



MISSION VIEJO BUZZ

Keeping the California Promise
Week of May 5, 2007

The Patriot Post Founders' Quote Daily

"I had always hoped that the younger generation receiving their early impressions after the flame of liberty had been kindled in every breast...would have sympathized with oppression wherever found, and proved their love of liberty beyond their own share of it."

-- Thomas Jefferson (letter to Edward Coles, 25 August 1814)

Reference: Jefferson: Writings, Peterson ed., Library of America (1344-45)

Founders' Quote Daily is a service of The Patriot Post, the most widely read conservative journal on the Internet. If you would like to receive Founders Quote Daily, and this highly acclaimed Digest of news, policy and opinion delivered FREE by e-mail to your inbox, link to:

CARL SCHULTHESS, EDITOR IN CHIEF carl.s@cox.net

DALE TYLER, PUBLISHER mvintegrity07@tylerent.com

KATHY MIRAMONTES, CONTENT/DESIGN MANAGER katmiris@cox.net

NEW BAD MAJORITY REPLACED OLD BAD MAJORITY EDITORIAL STAFF



The city of Mission Viejo recently lost its legal battle over affordable housing with the Public Law Center, and the cost will be ongoing. In addition to paying its own legal fees, the city will probably be ordered to pay the litigant's fees. A

greater cost will be further decline of neighborhoods and quality of life in Mission Viejo.

The lawsuit resulted from inaction and incompetence on the part of the city council. Years ago, the "old bad majority" of Butterfield, Withrow and Craycraft approved apartment projects in the south part of town and allowed developers to wriggle out of agreements to include affordable units. The city was built out prior to the approvals, and no more dwellings of any kind should have been built. However, developer cash trumped the objections of resi-



dents, including more than 7,000 who signed a petition against the housing projects.

Among the activists who gathered petition signatures back then was Trish Kelley. After winning a council seat in 2002, Kelley abruptly switched sides to get on the gravy train. She was in a position to accept campaign contributions from housing developers, and that's precisely what she did. Kelley publicly stated during a council meeting that she had not taken such money. However, she voted almost immediately thereafter in favor of the developer and accepted developer checks, making this so-called "woman of character" merely another political character.



The council had years to remedy the mistakes and corruption of the old bad majority, which the new bad majority had lambasted while campaigning against them. All current council members have accepted campaign money from developers and voted on behalf of outsiders over residents' objections.

In contrast with the council majority, ethical city leaders comprised the Planning Commission while the

(Continued on page 2)

(Continued from page 1)

council ran amok. Dr. Michael Kennedy, Hon. Norman Murray, Jack Anderson, Bo Klein and Dorothy Wedel served in 2003-2005. They demonstrated remarkable knowledge, wisdom and foresight in rejecting all proposals for additional housing of any kind. Among other accomplishments, they came up with a workable plan within state guidelines to meet affordable housing goals without destroying commercial zoning or turning established neighborhoods into future slums.

Kennedy resigned as a planning commissioner in 2004, and Anderson and Murray's service ended in 2004 when Kelley, MacLean and Craycraft voted against extending their terms. When Councilmembers John Paul Ledesma and Gail Reavis nominated Commissioners Klein and Wedel to serve another term beginning in 2005, the other three council members (MacLean, Kelley and Ury) voted them down in what appeared to be a violation of the Brown Act. Damage to the city and its residents has been irreparable.



The former planning commissioners were a stellar group of ethical public servants who had no motivation beyond protecting quality of life and preserving the Master Plan. The commission had become the city's first line of defense against developer invasions as well as bad ideas from city staff members. The city's best-ever Planning Commission that began in 2002 was replaced with a rubberstamp majority in 2005-2006. Not one person on the 2007 commission seems to know which way is up.

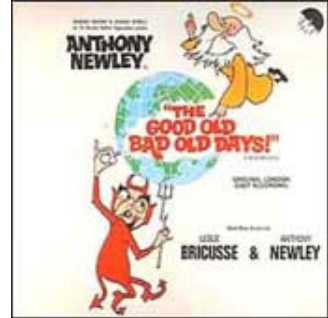
CAN WE RESTORE PUBLIC TRUST?

The major "accomplishments" of the current commission include decisions that overturned the Master Plan with more high-density welfare housing. The majority also approved compromising the character of an established neighborhood by allowing the conversion of a small home into a six-bedroom boardinghouse – a decision the council overturned.

Approximately 100 residents attended the April 30 Planning Commission hearing on the city's wireless master plan. For some newcomers to

public meetings, seeing the Planning Commission in action was revealing with regard to incompetent commissioners, inept city staff members and the corrupt process by which the city aligns with such contractors as the wireless master planner.

Many city activists who led the 2002 revolution against the bad old majority of Butterfield, Withrow and Craycraft may have thought they'd won the war. Despite the appearance of change in 2002, the bad new majority (MacLean, Kelley and Ury) has resumed the practice of riding roughshod over the residents in the same condescending manner as the old regime.



Voters need to complete the job they started in 2002 with the ousting of Butterfield and Withrow (Craycraft didn't run for reelection when his term ended in 2004). New leadership is emerging, particularly in neighborhoods hardest hit by bad council decisions. When things get bad enough, good people rise up to fight back. The city election of 2008 will be another major battle, and the outcome could hinge on voters realizing MacLean and Ury have morphed into Butterfield, Withrow and Craycraft.

<http://talk.ocreger.com/showthread.php?t=7821>



(Continued on page 3)

(Continued from page 2)

FUN WITH CHALK NEWS BRIEF

Fun With Chalk 2007 – Ninth Annual Street Painting and Fine Arts Festival

Come one, come all to the extraordinary and exciting community festival. Fun With Chalk features hundreds of artists of all ages and levels of accomplishment creating Old Masters and Original Works directly on the asphalt. Many of the artists come from hundreds of miles away to participate in this renowned once-a-year event. Local artists will display their oil, watercolor, sculpture and photographic works at the festival in a true celebration of the arts.

Free admission and parking, free music, demonstrations and stage entertainment for the entire family add up to an event you won't want to miss. The delicious food and beverages at moderate prices will cater to every taste. A special and exciting demonstration by world-famous performance artist Javier Alvarez Palomar will take place both days. On Sunday the exciting and extraordinary group, Hayucaltia, will have you on your feet dancing to their unique blend of jazz, rock, Andean rhythms and American music.

Fun art workshops will be held all weekend long in this extravaganza of creative activity. This award-winning festival benefits fine-art programs in the Saddleback and Capistrano school districts, provides scholarships for graduating high school seniors and enriches the lives of children who have been victims of domestic violence.

For general information, to become a Festival Sponsor, to volunteer or be a festival artist, call Festival

Hotline 1-877-932-4255.

<http://www.funwithchalk.com/>



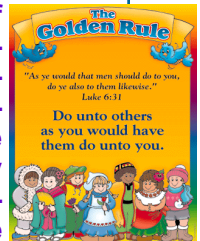
PROPERTY RIGHTS – YOURS AND MINE

One of the bedrock freedoms we have in this great country is the ability to own property and use it for our own purposes. This seems so simple to us in America, but it is really a profound statement of our shared values. It is said that “A man's home is his castle and even the King must ask permission to enter.”

This epitomizes what property rights are about: freedom from government interference and coercion, except as noted in the Bill of Rights' Fifth Amendment, which requires just compensation for land taken by the government. Other than this, a property owner can do as he pleases with his land. Or can he?

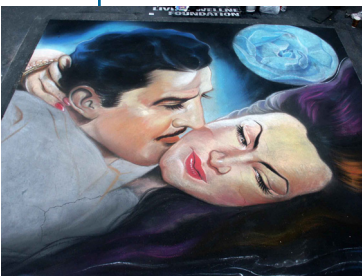


One principle of law is that my right to swing my fist ends at the point of your nose. This seems quite reasonable and is widely accepted as a requirement for living in civilized society. By extension, this rule could be generalized as “my right to act is only limited when harm is caused to others.” Another way of describing the respect one should have for others is the well-known Golden Rule.



Here in Mission Viejo, we are seeing the erosion of these principles. First, there was Steadfast/Target and the old Kmart property, where the property owners were given new residential entitlements that hurt the city as a whole. Our city council decided that campaign contributions were more important than the future revenues the city would earn from leaving the properties all commercial, despite solid evidence that residential units cost the city (other taxpayers) money, while commercial ventures contribute more taxes than they require in ser-

(Continued on page 4)



(Continued from page 3)

vices. Thus, the new property owners violated the principle of not harming your neighbors by your actions, in this case, building houses instead of stores and offices. Now, the folks at Steadfast and Target will say “the city gave us permission.” This is true, but it misses the real point that what the City Council did was wrong, and it did nothing to erase the obligation that Steadfast/Target had to the citizens of Mission Viejo. [Steadfast/Target](#)

Recently, another case of property rights vs. the obligation to not harm your neighbors was before the City Council on April 16, 2007. On February 12, 2007, the Planning Commission held their second hearing on a plan put forward by “Lori Ghnouly, to add a 1,205 sq. ft., first floor addition to the rear of the existing single story, 1,081 sq. ft. dwelling, for a total of 2,286 sq. ft. at 23732 Calle Hogar, in the RPD 6.5 (Residential Planned Development) zone. The proposed addition includes four bedrooms, three bathrooms, an office, and an expansion of the existing living room.” (Quoted from the Planning Commission Agenda, Item 4, 2/12/07.) In other words, this homeowner wanted to more than double the size of her house. It should have been no surprise that her neighbors, once they learned of this plan, were strongly opposed. However, the real question is, did the neighbors have any “rights” that would permit them to stop this use of Ms. Ghnouly’s property?

On the one hand, it would seem that the property owner should have an absolute right, subject to city zoning codes and development rules that the property owner agreed to when she bought her property, to do as she pleased. According to the Planning Commission, what she wanted to do was within the rules and regulations of the city. However, they and the city staff failed to take into account the obligations a property owner has to not adversely impact surrounding properties by lowering the value or utility of those surrounding properties. What Ms. Ghnouly was proposing would significantly affect the parking, noise generation and right to “peaceful enjoyment” of surrounding properties, according to nearly everyone who testified. Adding four bedrooms and an

office was just too much impact for the neighborhood. One wonders why this proposal was put forward at all, since even a brief conversation with neighbors should have informed Ms. Ghnouly of her neighbors’ feelings

By weighing the rights of Ms. Ghnouly against those of her neighbors, the city had to walk a fine line. However, in this case, the sheer scale of the project should have made the decision easier. The house in question would have become significantly larger than any surrounding house, with six or seven bedrooms. In this, the Planning Commission failed the citizens of Mission Viejo. During the council discussion, various arguments were made that tried to claim that the city cannot interfere if all of the rules are being followed. This approach, primarily advocated by Ury and MacLean, is too narrow an interpretation of what is fair and proper. It puts the city in the business of taking rights from one person and giving them to another by force of law, as opposed to getting agreement between private parties and then presenting the resulting agreement to the city. I believe this is what property rights are all about, having a voluntary agreement between nearby property owners that will respect all of their rights as opposed to a government mandate. Of course, a single property owner in opposition should not be able to block a project, unless he is the only one impacted, but respecting the rights of others to use and enjoy their property is why our founding fathers made sure not to give the government power over who can own land. By recognizing that property rights are really an agreement among ourselves, without the government imposing bureaucratic and narrow interpretations of what surrounding property owners want, we will all be better off.

In this case, the City Council majority got it right, with three council members (Ledesma, Reavis and Kelley) voting to preserve the character of the neighborhood, with Ury and MacLean voting against the neighbors’ right to enjoy their properties.

One wonders how this case differs from Steadfast/Target. In that case, neighbors

(Continued on page 5)



(Continued from page 4)

around the project were nearly unanimous in their opposition, yet the project sailed though. Perhaps with the latest case the council is starting to listen to the citizens of Mission Viejo. I hope so.

LETTER TO THE EDITOR THE LITTLE COUNCILMAN WHO COULD



Like the little engine that could, Councilman Lance MacLean thinks he could, he could, he could. Mission Viejo citizens prevailed two years ago and stopped his proposed blinking sign at the corner of La Paz and Marguerite. Now, MacLean has his ultra-loyal Councilwoman Trish Kelley at his side and his new ally Councilman Frank Ury to OK this project. Will the "new" sign be eight feet tall like his old one? Isn't it a design that flashes in your eyes Ms. Kelley's monthly word of character, plus various upcoming club and committee meetings? How exciting.

Is there no stopping these idiots?

Our concern two years ago is the same today. How many accidents will occur as drivers suddenly slow to read the flashing sign? Isn't it a fact that distracted drivers cause many accidents? Perhaps the auto repair shops could contribute to this magnificent boondoggle. Their businesses should benefit from an increased number of cars with dents or damaged grills and bumpers needing repair. One at least hopes injuries would be minimal, if at all, due to slow car speeds as drivers attempt to scan the sign.

Since we're not talking of only a few thousand dollars, will Councilmembers MacLean, Kelley and Ury let residents know the total cost up front and charges afterward for installing and then maintaining this monstrosity? Is Mission Viejo to become another Las Vegas?



Beverly Cruse
Mission Viejo

The Buzz

May 4, 2007

Several upset residents contacted blog staff members following the April 30 Planning Commission's special meeting. All who commented complained about the lack of notice regarding the hearing to review the proposed draft of the Wireless Master Plan prepared by ATS Communications.

The Buzz aired its own concerns months ago about the suspicious nature of the city contract with ATS and how it came about. Residents are alarmed ATS has identified 18 city-owned properties as cellular antenna sites. The person representing ATS receives a bonus each time a wireless service provider places a cell tower on city property. It's now up to residents to defend themselves against such placement near homes, parks and schools.



Who brought ATS into town? According to information given to The Buzz, it was Councilman Frank Ury. If that information alone doesn't cause alarm among residents, they're not paying attention to city politics. Ury not only brought ATS to the city trough, he pushed for the Wireless Master Plan. A city hall insider revealed that the initial presentation and the actual contract were two different stories.



When residents hear the rest of the story, the first thing everyone mentions is the contractor's conflict of interest – first, being paid to tell the city where cell towers should go and then getting a bonus for their placement.



Capistrano Unified School District trustees on Mon., May 7, will discuss cutting millions of dollars from the budget at the board meeting. While CUSD's \$50-million Taj Mahal in San Juan Capistrano was being built, its mathematically challenged trustees said the new building

(Continued on page 6)

(Continued from page 5)

would save money. CUSD formerly paid \$500,000 a year to lease space for administrators. Apparently, the trustees never considered CUSD would have to pay interest – many times over any amount it “saved” on rent. The district recently released information congratulating itself for leasing out some of the space in its cavernous money pit. The purpose of a school district is not to use taxpayer dollars on an oversize facility and then enter the commercial real estate market as a landlord.

★★★★★

Also being discussed at the May 7 CUSD board meeting, the district decided it needs Mission Viejo’s cooperation in using a park near Hankey School. In earlier talks, the district said no, no, no, it didn’t need the space. Mission Viejo could now use the request as leverage to persuade CUSD to upgrade and



refurbish some of its other buildings – particularly Newhart Middle School. Instead, some parents are relentlessly pushing the city into giving permission to use the park for nothing in return. Other cities in CUSD have benefited from tax dollars collected in Mission Viejo while Mission Viejo parents have raised money with bake sales to fund their children’s schools.

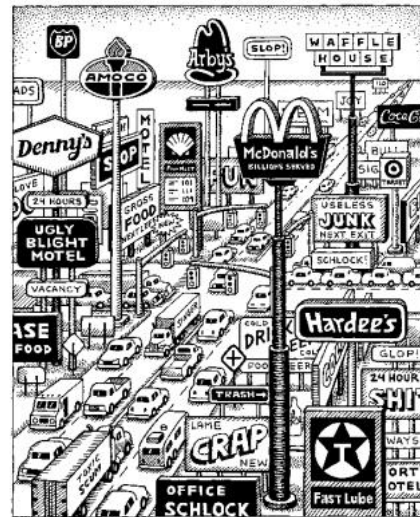
★★★★★

An irate blog reader emailed comments that began: “Have you seen the signs along Felipe that have all the council members’ names on them?” The reader was annoyed over the misuse of taxpayer dollars to pay for such signs. What the reader didn’t mention is that the signs are popping up all over town. Whatever the project is (road widening, slope upgrades, road repairs) is stated on a large, pricey sign AND it lists all five council members. The reader asked, “Didn’t voters throw the old council out of office for doing that?” The reader makes a good point. Five years ago, Sherry Butterfield and Bill Craycraft thought they should put their names on city facilities, and the voters disagreed. Isn’t it ironic that all five members of the current council are putting their names on city projects, city slopes and major thoroughfares?

As anyone paying attention out there?



“That man who tells those corny long-winded jokes you pretend to laugh at is here.”



the end