's Vireo, White Tailed Kite, Santa Ana Sucker Fish, and various types of rare Sage Scrub; 2) the lack of inclusion of a proposed Mill Creek Bridge, which respondents seek to place in a different project but

¹ Greenspot's website also includes the "Sierra Club, Audubon Society, the Crafton Hills Open Space Conservancy and numerous other local organizations."

which was included in the original project that is, dividing otherwise unapprovably-large projects into smaller, approvable ones – a process called “piecemealing.” The piecemealing tactic avoids unwanted requirements for the same project portions and parameters.

Petitioners’ briefs allege that respondents utilized this tactic by leaving the Mill Creek bridge out of their Environmental Report (EIR), *whereas the project originally included the bridge*, and that the developers apparently intend for buyers of the 3600+ homes to pay for the Mill Creek bridge at some time in the future(!); 3) the effect on greenhouse gases caused by the vehicles used by the residents of the 3600+ homes in getting to and from work; 4) the effect downstream of building up the floodplain by adding dirt and paving portions, which the residents allege would cause more 100-year floods; 5) the possible increased wildfire danger of building of the proposed 3600+ homes so far from the City and available City services.

Respondents’ (Defense) attorneys argued that, in regard to the flooding, their clients never intended to build in a flood plain (FEMA zone A) but outside of it²; Petitioners’ oral argument responded by reading respondents’ previous statement that they intended to raise the area by 20 feet or more by bringing in fill dirt, to raise the levels out of the flood plain.

The petition quoted the Center for Biological Diversity’s successful petition to the California Supreme Court, which remains prevailing law.

A map of the proposed project, superimposed over a pictorial map, is posted at protectgreenspot.com/maps.

Several attendees reported that the Defense attorneys also claimed that the Mill Creek bridge was in planning long before the development and, simultaneously, that it isn't necessary (meaning that all such increased traffic would have to utilize existing roads such as Highland Avenue and Mentone streets). According to the petitioners, the subject bridge has been in project plans since the inception of Sunrise Ranch in 1972.

What’s Next? Judge Alvarez took the matter under submission - the process of rereading the briefs and oral argument transcript and rendering his opinion at a later date, believed to be due within 45 days from the hearing.

What if Greenspot loses? The next available step for the losing side is to appeal to a three-judge panel at Fourth District Court of Appeals in Riverside, which – if Greenspot wins – means a delay in the progress of the project until the Appellate Court makes its decision. If the party is unhappy with the Court of Appeals’ decision they can petition to the California Supreme Court, which may or may not agree to hear the case. If the developers lose, they can change and resubmit the EIR, which could either prompt a new round of opposition or – if it properly addresses all of the issues – that would actually destroy the project because the site would not be deemed buildable or approvable.

The Possible Effect on Mentone: Although the proposed project is not located in Mentone, the effect of the “Harmony” project going through would have a direct effect on Mentonites’ way of life by increasing traffic along Mentone Boulevard, which would probably require widening of the boulevard. Highland residents passing through Mentone might utilize other streets in Mentone, as well, such as the eastern end of San Bernardino Road - which Redlands proposes to extend from its present end up to, and connecting to, Garnet, and will also have to utilize Highland Avenue in Highland.

As of this writing, no decision has been posted on the Court’s web page.

Did You Miss the Greenspot meeting at the Moose Lodge?

For those who were not present, here are some of the FAQs:

The project was originally called the Sunset ranch, with planned horse trails, golf courses, and 1-acre lot development; however, it wasn’t built and four proposals and 45 years later, the project is 680 acres larger: the County of Orange acquired another piece of property north of the original Sunset Ranch. Originally the project was located in the County but the developers annexed to Highland; its municipal laws would prevail. It is reputed that then-Mayor McAllen received campaign contributions from the developer(s). Other residents outside of Highland cannot and could not vote against the project: only those who lived there or owned the property could vote on it.

Greenspot residents and others chose to sue after consulting with more than 50 community, environmental and political groups. The California Environmental Quality Act (CEQA) was the most effective tool for their situation and petitioners allege that CEQA was grossly overlooked in this process. There’s no department in the state to police it: it’s 100% up to citizens and groups to actually sue to enforce it.

Residents for Responsible Development is a group initiated by and managed by a well-known, Sacramento-based lobbyist for the Sheetmetal Workers Union. Additional consultants with RRD are former governing body members of the AFL-CIO, the largest Union lobby in the United States. The tie-in to the “Harmony” project is apparently to force the hiring of union labor in the construction of Lewis Group homes. It was decided that a neutral, truly local group of residents should be established to fight the project.

The November 2018 referendum in Highland, if successful, will “kill” only the present EIR (environmental impact report.) In one year, the developer can resubmit the same plans with no material changes, or could reframe the EIR around every single strategic point made by the Greenspot residents. Another requested initiative, that would block all high density development east of Garnet St, creating a “limit line,” and promote it and include it on the ballot concurrently, was rejected.

Another issue is Native American artifacts and presence on the property. Greenspot residents, utilizing an archaeological survey team and volunteers and quickly found over 50 artifacts; the project’s proponents said their “paid consultants” didn’t find anything. Further, the site hadn’t been properly surveyed in advance of the proposal. Additionally, an earthquake fault runs along the base of the mountains. The developers do not deem that a problem.

On the issue of fire (addressed in petitioners’ briefs, cited above) the project’s proponents’ paid expert agreed that building there would drastically increase the fire risk for the communities for many years. Homebuyers may have to agree to longer response times for fire support, and obtaining a local fire station requires that 1000 homes be built first; no one but the home owners and tax payers will be responsible for any adverse results. The lack of flood discussion for the 68 acres in the FEMA zone avoids the fact that development in the flood plain will change the flood risk drastically for the entire stretch of the Santa Ana River to the ocean. The petitioners need more money to continue the fight; legal battles are expensive but costs – and, in some cases, attorney fees - are recoverable from the losing side - whether from the Greenspot residents or the City of Highland and Orange County.

² Various attendees reported that, in oral argument, Respondents’ attorneys read from their briefs and were reminded twice by the judge that he had already read the briefs!

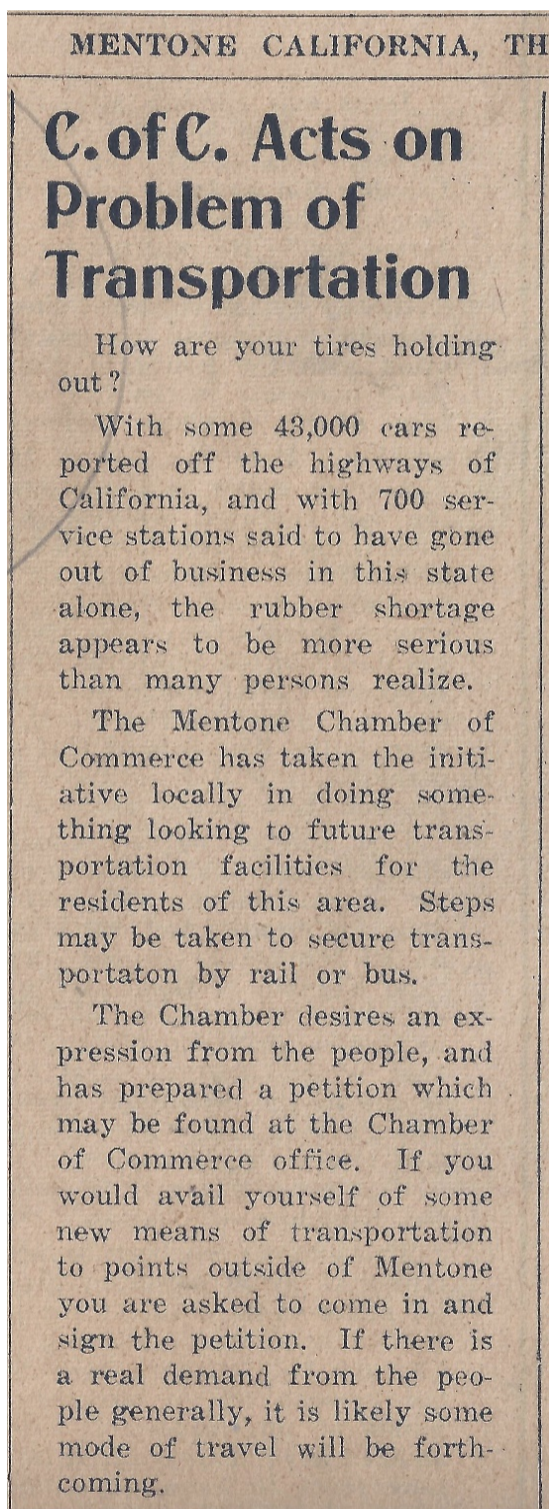
MENTONE MATTERS
P.O. Box 304,
Mentone, CA 92359
E-mail: mentonematters@aol.com
Web page: mentonematters.com
(under construction at present)

APRIL 9 MENTONE TOWN HALL IS SUCCESSFUL

More than two dozen residents and other interested persons attended the Mentone Matters-sponsored town hall meeting held at the Mill Creek Cattle Co. The program consisted of a slideshow of maps of recent annexations of Mentone territory to the Redlands City limits, described as hemorrhaging Mentone's territories; these happened as a result of Redlands demanded annexation and pre-annexation of properties in exchange for provisions of water service. Those annexations, in Redlands' city limits, and pre-annexations to be in the city limits in the future, can result in a situation where – if Redlands decides to “connect the dots” - it can annex the area it surrounds without the residents' permission if the area is under a certain size, a tactic called “piecemealing” (see “Greenspot” above), explained Joyce Rapp, retired attorney and Mentone Matters' publisher. Audience questions were answered by several, including Steve Rogers, Professional Engineer; and Steve Hellerman, Political Science teacher at Crafton Hills College. Tables displayed printed maps of the annexations and a poster of the proposed Community Garden project. Several signed up to volunteer their services for a non-exclusive list of projects to preserve or enhance various aspects of the Mentone community. Others who didn't attend the meeting are encouraged to volunteer, as well; contact mentonematters@aol.com for more information.

FROM THE “GOOD OL’ DAYS”:

We Californians are so dependent on our cars. What would you do if you didn't have tires on your car and couldn't get to work? And the bus or train didn't come to Mentone? This is what Mentonites were dealing with about 76 years ago. (From Thursday, April 9, 1942):



(Courtesy of the publisher's family)

MACA meeting notes:

No report of MACA's March meeting due to illness. The minutes are available at MACA's next monthly meeting.

April 10, 2018 meeting:

Coming events: Weeklong celebration planned in 2019. June 2: Saturday farmer's market 3 or earlier to 6 p.m., location TBA. July 4th Community Barbecue; Chili Cookoff, date TBA; Thanksgiving parade. Film festival in a tent: date TBA. Things are going to happen. May 8 program will be retired teacher Tom Atchley, about Mentone history.

CHP officer Brandon Marcos reported 6 collisions in the past month, including 2 DUIs and 1 hit and run of a car parked in front of her house, leaving the car owner without transportation, and four other DUIs. Several who were stopped didn't have car insurance; protect yourself with uninsured or underinsured in case of an accident. The “Every 15 Minutes” program at REV was successful, with an estimate 1K Juniors and Seniors attending. The program simulates a crash with transport to a local hospital; a CHP officer is the “victim” and all of it is very realistic.

MACA meeting notes (cont'd)

WANT TO STOP SMOKING?

Contact us at mentonematters@aol.com or 909/556-2884 for information about a *free* or low-cost five-day stop smoking plan.

DESIGN WEST ENGINEERING
MECHANICAL : ELECTRICAL : PLUMBING : ENERGY

MECHANICAL PLUMBING
ELECTRICAL
FIRE PROTECTION COMMISSIONING
LOW VOLTAGE

OUR SERVICE IS SECOND TO NONE

909.890.3700
WWW.DESIGNWESTENG.COM
275 WEST HOSPITALITY LANE : SUITE 100
SAN BERNARDINO, CALIFORNIA 92408

Officer Marcos reported that one of his fellow officers decided on law enforcement after viewing the program when he was in high school.

San Bernardino County Sheriff's newest captain for our area, James Williams, reported a rise in auto thefts: 3 Hondas in one night. Some are recovered but have been parted out. If you have a Honda, make sure it's secured. Also, a school received an e-mail threat, traced to overseas, designated spam based on misspelled words and wrong names; in response to an audience question there is a program in place in case such threats are real.

ORGANIZATIONS MEETING LOCALLY*:

(Religious organizations meet on Sundays unless otherwise noted)

Rocky Point Fellowship
2116 Mentone Blvd.,
Mentone, 92359

Avodah Fellowship (Friday nights)
Rocky Point Fellowship (in the fellowship hall)
2116 Mentone Blvd.,
Mentone, CA 92359

Congregational Church UCC
1205 Beryl Ave,
Mentone, CA · (909) 794-2893

Sandals Church East Valley
1325 Amethyst Ave.,
Mentone, CA

Faith Chapel
1259 Agate Ave.,
Mentone, CA 909-863-8145

Seventh-Day Adventist Church of Mentone (English and Spanish) (Saturdays 8:30 and 11:00 a.m.)
1230 Olivine Ave.,
Mentone, CA 909-794-1610

Mentone Indonesian-American Seventh-Day Adventist Church
1331 Turquoise Ave.,
Mentone, CA 909-799-3521

New Life Christian Women's Luncheon @ Mill Creek Cattle Co.,
1874 Mentone Blvd., First Wednesday each month, 10-2
Mentone, CA

Republican Committee Tea Party
Mill Creek Cattle Co., 1st Thursday of the month
1874 Mentone Boulevard,
Mentone, CA

COMET and Chamber of Commerce: Rocky Point Fellowship,
2116 Mentone Boulevard, at 7 p.m. on the last Tuesday of the month.
AA/NA Rocky Point Fellowship, Tuesdays

MACA: Mill Creek Cattle Co., in Diamond Jim's Saloon,
1874 Mentone Blvd., second Tuesday of the month,
Mentone, CA 909/389-0706

**Organizations that aren't listed here are welcome to contact mentonematters@aol.com to have their information included.*

Interested in advertising with us? E-mail mentonematters@aol.com for reasonable rates and information.

VILLAGE NEWS (Where available):

GREENSPOT

See "A Hearing" and Moose Lodge handout FAQs, above

CRAFTON

MENTONE BEACH

DOWNTOWN MENTONE

MORE ON THE PROPOSED COMMUNITY GARDEN

This Community Garden folder, designed by Crafton Hills College student interns, was provided to the Mentone Chamber of Commerce at its regular meeting on March 27, 2018, as part of a PowerPoint. The attractive and informative brochure was designed for garden participants.



Type a caption for your photo

GARDEN RULES

- Start your gardening in the spring or notify the community gardens program coordinator
- Maintain your garden plot. Plan on four to five hours a week during the peak gardening season to maintain a plot. During the winter, plots may be mulched or planted with annuals, perennials or cover crops. If a plot appears abandoned, attempts will be made to contact the gardener. If the plot remains untended, the rental fee and use of the plot are forfeited.
- Keep common areas or roadways clear. Haul out debris, and store community tools in the tool shed and other equipment at home.
- Organic gardening methods are **STRONGLY ENCOURAGED**. Chemical fertilizers may be used, but pesticides or herbicides are prohibited
- Be respectful. Do not vandalize plants or harvest produce from another garden.

MISSION STATEMENT

It is our goal to provide a place for neighbors to meet and share a common interest in organic gardening and provide healthy food for their family and friends; supply community members with knowledge they need to garden organically in any situation; and provide community members of all ages and abilities an accessible place to garden. We are deeply committed to community pride and unity, teaching organic methods, preservation of open spaces and native habitat for biodiversity, encouraging sustainable living techniques and recycling. All gardeners are welcome!



MENTONE COMMUNITY GARDEN



**MENTONE
COMMUNITY
GARDEN**

PARTNERED WITH SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AND SAN BERNARDINO HABITAT CONSERVATION DISTRICT



WHERE CAN I GET MORE INFORMATION ON THE MENTONE COMMUNITY GARDEN?

FREQUENTLY ASKED QUESTIONS

HOW DO I JOIN THE MENTONE COMMUNITY GARDEN?

WHAT IS THE MEMBERSHIP FEE? WHEN IS IT DUE?

AS A MENTONE GARDEN MEMBER, WHAT RESOURCES WILL I HAVE ACCESS TO?

HOW CAN I OR MY BUSINESS DONATE FUNDS, RESOURCES OR MATERIALS TO THE MENTONE COMMUNITY GARDEN?



REASONS TO GARDEN

Diverse gardeners come together, information is shared, relationships develop, and people feel connected to the larger community of gardeners and creating new friendships.

It can improve the look of neighborhoods when vacant lots are replaced with gardens of various plants; the area looks maintained and occupied.

Gardening is great exercise and working outside in the fresh air can be a great stress reliever. People planting vegetables and fruits and experimenting with non-indigenous plants help to increase biodiversity.

You can supplement your income with climbing gas and food prices! Growing your own produce can slash grocery bills.

WEBSITE:
WWW.MENTONECGARDEN.COM

