

Citizens Call on Council To Appeal Court Verdict

To the Editor:

By its action on November 3 in deliberately refusing to appropriate funds for an appeal from the adverse ruling on Belmont's initiative truck weight limit ordinance, the Belmont city council blocked our citizens from appealing such ruling to a higher court and thereby conceded victory by default to opponents of our 8-ton truck law.

We deplore this action by Councilman Warren Mendel, state manager of the Engineering and Grading Contractors association, who made the motion "not to appeal," and proceeded to vote on his own motion, thus effecting a repeal by implication of an initiative measure which the council is forbidden by law to repeal directly.

We deplore the action of Councilmen Wandmeyer and

Rudd, whose votes made possible this act and whose prediction promises to protect the city against heavy trucking abuses have now evidently been discarded.

Our council has consistently campaigned to open Belmont's city streets to heavy industrial traffic. The Engineering and Graders association, under the leadership of Belmont Councilman Warren Mendel, has also campaigned to open Belmont's city streets to their heavy truck traffic.

The people of Belmont have firmly resisted these pressures.

Our councilmen have publicly stated that our ordinance, regulating heavy trucking, is a "bad law." But similar laws exist in practically every city in the State of California. Thousands of Belmont residents know that

this is a good law and they have seen the town boom in the last two years as it has never boomed before in its history. During this period our police records show that serious traffic accidents dropped sharply on heavily traveled Ralston avenue.

The council in voting against appeal knew these facts:

1. Both present and former city attorneys are on record that there are valid grounds for an appeal.

2. Practically the entire school population of our town will be exposed to traffic dangers without parallel in any other community.

3. One mishap on Ralston avenue involving a typical large quarry truck (longer than the street is wide) could completely block large part of our town from fire and emergency equipment.

4. Belmont city streets were never engineered to carry maximum weighted freeways traffic, and to reconstruct them up to freeway road standards would cost this city millions of dollars.

5. Heavy trucking has been exceedingly destructive to our city streets. City hall records show that Ralston avenue survived only two years under the brutal siege of heavy, uncontrolled trucking prior to the passage of the Initiative Ordinance 232.

6. The cost of constantly repairing and rebuilding our city streets falls exclusively on our city taxpayers. The trucking industry shares no part of this extra cost.

7. The expensive traffic survey that the council authorized and paid for this year showed that Ralston avenue was already carrying traffic in excess of its safe capacity.

Under Judge Arthur Mundo's ruling, if our case is not appealed to a higher court, Belmont loses forever its right to regulate truck traffic on its city streets. This desperate fact must be repeated. Under Judge Mundo's ruling, if our case is not appealed, Belmont loses forever its right to regulate truck traffic on its city streets.

One slim hope remains. A single Belmont resident has gained the right to appeal by intervening for the Initiative Committee. This right to appeal expires in less than 50 days. In the meantime, our citizens must organize a city-

estimated \$3,500 for legal expense.

An affront and insult to the expressed will of its citizenry has been done to every resident of Belmont by our elected officials through their action on November 3. The right of initiative is expressly reserved to the voters of each city of the State of California by Art. IV, Sec. I of the Constitution of California. Indeed, it is therein described as "the first power reserved to the people," and it is clear that its fulfillment as a pre-eminent right of the people may not be frustrated by the legislative body. If the city council may not repeal an initiative measure by direct vote, it may not accomplish the same result through indirect action. We submit that this display of hasty and ill-considered treatment of the most sacred of reserved rights comes with small grace from officials elected through the democratic process.

Most sincerely yours,
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S M Jones? 1956?

2-16-56

"County Funds Not Available:"

No Action On Library Report

A wide variety of items faced Belmont City Council at Monday night's meeting, chief of which were a report by Councilman Zucca on the Belmont (Wallace Benson) Library; a Cable Antenna TV Franchise; support for a county convention center; and a stand on Belmont's position relating to the location of a State College in San Mateo County.

Councilman Zucca's report on the library pointed out that existing facilities were inadequate and offered a solution that suggested enlarging the existing structure at a cost of an estimated \$40,000 of which Belmont would pay \$22,000 and the county would come up with the \$18,000 balance necessary to get the project underway. Zucca sought support for a

move that would instruct City Manager Ari Brandow to work with County officials to explore the possibilities of expanding the library.

Councilman Raymond Faber questioned the advisability of using city funds for this purpose when there might be more urgent need for the monies.

He said that he was positive that there were no county funds available for this purpose on the basis of a recent conversation with County Manager E. R. Stallings.

The matter was put over until the next meeting.

The council next action, after a public hearing, introduced a 20-page ordinance that would provide for a CATV (color antenna TV) franchise for a promoter in Belmont. Councilman

Zucca said that he had studied the ordinance thoroughly and that it completely protected the City. Matter of rates, to the ultimate user, are to be established at a later date.

Mayor Benson discussed at some length, the controversial proposed convention center for San Mateo County. The north county is strong for the Cow Palace; mid-county favors the County Fair Grounds in San Mateo and the south county seems to feel that the center should be in Redwood City, the county seat.

Benson stressed that the time was long past when each city should consider only its own city limits and that the Peninsula cities should work for the common good of the County at large.

After discussion, the Council decided that it would not support the establishment of a State College in Redwood Shores area. Leslie Salt had offered to give 100 acres for a proposed site with the county purchasing an additional 250 acres which would be needed for the development.

The Council, affirming that the college should be in San Mateo County, went on record that the location should be "central."

In other action, the Council:

- adopted an ordinance establishing boundaries for a Residential Estate District, R-E-1;

- proclaimed February as "Heart Month" in Belmont;

- authorized installation of two additional street lights at the end of Manzanita Drive.