

Courier - 4-27-66



**NEW COUNCIL AND CLERK...**Last week two new members of Belmont City Council were sworn in by retiring City Clerk Catherine A. "Kittie" Heartsner. Also taking oath of office was Belmont's new City Clerk. In the above photo, standing, l to r, are Councilmen Robert Fitzgerald, newly elected Dr. Morton L. Podolsky and Joseph Zucca with new

City Clerk James McLaughlin at far right. Seated are Belmont's new Mayor Edward D. Vallergera and Mrs. Eve Sterry, newly elected councilwoman. Photo below shows City Manager Art Brandow, center, admiring a plaque of appreciation which was presented to both Mayor Wallace Benson and Mrs. Heartsner, shown with Brandow. Elwing Studios Photo.

## Belmont Selects Top Aide

BELMONT — When Belmont's new city administrator, Arthur H. Brandow, comes to work April 1 the acting administrator, Robert H. Seiler will stay on as an associate.

Brandow's appointment was announced this week by Mayor Robert H. Fitzgerald. Brandow has been town manager and town engineer of Corte Madera in Marin County since 1957. Seiler had held the post here since the resignation Oct. 5 of John L. Watts.

Brandow, 42, will take over after finishing some projects there, Fitzgerald said. Brandow was selected from three finalists out of 46 original applications.

The mayor said Brandow was named by the City Council in a recent personnel session.

Brandow, a native of Hayden, Ariz., attended Bay Area schools and took his bachelor of science degree from the University of California. He later became a registered civil engineer and worked in the San Francisco engineering department in 1948-55, taking part in the construction of the International Airport.

## 'Three-Ring Circus' For Belmont Council: Walks, Pay, Plaque

BELMONT — It was another three-ring circus at last night's City Council meeting, and, as several in the audience muttered after the long session "The only thing missing was the popcorn."

In the main ring were the sidewalk haters versus pedestrians in the Encline Way Assessment District battle.

Residents in the district, which encompasses Encline Way and portions of Belmont Canyon Road, were 90 per cent against the inclusion of sidewalks in the street improvements assessment plan. A tirade of citizen objections to sidewalks were heard by the councilmen.

The majority ruled last night and council tossed side walks out of the plan and awarded the contract to Fisk, Firenze and McLean who turned in a low bid on the project of \$25,796, somewhat lower than the engineer's estimate of \$26,702.

But the road to victory was a tough one and ended up with the council pitted two-to-two on the sidewalks vs. no sidewalks issue and Mayor Wallace Benson had to cast the deciding vote.

Benson called for a short recess, conferred with some of the residents and came back for the vote.

Councilman Joseph Zucca, who made a valiant speech in favor of sidewalks as a means to cut busing costs and as a step in getting sidewalks throughout the city, was backed by Councilman Robert Fitzgerald. Councilmen Raymond Faber and Edward Vallerga argued that sidewalks "can't be forced down these peoples' throats if the majority are against it."

Benson muttered a short prayer and voted against sidewalks.

In another ring, citizens pressed the struggle to get Police Chief James Lyall's salary raised to an equitable level with other chiefs in the county. They were disappointed to hear the special council salary com-

mittee recommend only a \$106 raise for the chief.

But council stood firm, explained this was only an interim raise and all salaries will be considered for readjustment in the 1966-67 budget session.

They voted to raise the chief's salary from \$878 to \$986 which they said is equitable with what the chief in San Carlos is being paid.

But Lyall stepped to his own defense on that issue and pointed out he has been chief for 17 years and should be getting a salary equitable with the top step in other departments, not the beginning steps. The San Carlos chief has served a little over a year.

Council raised other department heads including the building official, superintendent of public works and office manager amounts ranging from \$52 to \$106.

And over in Ring No. 3, Mayor Benson crossed swords with Arthur Powers, a citizen who wrote a letter to newspapers and City Hall, stating he could not find anything in public records to bear out that the Belmont county branch library was formally named the "Wallace Benson" library, as a plaque and in the building indicated.

Benson argued kindly that he didn't ask who contributed or who decided and just accepted the move as a gesture of appreciation.

# Councilwoman Irate:

*RC Trib 7/26/66*

# Secret Belmont Ballot Opposed

B A L L O T

CALIF. CABLE COMM. CORP.

AMERICAN CABLEVISION

BELMONT CABLE TV CO.

BELMONT CATV, INC.

BELVISION, INC.

nation of applicants so council can narrow down the choice.

Council, after several postponements of scheduled award dates, set the long awaited decision for tonight.

The five companies competing for the Belmont community television service plum are California Cable Communications, Belmont CATV, Inc., American Cablevision Co., Belvision and Belmont Cable Television Co.

The CATV award is a hot issue in Belmont these days. Council members must award the estimated \$500,000 a year operation to one of the five firms.

Council members face a decision based on a number of inter-related factors such as ability to perform the service, financial capability, past performance and the proposed cost to the Belmont subscriber.

Mrs. Sterry said that when

council members are elected, people expect them to openly discuss city issues, especially one such as this which is of great interest and effect to the community.

League of California Cities attorney.

"I will not use the secret ballot," announced Mrs. Sterry firmly, "I will vote openly and I shall announce the basis for my vote." She said she hopes other council members would do the same thing.

The ballots, she said, are too small to even squeeze in a signature, and the names of the five applicants are not listed in alphabetical order. First on the list is California Cable Communications, the firm which attorney Ildo Rosellini, a former Belmont councilman and mayor, represents.

City Manager Brandow said last week that the ultimate resolution awarding the franchise contract would have to be by roll call vote.

Official reason given for the ballot procedure is to ease elimi-

## Secret Vote Opposed

(Continued from Page 1)

done on the basis of a secret ballot is legal.

The secret ballot idea, she concluded, is "highly irregular and most improper."

In a nutshell, the five firms and their offers to the subscribers are:

California Cable -- offering installation charges for residences of \$15 for first set and \$5 per month service charge for the first set with additional and lesser charges on each count for more sets.

American -- proposing installation charge of \$15 and monthly charge of \$5 for the first set. Firm is based in Southern California.

Belmont CATV, Inc. -- largely backed by the Chronicle Publishing Co. and offers a charge of \$9.50 deposit for installation and \$4.50 a month initial service charge.

Belmont Cable Television Co. -- owned jointly by local businessmen Verne A. Laughton of San Carlos and Victor E. Sharar of Belmont. It offers free installation and monthly service charge of \$4.50 plus a 19-channel program while other firms offer channels.

Belvision -- owned by Richard Linberger of San Jose who proposes an \$11 installation deposit and a \$3.50 per month service charge.

By DRU ANDERSON  
Tribune Staff Writer  
BELMONT -- Councilwoman Eve Sterry is raising the roof over the secret ballot proposed tonight for the lush Community Antenna Television franchise.

Late last week, Mayor Edward Vallergera directed City Manager Art Brandow to prepare ballots. The ballots are to be unsigned and are to list the five applicants so each councilman can check his No. 1 choice and toss the ballot slips into the hat.

After poring over a stack of documents describing procedural rules for government bodies in the state, Mrs. Sterry said she could find no provision for the legal use of a secret ballot.

She fired off a letter Saturday to City Clerk James McLaughlin, advising him of her findings, which she located in government code and in a legal opinion by a

"If a council member hasn't nerve to stand up and be counted openly," she said, "then that member has no business being on the council."

She quoted Charles Martin, of the League of California Cities, as writing in an opinion, "... the purpose of council meetings is for the council to debate openly on particular matters..." and that on "... the passage of every motion, the vote shall be taken by voice or roll call and entered in full upon the record."

Even an elimination process, she argued, constitutes a vote. She said she questions whether any voting, even if preliminary,

(See Secret, Pg. 2, Col. 3)

S M Times Tues Sept 13,  
1966

Roads.

# Belmont Wrangle Over City Agenda

Continuing its new custom of becoming bogged down in lengthy discussion of agenda items, even including approval of the minutes, the Belmont City Council last night carried on its debate for more than 4½ hours.

Consequently, the council directed City Atty. Kenneth Dickerson to draw up an ordinance amendment setting the starting time for council meetings up a half-hour to 7:30 p.m.

Last night's meeting began at 7 p.m., with the first hour constituting a special meeting, in the opinion of Dickerson.

As the hour neared 11:30 p.m., Mayor Edward Vallergera suggested the change in starting time, proposing 7 p.m., "so

we can get out of here earlier."

This was opposed by Councilwoman Eve Sterry, who said she was against changing the ordinance, and by Councilman Morton Podolsky, who said it would deprive commuting Belmont residents of ample time to get to a council meeting.

In lieu of an earlier start, then, Vallergera suggested, the council should renew its recently discarded policy of holding study meetings to acquaint council members with difficult matters coming before them.

No one spoke in favor of that, so Vallergera moved for a 7 p.m. starting time. It was defeated 3 to 2. A second motion by the mayor for a 7:30 p.m. start was approved by a 4 to 1 vote, with Mrs. Sterry opposed.

Podolsky and Mrs. Sterry began the meeting at odds over the wording of minutes of the meeting in which a resident urged Podolsky to disqualify himself in voting on approval of the new zoning ordinance because property he owned would be included in a new professional zone.

Mrs. Sterry complained that the resident was not quoted verbatim in the minutes.

Podolsky accused Mrs. Sterry of being "picayunish."

"When anyone sets themselves up on a pedestal to change what anyone else has said, it is tantamount to censorship," the councilman charged. "This type of censorship is not tolerable in this community or country."

"It is not a matter of interpretation, but of fact of what was," replied Mrs. Sterry.

"You're re-stating what someone else said," countered Podolsky. "Let the person who made the statement request the change."

Mrs. Sterry's motion to include the statement as a correction in the minutes was defeated by a 3 to 2 vote, with Councilman Robert Fitzgerald siding with the councilwoman.

# Vallerga Is Mayor; Benson Applauded

By BOB HEMINGWAY

His ever-present cigar clutched between his teeth, Wallace Benson amiably stepped down from the podium in Belmont City Hall council chambers last night, ending 12 years' service to that community as a member of the city council.

Benson received a warm round of applause from the more than 100 persons in the standing-room only audience which gathered to see the reorganization of the Belmont City Council, with Edward D. Vallega selected as mayor and two new council members installed.

Leaving the podium, the retiring mayor and councilman

planted an affectionate kiss on Mrs. Catherine (Kitty) Heartsner, who completed nearly three decades as city clerk and, like Benson, ended a career in public life last night.

Before stepping down and turning the reins of city government over to the new council, Benson, who did not seek return to office in last week's municipal election, expressed his thanks to his fellow council members and to "the people who voted for me, and even those who haven't" in past elections.

"I have no animosity toward anyone," Benson stated. "I'm (Please See Page 14, Column 2)

# New Mayor In Belmont

(Continued From Page 1)

not coming to (council) meetings. I'm over 65 years of age, and I'm retiring from public life . . . I love everyone."

As a mark of the regard in which he is held, the council adopted a resolution appointing

Benson an honorary mayor of Belmont. Benson served a total of six years as mayor during his time on the council.

Standing to read the resolution as a "sign of regard" for Benson, Councilman Robert Fitzgerald commented:

"I know you love everyone, Wally, and I love you, too."

The resolution cited "great improvements" to the city of Belmont during Benson's career on the council and noted that he is known throughout the Bay Area as "mayor."

Mrs. Heartsner performed her final duties of the post she had held for 28 years by swearing in her successor, James McLaughlin, two new council members, Dr. Morton Podolsky and Mrs. Eve Sterry, and the city treasurer, Mrs. Florence Holland.

It was a night of triumph for Dr. Podolsky and Mrs. Sterry, both of whom have been sharp critics of the council and some of its policies and actions in the past. Winning the council posts, they now will have an opportunity to actively work for the changes and policies they have advocated.

Like Benson, Mrs. Heartsner did not seek re-election this year. Leaving her chair on the council podium, she, too, was warmly applauded by the gathered residents.

Both Benson and Mrs. Heartsner were presented engraved plaques in recognition of their service to the city. Mrs. Heartsner began as city clerk in 1938, and Benson served on the council from 1952 to 1956, then again from 1958 to this year.

Both said they plan to "take it easy." Benson was to leave today for a brief vacation on the Monterey Peninsula, then return to "do some work for my employer." He is assistant to the president of Argonaut Insurance Company. Mrs. Heartsner plans a two-months' tour of Europe beginning in June.

Also receiving a plaque will be Raymond Faber, who was defeated last week in his bid for re-election to a second four-year council term. Faber, a county probation officer, was not present at the meeting. He sent a note to Benson stating that it was his duty night in the probation department. Faber cited his pleasure in serving the city for six years (he was on the city planning commission for two years before being elected to the council).



BELMONT City Council reorganized last night with Edward D. Vallerga, center, as the new mayor. New council members elected last week, are Dr. Morton Podolsky, left, and Mrs. Eve Sterry. Other members are Robert Fitzgerald, next to Podolsky, and Joseph Zucca, who was re-elected vice mayor by council members.

507-11-20-66

ks He was nominated for the  
ke post by Councilman Joseph Zuc-  
s. ca, who said he wanted to main-  
id- tain a tradition of rotating the  
in- mayorship. He noted that the  
e f procedure was interrupted last  
the year when councilmen selected  
ak- Benson for the post in his last  
Wil- year on the council.

the Zucca, who was vice mayor  
the past year, again was named  
to that position by the council.

l to Taking his new post, Vallerga  
aid was brief and to the point, stat-  
ple, ing he didn't plan to make a  
ec- speech. He termed Belmont a  
he "fine city" and called upon its  
red citizens to "all work to keep it  
had that way."

he Adjourning briefly for an ex-  
red ecutive session, the new council  
had returned to approve a resolu-  
tion appointing the new city  
loor clerk additional duties as city  
hul- hall office manager and secre-  
aid. tary to the planning commission.  
self McLaughlin will receive the  
peo- same salary as did Mrs. Hearts-  
noke ner, \$741 a month, for the three  
be- obs.  
ay." The old council, before ad-  
journ- ing sine die preparatory to  
organi- zation of the new council,  
routinely approved a resolution  
declaring the results of the  
April 12 election.

by Sen

Redwood City Tribune  
Fri Dec 30, 1966

# Belmont Votes City Plan, New Leaders

By DRU ANDERSON  
Tribune Staff Writer

BELMONT — Volcanic Belmont continued to erupt in political outbursts this year with a startling election upset, surprise adoption of the first general plan for the city and a tooth and nail struggle for the Community Antenna Television franchise.

The year 1966 saw the departure from civic life of two Belmont veterans of service, "Wally" Benson from his illustrious years as cigar-gnawing mayor and councilman and former city clerk Katherine Heartsner who unexpectedly resigned a few weeks before election after 28 years in the clerk's role.

Joining the new council slate were city fireballs Mrs. Eye Sterry, longtime civic critic, and Dr. Morton Podolsky who joined the critics gallery actively a few months prior to the spring elections. Ousted from his incumbent position was Raymond Faber. A rousing city clerk battle ended in a photo-finish with Jim McLaughlin the winner over Sue Moser and Herman Hinrichs. Hinrichs, longtime planning commissioner, died a few months later.

Vying for attention amidst the heat of election were the controversy-sparked CATV franchise competition and the devel-

oping general plan and zoning map ordinances.

Creation of a city CATV ordinance see-sawed for months between a perplexed council and the city staff, coupled with the five hopeful CATV competitors submitting complex and voluminous technical bids for the franchise plum.

Months later, in early fall, the CATV issue in Belmont came to a full boil.

Early this fall, nearly a year after the CATV issue first cropped up in Belmont, council ground out a 3-2 vote for Belmont Cable Television Co., owned by partners Verne Laughton and Victor Sharar.

A later request by the partners to incorporate in order to get financing in the tight money market set the pot of controversy boiling again but late in the year, the move was approved with stringent conditions and the web of cable television service is beginning to knit through the city.

Belmont unfurled a major first this year when the city wrung out 3-2 council approval of the general plan and zoning maps and ordinances. Council members Robert Fitzgerald and Mrs. Sterry argued for more time to resolve violent objections of property owners to some clauses in the new plan.

Objections were raised to the rezoning per the new plan of Councilman Podolsky's residential property on Ralston Avenue to professional. Dr. Podolsky plans to convert the building into medical offices.

Cries of protest hailed from property owners in the hills residential area over the general plan designation of land at Hallmark Drive and Ralston for a future neighborhood commercial center.

But the three councilmen voting for the new plan maintained the city badly needed a general plan. General plan rough spots can be smoothed after consideration in relation to integrated community development, they argued. With the general plan in gear, the council at year's end began moving in the direction of studies of development of a central business district plan.

Property tax rates for Redwood City residents are comfortably in the middle range compared with rates of cities throughout the Bay Area, according to statistics released this month.

The tax figures are contained in Bay Area Facts, a monthly pamphlet published by the Bay Area Council.

The over-all city-county tax rate in Redwood City ranges from \$7.95 to \$9.44 per \$100 of

assessed valuation, depending upon special districts involved. It ranks tenth among 18 cities in the county.

San Mateo County's highest tax rate is imposed upon Woodside residents, whose over-all assessments range from \$7.94 to \$11.91 per \$100.

The county's lowest rate, in Burlingame, runs from \$7.73 to \$8.09.

Berkeley residents pay the Bay Area's highest rate, running from \$13.32 to \$13.44. Adjacent Emeryville, surprisingly, has the second lowest rate — \$6.86. The rock-bottom rate in the Bay Area belongs to Rio Vista in Solano County, with \$6.39.

San Mateo County's largest city, San Mateo, has a rate ranging from \$8.02 to \$8.55.

# Belmont Council

BELMONT — Kicking and screaming, the city council last night voted a franchise plum — worth some \$500,000 a year — to Belmont Cable Television Co.

The proposed secret ballot plan, which as the Tribune pointed out yesterday would have enabled councilmen to vote their preference without publicity, was not used.

Voting for the winner on Coun-

cilman Joseph Zucca's motion were Mayor Edward Vallergera, Councilwoman Eve Sterry and Councilman Robert Fitzgerald. The short-ender, Dr. Morton Podolsky, gave voluminous reasons for his opinion that this was the worst of the five applicants.

But before the vote was taken, Vallergera lashed out at Mrs. Sterry in a loud exchange that had most of the council and nearly

all of the audience shouting and stomping. Scoring Mrs. Sterry's opposition to the planned secret ballot, Vallergera snapped, "I am disappointed and upset to see such persistent distortion of the truth."

To set the record straight, he said, the ballot idea was intended to be a preliminary poll and the ballots "were prepared at my request" so if the major-

ity of the council "saw fit" they could be used.

"Mrs. Sterry," he said, wheeling in his chair, "You've . . . intentionally and maliciously misstated . . ." the facts.

When the councilwoman began to counter, Dr. Podolsky shouted, "Mrs. Sterry! Mrs. Sterry! Don't interrupt the mayor."

Councilmen Zucca and Fitzge-

# Clash: TV, Secrecy

rald, sitting at either end of the council group, pensively waited for the main feature of Belmont's "best show in town" to run its course.

Mrs. Sterry replied, "There is no precedent for" the written ballot. "I did not like it . . . it seems the only way I can accomplish changes in procedures is to raise my voice."

During a lull, Zucca roared:

"To heck with the secret ballot" and moved that the council draw up the franchise award ordinance in favor of Belmont Cable Television Company Fitzgerald seconded the motion.

The franchise will be drawn for a 10-year contract with provision for renewal after that period, according to Zucca's motion.

The Belmont Cable proposal

carried a \$4.50 per month service charge with no installation cost to the customers.

Laughton said construction of the CATV system would be under way as soon as possible and will be well under way by the end of the calendar year.

The ordinance which will be drafted in favor of Belmont Cable Television will be introduced for council ratification Aug. 22.

Verne A. Laughton of San Carlos and Victor E. Sharar of Belmont, co-owners of the winning company, were elated with the choice. During a recess called immediately after the vote, Sharar gasped, "I'm weak!" Laughton clapped his brow and said, "It's been a long year." The CATV franchise race began last August.

San Mateo

6-14-66

# Tree Haulers Have Battle In Belmont

Tree stump haulers don't do much better than some dirt haulers in Belmont, Lincoln C. Reynolds and Ed Cunningham, operators of Cunrey Development Company, went the route with an obstinate city council last night trying to get an excavation permit to haul some big stumps from their 11-lot Pullman Heights subdivision, finally having to give up use of big 10-wheel semi-trailer trucks and go with the smaller 4-wheel variety.

They got their permit, but only after a verbal battle with Councilwoman Eve Sterry, who claimed they had cut down more trees than their plans filed with the city called for.

Not so, Cunningham said, challenging Mrs. Sterry to find any less than the 18 trees planned on. Vote for the permit eventually was unanimous. The subdivision is on Kimmie Court, off Coronet Boulevard and behind the Safeway store at Ralston Avenue and Alameda de las Pulgas.

In other business last night the council:

Made City Clerk James W. McLaughlin permanent city office manager, terminating his one-year probation at two months. The manager's job pays \$7,368 a year, the clerk \$480. He also was made permanent secretary to the planning commission, paying \$1,020 a year;

Awarded L. C. Smith a street resurfacing job on a low bid of \$17,796 on streets west of Ralston and Cipriani Boulevard. All three bids were well below the estimated \$20,280 cost;

Turned down Lloyd Osborne's appeal from a planners' denial of a variance request for reduced setbacks on a hillside lot at 2552 Belmont Canyon Road because no agreement could be reached on paving the street on his 50-foot frontage and at what grade level. There's no pavement on either side and Osers didn't want it;

Confirmed by a 4-1 vote litigation by the city against Arthur three Skymont subdivisions; hauling fees, Mrs. Sterry voting

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for

city open to dirt hauling" if it lost;

Reappointed James Wilbert and William C. Brooks to and accepted the resignation of Ernest Langbein from the recreation and park commission;

Accepted payment of \$6,894.46 from the David D. Bohannon Organization for back excavation and hauling fees on the three Skymont subdivision;

Approved an agreement to pay \$232 a year for ten years as the city's share of the county civil defense and disaster mi-

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S.M. Times  
5-24-66

~~County Cities & Towns~~  
Belmont

## Eve Sterry Loses Plea

Belmont Councilwoman Eve Sterry urged unsuccessfully last night that the city request dismissal of its suit seeking to collect \$1,285 in earth hauling fees from Arthur Brothers, Inc.

The suit was filed last Thursday in Central District Municipal Court by City Attorney Kenneth M. Dickerson.

Not only did Mrs. Sterry ask that the suit be withdrawn, she proposed that Dickerson withdraw as the legal counsel for the city in matters related to earth hauling, excavation and grading. She proposed the appointment of the San Mateo law firm of Wilson, Jones, Morton and Bench to represent Belmont in such matters, claiming that for Dickerson to do so would pose a conflict of interest because he was on the city council when many of the regulations concerning earth hauling and excavations were enacted.

The councilwoman claimed that the suit against Arthur Brothers is "weak" and that if the city should lose it there would be possible ramifications of the city losing out on collection of earth-hauling and excavation fees in the future.

Times 5-24-66

## Belmont To Muffle Its Road Bumps

Apprehensive Belmont City Council members last night toned down a bit the extent of the asphalt "bumps" proposed for installation on Mezes Avenue between Alameda de las Pulgas and Notre Dame Avenue to slow down traffic.

Instead of four bumps, a single bump will be installed on a six weeks' trial basis.

Mayor Edward Vallerga expressed concern that some child might be injured by being thrown off a car seat against the dash when a driver comes upon the bump unexpectedly.

Councilwoman Eve Sterry asked that adequate warning be given concerning the bump, urging that a sign not only warn of the bump but that it also warn driver to slow to ten miles an hour.

The bump turmoil results from a request by residents of Mezes that the city take some action to slow down cars on the street before some child is injured or killed by fast-moving vehicles. Residents have endorsed the bump proposal.

In conjunction with approving the test bump, the council directed City Manager Arthur Brandow to contact the city's insurance carrier to determine the extent of liability in case of an accident or damage to a vehicle as a result of hitting the bump.

RESOLUTION NO. 3030

RESOLUTION OF AWARD OF CONTRACT TO WIT;  
CONTRACT NO. 109-PAVING OF ALEXANDER  
PARK

RESOLVED by the City Council of the City of Belmont that:

WHEREAS, said Council did in open session on December 27, 1966

publicly open, examine and declare all sealed proposals or bids for work to be done and improvements to be made, as described in and specified in Resolution Calling for Bids No. 3027 to which resolution reference is hereby made for a description of the work and improvements to be done and the materials, supplies and equipment to be furnished therefor,

NOW, THEREFORE, IT IS ORDERED as follows:

1. That said Council hereby rejects all of said proposals or bids except that hereinafter mentioned, and hereby awards the contract for doing the work and improvements and furnishing the materials, supplies and equipment necessary therefor, to the lowest responsible bidder, to-wit:

Bragato Paving Co.

at the unit prices named in said bid.

2. That the Mayor of said City is hereby authorized to make and enter into a written contract with said successful bidder, and to receive and approve all bonds in connection therewith, and the City Clerk of said City is hereby directed to attest his signature and affix thereto the corporate seal of said City.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council at a regular meeting thereof held on the 27 day of December, 1966, by the following vote:

AYES, and in favor thereof,

COUNCILMEN: Zucca, Sterry, Podolsky, Vallerga

NOES, and against, None

COUNCILMEN:

ABSENT, COUNCILMEN: Fitzgerald

RC Tribune

Tues Jan 10, 1967

**Better Direction Wanted:**

# Belmont Finds Fault With Casual Deals

By DON CARTER  
Tribune Staff Writer

BELMONT — Two city councilmen last night lashed out at what they termed was the casual manner in which some of the city's affairs are being administered and said they would like to see prompt changes.

A number of city ordinances, re-codified back in March of 1962, were "illegally adopted", Councilwoman Eve Sterry charged. City Atty. Ken Dickerson, who was mayor at the time, conceded the proper legal steps were not taken.

Afterward, Councilman Dr. Morton Podolsky called the eroded Carlmont Mounds area near Hastings Drive "a blight and a scar" on the city and wanted to know what the city administration is doing to make the owners clean it up.

The 1962 ordinances, most of them codifying various sections of the city's building codes, were adopted without a proper public hearing and without proper legal publications, as required by law, Mrs. Sterry charged.

But even if the ordinance was illegally adopted, Dickerson said, the earlier ordinances, which they replaced, would have been legally in force during the interim, he said.

Dickerson introduced an amendment to the ordinance which, in effect, ratifies and confirms the council's earlier actions of four years ago.

The next council meeting of Jan. 23 was set as the time and place for a public hearing on the ratification amendment to the earlier 1962 ordinance.

At the suggestion of Councilwoman Sterry, he said he would also prepare a schedule of the steps which must be taken to adopt city ordinances in legal

slows traffic going through to Ralston Avenue. The council voted, 4 to 1, with Dr. Podolsky abstaining, to try out the parking ban "for a limited time," but stipulated no precise period.

2. Again tabled a proposed assessment district to finance street, curb and gutter improvements for 20 lots in the 3400 block of Lodge Drive. The delay was given to allow the planning commission time to examine the project. One property owner in the area, Nick Humeny of 3428 Lodge Drive, objected to a proposed cul-de-sac on his land as well as a plan to close off the street to Ralston Avenue. Humeny claimed the street should be opened up to Ralston to allow emergency vehicles better access.

3. Awarded a contract to Watkins and Sibbald of San Anselmo, the lowest of four bidders, for a \$17,988 landscaping job on Ralston Avenue from Alameda de las Pulgas to Cipriani Boulevard.

4. Adopted, 3-2, the first reading of a new ordinance clarifying the city's leash-law for dogs and other pets, except cats. Councilman Robert Fitzgerald and Councilwoman Sterry dissented saying there should have been a public hearing on the issue because "almost everyone in Belmont has a pet."

5. Named Jan. 21 "Bicycle Safety Day" in Belmont.

Podolsky said he thinks the city needs a full time city engineer to "ride herd" on developers who say they will clean up their construction blight and then fail to do so.

He charged that the Carlmont Mounds project, a proposed apartment house site of about 10-acres on Hastings Drive is an eyesore and said the developers "planted some tiny trees and left them to die," to screen the ugly hillside cuts.

Assistant City Engineer William B. Fitch conceded this was the case but said he "wasn't with the city at the time."

"I'm tired of this buck passing," Dr. Podolsky countered, "I want someone to follow this up."

The acreage had been planned as an apartment area on the steep hill by developers Edward and Herbert Drotleff, who have since sold the property to one of their partners, City Mgr. Al Brandow explained. He agreed to talk with the owners and "see what can be done."

The Council also:

1. Approved an ordinance prohibiting parking on the east side of Lark Road at Lyall Way because on-street parking often

## How Belmont Got Its Image

To the Editor: 3/14/67

I have lived in Belmont a number of years and recognize that it has an "image" which is most particular on the Peninsula. That image is of a "small country town" run by real estate interests, through politicians, for their own personal gain.

This has not come about because of the actions and speeches of citizens who, from time to time, have had the courage to try to do something to change the situation. It has come about because councilmen have raged, berated citizens, sworn at them or had them evicted from their own council meetings.

It has come about because of the politicking, wheeling and dealing behind the scenes which has on occasion been brought to the light of day by citizens through the newspapers. It has not come about because councilmen and citizens have disagreed, that is democracy in action.

It has come about because, when a citizen or even an elected council member takes the time to ferret out the inconsistencies and inaccuracies of some of its own hired servants, such as the city attorney, those people have tried to cover up by attacking them.

The city attorney cannot "speak as a citizen." He has a paid position and, if he does not understand the professionalism of this position it is time he learned.

No paid city official can, with proper decorum, put aside his job nor can a city councilman step aside from his job, and attack citizens of the community. This then is the kind of small town operation that has given Belmont its "image."

VIRGINIA M. TALBERT  
2414 Read Ave.  
Belmont

# Redwood City Tribune

SECTIONS — 34 PAGES

REDWOOD CITY, CALIFORNIA, TUESDAY EVENING, JANUARY 24, 1967

345-3111

## Belmont Law 'Illegal'?

By DON CARTER  
Tribune Staff Writer

Superior Court Judge W. Howard Hartley today issued an injunction against Belmont city officials asking them to "show cause" why the city should not be prevented from operating under its zoning ordinance, adopted last August.

The injunction was issued shortly before noon today at the request of James M. Himmel and several associates following last night's tumultuous meeting of the City Council in which Himmel was ejected from the council chambers at the command of Mayor Edward Vallergera.

The injunction also prevents the city from spending public funds to publish a legal description in the newspapers, a move which Himmel claims would "waste" about \$1,000 in taxpayer's money because, he says, the ordinance is "illegal."

Councilwoman Eve Sterry opened the Pandora's box of controversy last night by charging that most of the city's ordinances have been "illegally adopted" because the city attorney failed to publish proper legal notices within the time periods prescribed by law.

This morning, she branded Himmel's ejection "appalling"

and said it "smacked of police state tactics."

The injunction directs Mayor Vallergera and other city officials to appear in San Mateo County Superior Court at 9:30 a.m. Feb. 8 and enjoins the city from operating under the new zoning code in the interim.

Himmel claims that the zoning ordinance, 350, was also "illegally adopted" and therefore is "null and void" because the city did not publish the ordinance within 15 days after its adoption.

He has also threatened a lawsuit over the matter.

The injunction, in effect, prohibits the city from issuing any building permits under the

zoning ordinance, adopted last Aug. 22.

Associated with Himmel in the legal action were, Arthur G. Weiner, Glenn E. Pollock, Robert L. Pirie, Leroy Nelson, Nick F. Numeny, John F. Fox, Jr., Gerald F. Day, and the Belmont Federation of Improvement Clubs.

In the end, four councilmen, Robert Fitzgerald, Morton Podolsky, Joseph Zucca and Mayor Vallergera, adopted an "emergency" ordinance which, City Attorney Ken Dickerson assured them, would ratify past actions

(See Injunction, Pg. 18, Col. 5)

## Injunction Issued by On Validity of Belmo

(Continued from Page 1)

and make the ordinances legal.

Mrs. Sterry voted "no."

Most of the city's ordinances have been assembled in book form since 1962 in what is called the "city Code," and Mrs. Sterry charged that the city attorney failed to publish and post the

proper legal notices within 15 days of adoption of these ordinances, "as prescribed in the Government Code of the State."

"It's the people's right to know what is threatened here," she declared.

Dickerson agreed that many of the ordinances contested had not been published within the

prescribed 15-day time period but said the city is exonerated from the time period because "there is no newspaper of general circulation published within the City of Belmont."

The city publishes its ordinances, from time to time, in the Belmont Courier-Bulletin, a weekly newspaper of 6,000 circulation, a procedure permitted by a city ordinance, he said.

Specifically, Councilwoman Sterry charged that:

1. Ordinance 312 is an illegal ordinance amending the initiative ordinance 232, which set an eight-ton weight limit on trucks in the city. A 1962 case against the City of Belmont decided that

permit clause that followed overweight hauling on Belmont streets was "unconstitutional." The effect of Ordinance 312, she said, was to put the illegal permit clause back into operation.

2. Ordinance 348, which allegedly amends the plumbing code, has "nothing to do with plumbers," she said and "actually amends the city's subdivision on code providing for payment of fees by contractors for drainage facilities.

3. Ordinance 318, Section 13.13-1 is a "permit to fill submerged lands in San Francisco Bay" and is "opposed to any filling of the bay."

4. Ordinance 320, Sect. 2.59 is a "time bomb" which in effect, allows the city's purchasing officer to destroy certain purchasing records after one year's time, rather than keeping records from five to seven years, as required by the state's government code.

Himmel, who lives at 320 La Prenda in Millbrae but who said he is a "property owner in Belmont," threatened to bring a law suit against the council if it spent \$1,000 of the city's money to publish Ordinance 350—the city's zoning ordinance—in the Belmont Courier-Bulletin.

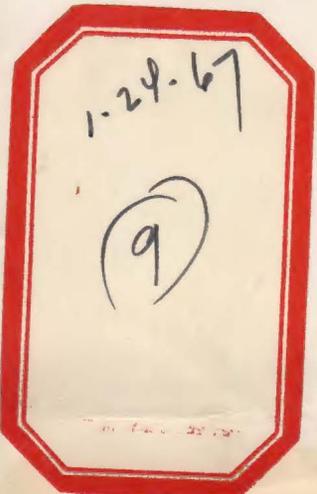
Himmel claimed it would be a "waste" to publish the legal notice now because the ordinance and the city's master plan were never legally adopted and are therefore "null and void."

Mayor Vallergera asked the city manager and the sergeant at arms to usher Himmel to the door. Himmel charged he was not being allowed to speak.

"If you want litigation, you'll get it," Himmel vowed.

To all these charges, the city attorney said simply that the city's ordinance No. 264 requires the city to publish its ordinances, "one time," in the Belmont Courier-Bulletin but establishes no time deadline within which publication must be made.

Thus reassured, the Council voted 4-1, Mrs. Sterry dissenting, on another ordinance which established a city franchise for community antenna television, which the councilwoman also charged was not adopted in the proper manner.



# Redwood City Tribune

10 SECTIONS — 24 PAGES

REDWOOD CITY, CALIFORNIA, THURSDAY EVENING, JANUARY 26, 1967

## Belmont Probe Asked

By DON CARTER  
Tribune Staff Writer

BELMONT — Councilwoman Eve Sterry today called for a Grand Jury investigation of recent actions by Mayor Edward D. Vallergera, and Councilman Morton Podolsky. She said she plans to write to the district attorney's office, requesting such action.

"There is a strong conflict of interest question here," Mrs. Sterry said. "Recent charges against the two councilmen are a serious matter. Even if their trip to Baja California was planned a long time ago, they should not have gone off on an extended vacation together under these circumstances."

Both Vallergera and Podolsky reportedly left the city two days ago and are unavailable for comment. They reportedly left no address at which they could be located or telephoned on their five-week vacation with their families to Baja California.

Yesterday, James M. Himmel of 320 La Prenda Ave., in Millbrae, who says he also owns a home in Belmont, charged that Vallergera and Podolsky were "using public office as their pri-

(See Jury, Pg. 2, Col. 5)

## Jury Action Asked

(Continued from Page 1)

vate club" to advance their own private ends.

Himmel said the two men collaborated to get Dr. Podolsky's property on Ralston Avenue rezoned from residential to medical office use, and that Councilman Podolsky cast the deciding vote. Himmel said "public policy" required that Podolsky "abstain from voting" on his own property.

"I don't want to see the lid kept on these things," Councilwoman Sterry commented today. "The people will never know for sure unless there is a full-scale, independent investigation, such as the Grand Jury should be asked to make."

She said the Brown Act was "designed to keep councilmen from getting together" and the fact that the two have gone off together on a long pleasure trip arouses some suspicions.

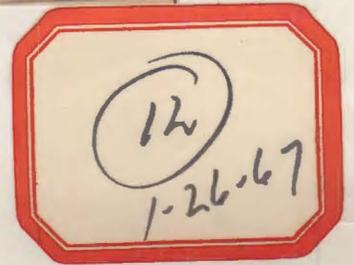
Councilwoman Sterry said that if one of the three remaining councilmen became ill or otherwise disabled, "the city council couldn't function and the city couldn't pay its bills." It takes three councilmen to sign city vouchers, she explained.

She also pointed out that City Atty. Kenneth Dickerson has been requesting many "emergency ordinances" from the council in recent months. "This takes a four-fifths vote of the council, which we can't now obtain."

Mrs. Sterry touched off the controversy two weeks ago when she first charged that the city code, which contains most, although not all, of Belmont city ordinances, had been "illegally adopted" because the city failed to post and publish the ordinances within a 15-day period, as prescribed by the government code of the State of California.

Glenn E. Pollack, 23 Tioga Way, of the Belmont Civic Improvement Club, who is associated with Himmel, filed a lawsuit against the city Tuesday and obtained an injunction.

The suit asks the city to remove the zoning ordinance from its books, to declare it "null and void," and to pay the costs of the litigation.



(approve)

*San Mateo Times 2/8/67*

## Judge Reviews Belmont's Civic Suit

Superior Judge W. Howard Hartley today took under submission the effort of the Belmont Civic Club to have the city's zoning ordinance declared invalid because of the failure of the city of Belmont to have the ordinance published in a newspaper within the statutory 15 days after it was adopted last July 26.

The temporary restraining order prohibiting the city from publishing the ordinance was dissolved by mutual agreement of both sides following admission by City Attorney Kenneth Dickerson that a "mistake was made by the city clerk James McLaughlin in not publishing the ordinance."

Basically, the dissolution means that the city clerk can go ahead and publish the ordinance if he desires, but if the court rules that it is invalid by virtue of not having been published within the period of time required by law the publication cost will have to come out of his own pocket.

A second cause of action, alleging a conflict of interest by Councilman Morton Podolsky and Mayor Edward Vallergera in approving the zoning ordinance which would change zoning of parcels of property they own in the city was continued for hearing March 20 at 10 a.m.

The citizens challenging the ordinance contend that the city's failure to publish the ordinance in a newspaper has deprived them of the right of referendum because copies of the ordinance would not be available except by paying a \$5 fee for copies at the city hall.

for the newboy to bring us the next episode! Imagine a protesting citizen being forced out of his city meeting by helmeted police with hefty revolvers swinging at their sides. Followed by the sudden disappearance by the Mayor and a councilman accomplice into the uncharted wilds of a foreign country . . . "beyond radio contact." The sinister implications are delicious.

Not only is the plot exciting, but your fiction writer is a genius at characterization. This stalking lioness the author calls Eve something-or-other is just great. We especially like the part where she discovers that most, and probably all, of our city ordinances were illegally adopted and are, therefore, null and void. Presumably this would include the City Charter — which means that Belmont doesn't exist, either. Great stuff! (How about a tax refund, then?)

And for sheer travesty, it's hard to improve on your writer's creation of council meetings where the lioness roars for a Grand Jury investigation of the mayor, while another council member howls, "We are becoming the laughing stock of the Peninsula." If this story isn't copyrighted, I'd like to negotiate for movie and TV rights.

Now, if I may, let me guess what future episodes will be like. I envision a new character emerging from the plot. A kindly, politically-savvy father-image backed by the "Belmont Citizens Committee to Bring Order and Unity Back to Belmont — If It Exists." He should be sort of a cross between Daddy Warbucks with his dollar cigar and Carmen DeSapio. He will win in a landslide.

No . . . come to think of it, your fantasy-fiction writer isn't really as good as Sinclair Lewis and Walt Disney. Their characters were much more believable.

*RC Trib*  
*2/14/67* HARRY V. PLATE,  
910 South Road,  
Belmont.

## Belmont Comedy Series

To the Editor:

Come on, admit it! The Belmont City Council doesn't really exist, does it? This hilarious, weekly comedy series, titled "Belmont Politics" has got to be the creation of your fiction editor — a man obviously endowed with the combined talents of Sinclair Lewis and Walt Disney.

Not that we don't enjoy this fantasy. We can hardly wait

## Peace Short Lived:

# Belmont Council Rows *RC Trib. 2/15/67* At Threat of Lawsuit

By DON CARTER  
Tribune Staff Writer

BELMONT — "Happy Valentine's Day and welcome to a meeting of the Belmont City Council," Vice Mayor Joseph Zucca declared in honey-sweet tone to open a regular council session last night.

But the spirit of courtesy, love and decorum gave way to an angry verbal combat between Councilwoman Eve Sterry and City Atty. Ken Dickerson near the end of the meeting.

Even former Mayor Wallace Benson got into the act as Zucca had to slam the gavel to restore order.

It all began when Councilwoman Sterry asked Dickerson how much it would cost to defend a lawsuit pending against the city. The suit charges that Belmont's zoning ordinance No. 350 is illegal because it was not published and posted within 15 days after council adoption.

Dickerson replied that he could not estimate the costs with any accuracy "at this time," and it "all depends on whether or not we'll have to go to trial" on the issues. He said that a full-scale court trial would be expensive.

(San Mateo County Superior Court Judge W. Howard Hartley is expected to clarify the legal issues on or before March 20.)

Proceeding to another point, Councilwoman Sterry asked the city attorney to draw up a checklist of procedures and steps which the council must take to make sure that the ordinances it passes are legally adopted.

"The procedures are set out in the government code," Dickerson replied. "I know Mrs. Sterry reads it because she keeps telling me about it. As long as you have a city attorney it's his duty to see that these are followed."

Vice Mayor Zucca moved to cool the conversation saying he didn't think the city's staff should be burdened with this matter right now and that most of the information could be obtained from the city clerk.

Mrs. Sterry pressed for the list of procedures.

"Please let me speak," shouted Dickerson.

"You're out of order," she replied.

Mrs. Sterry asked for the list "a month from now."

Then the city attorney arose and shot back angrily that he was presently burdened with the work entailed in the lawsuit against the city and "I think this (move) is an intentional effort to sabotage my efforts to defend the city!"

"Calm down, Mr. Dickerson," Zucca appealed as the conversation broke into a shouting duel between Mrs. Sterry and the city attorney.

After Zucca's pounding gavel brought the meeting to order, the partial council voted 2-1 for preparation of a list of procedures by Dickerson within a month. Mrs. Sterry and Councilman Robert H. Fitzgerald voted "yes" and Zucca voted "no."

The other two councilmen, Mayor Edward D. Vallergera and Dr. Morton L. Podolsky, are on an extended vacation with their families in Baja, California. Zucca said Podolsky will return Friday and Vallergera will get home Feb. 24.

Benson charged that Mrs.

Sterry had been the first one to charge that the city's ordinances were "illegally adopted" because they were not published or posted within a 15-day period. The lawsuit by Glenn E. Pollock and the Belmont Civic Improvement Club is based on that point.

"I brought up the question of (other ordinances) in the city code," she said.

Throughout the exchange of views, Vice Mayor Zucca alternately urged the speakers to preserve decorum and frequently gavelled to restore order.

Redwood City Tribune  
October 3, 1967

Belmont

## A Marker For Belmont

To the Editor:

The coming "California Bicentennial Year" should greatly stimulate interest in California history. Presently Belmont has no historical markers whatsoever, even though one of the oldest cities in the county and one that at a very early date figured quite prominently in its history.

One of the first recorded events in the area where Belmont is now located was the 1792 expedition of Capt. George Vancouver. It stopped beside a stream in a bowl of hills "23" miles from San Francisco, and where historians state Belmont now is. Their journal recorded that it was so very beautiful that they broke camp and left the spot with great reluctance, continuing on down El Camino Real. An historical marker designating this stop should be most desirable for Belmont.

Viewing the scene now if he could, I wonder if Vancouver might not agree with me:

Now the road is smooth and  
the road is wide,  
And how swift the wheels they  
roll,

Forever speeding, day and  
night,

But the road, where is its  
soul?

They rush' here to there, and  
from there to here!

While the long-gone, quiet  
scene,

The dim, sweet trail that was  
so dear,

Is as though it has not been.  
Long forgotten is the camp-  
fire's gleam,

Forgotten the starlight's glory,  
The verdant dell, the crystal  
stream,

The author of their story.  
Oh, king's highway, how sweet  
you lay,

Upon the earth's green breast.  
Where is the fragrant breeze  
that played,

Over the timbered crests?  
No more beneath the oak, the  
pine,

Do you wander through the  
flowers,

Or linger by the brooklet's  
shine,

Just count the speeding hours.

EVE STERRY  
2045 Monroe St.  
Belmont