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# Daily Post

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# City grabs newsracks

## Removed without hearing

BY IAN S. PORT  
Daily Post Staff Writer

Palo Alto city workers, acting on a complaint from the Palo Alto Weekly, removed 27 of the Daily Post's blue newspaper boxes downtown yesterday, saying they violated a city ordinance.

The racks were removed without a hearing on the alleged violations that had been requested by the Post's publishers and is required by city law.

"This is a First Amendment battle," said Daily Post Editor and Co-publisher Dave Price. "The U.S. Supreme Court says you can't have a free press unless you have freedom to distribute, and the city took that freedom away from us today."

Price and partner Jim Pavelich began

Police open investigation  
See page 9

trying to get space for the Post in the newsrack units along University Avenue two weeks before the paper started on May 27. The Post argued that the city should treat all publications fairly and allow it to have the same number of spaces as other papers.

"We want a level playing field," said Price.

There are more than enough abandoned containers in the modular newsrack units downtown to meet the Post's needs, but the city has allocated those [See NEWSRACKS, page 9]



FIRST AMENDMENT RIGHTS — Editor and Co-publisher Dave Price stands where one of the Post's newsracks was removed, on Emerson Street north of Lytton. Newsracks for other newspapers were undisturbed.

## THE UPDATE

**UNDER WATER:** Almost one-third of U.S. homeowners who bought in the last five years now owe more on their mortgages than their properties are worth, according to Zillow.com, an Internet provider of home valuations.

**DEM OFFICE SHOOTING:** A man barged into the Arkansas Democratic headquarters in Little Rock yesterday and fatally shot the state party chairman before speeding off in his pickup. Police later shot and killed the suspect after a 30-mile chase. The shooters motive isn't known.

**COOLING TREND:** Tom Skilling, a Chicago TV weatherman whose forecasts are followed closely by commodities traders, says this decade [See THE UPDATE, page 4]

# Russia ignores cease-fire

A Russian military convoy defied a cease-fire agreement yesterday and rolled through a strategically important city in the former Soviet republic of Georgia, which claimed fresh looting and bombing by the Russians.

President Bush said a massive U.S. aid package was on the way for tens of thousands uprooted in the conflict and demanded Russia "keep its word and act to end this crisis."

"The United States stands with the

democratically elected government of Georgia and insists that the sovereignty and territorial integrity of Georgia be respected," Bush said.

One day after the Kremlin and [See GEORGIA, page 9]



DICKENSON

# Vice mayor says it's private

Belmont Vice Mayor Bill Dickenson expressed frustration yesterday with the attention the domestic violence case against him has received, saying the matter is a private affair. He said he and his ex-girlfriend already have

## Dickenson decries case's coverage

restraining orders against each other.

He said the charges have no bear-

ing on his political office as he left San Mateo Superior Court, where he was to be arraigned but did not enter a plea, and the court told him not to contact the woman.

"I am not looking to influence [See DICKENSON, page 9]

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## NEWSRACKS

[From page 1]

slots for publications that print less frequently than twice a week.

The Post's request went nowhere, so Price and Pavelich decided to put out the Post's signature blue freestanding newsracks along University Avenue. Their plan was to remove them when the Post got space in the modular racks equal to the other dailies.

"This problem could be solved in a minute if the city were to reallocate the racks downtown and allow daily newspapers to use these abandoned racks," Price said.

**Granted 14 spaces**

Last week the city granted the Post 14 spaces in the downtown racks. One of the paper's competitors has 38.

Price said the city's newsracks official, Bob Morris, told him the Palo Alto Weekly complained about the blue boxes shortly after the paper started publishing. In June, Morris sent a letter to Price saying the blue boxes downtown were in violation of the city's newsracks ordinance.

Price and Pavelich appealed the alleged violation. According to the city's municipal code, section 9.79.121(a)(b), the Post was entitled to a hearing with chief building official Larry Perlin acting as a judge before any of its racks could be removed.

**Police open investigation**

The Daily Post reported to Palo Alto police yesterday that at least 880 copies of yesterday's issue were missing after the city Public Works Department confiscated 27 of the newspaper's racks in downtown Palo Alto.

California's Penal Code Section 490.7 makes it a crime to take more than 25 papers from the box of a free newspaper.

When city workers began rounding up the racks, Post Circulation Manager Amando Mendoza estimated

that they held more than 1,000 newspapers. When the city dropped the papers off at the newspaper's office, they held about 120.

"We want to know what happened to those 880 papers. Those are papers that the city could have left behind for readers as they took our racks. But now they're missing," said Editor and Co-Publisher Dave Price.

Price discussed the missing papers with police, and officers said they would investigate.

ing as a judge before any of its racks could be removed.

But officials never scheduled the hearing. According to Price, Morris said he communicated the paper's concerns to Perlin and then a decision was made.

**'Day in court'**

"I was flabbergasted," Price said. "I have a right to my day in court."

Yesterday, city Public Works employees began grabbing the racks and putting them on a flatbed truck at 10:30 a.m. They were dropped off at the

Post offices at 324 High Street, employees said.

While some of the Post's freestanding racks were located next to modular racks that the city wouldn't let the paper use, others were in groups with other freestanding racks from other papers, such as the Daily News, Weekly and San Francisco Examiner. The city workers didn't take those paper's freestanding racks, just the Post's.

Morris and Perlin did not return multiple calls seeking comment yesterday.

Mayor Larry Klein said yesterday

that it was only fair that competing local dailies get the same amount of space in city-administered newsracks.

"I'm concerned when any newspaper's racks are confiscated," Klein told the Post.

**'Outrageous' move**

Ronna Devincenzi, head of the California Avenue Area Development Association who keeps a close eye on newsracks in her part of town, called the city's move "outrageous." She said she's seen newsracks vacant so long that residents have used them to store groceries.

"You had no other option (than to put out freestanding racks). If you waited for the city, you'd never have a space," Devincenzi said. "For the area of all of downtown, 14 is not enough if the Daily News has 38."

Overnight the Post replaced the 27 newsracks that the city of Palo Alto removed yesterday morning.

"Until the city provides a level playing field, and allows us as many spaces as our competitors, these freestanding newsracks aren't going anywhere. And if the bureaucrats at City Hall don't like it, they can throw me in jail," said Price.

## DICKENSON

[From page 1]

anything past, present or future, and this has no bearing on my position as an elected official," Dickenson said. "The real issue is between (the woman) and myself."

The vice mayor, who said he has an open dialogue with city council members about the case, added that after the current court case has been resolved there will "most certainly" be a civil case in regard to the business arrangement between himself and his ex-girlfriend.

Dickenson did not enter a plea yesterday because he has not yet hired an attorney.

He was arrested July 11 after his ex-girlfriend called police to report that Dickenson had allegedly grabbed her purse and swung her to the ground at a Redwood City restaurant, police said.

The alleged battery occurred around 4:30 p.m. at Redwood City Underground, a pub at 2650 Broadway. Dickenson was taken

into custody that afternoon but released on \$10,000 bail that night.

San Mateo County Chief Deputy District Attorney Steve Wagstaffe said Dickenson faces two misdemeanor counts of domestic violence and one count of misdemeanor false imprisonment.

If convicted, he could serve up to a year in county jail.

Police say the woman claimed Dickenson was trying to keep her at the restaurant.

## GEORGIA

[From page 1]

its smaller neighbor agreed to a French-brokered cease-fire to end the dispute over two pro-Russian breakaway territories, the pact appeared fragile at best.

**Dozens of trucks**

An Associated Press reporter saw dozens of Russian trucks and armored vehicles leaving the city of Gori, some 20 miles south of the separatist region of South Ossetia and home of a key highway that divides Georgia in two, and moving deeper into Georgia.

Soldiers waved at journalists and one jokingly shouted, "Come with us, beauty, we're going to Tbilisi." The convoy roared southeast, toward

the Georgian capital, but then turned north and set up camp about an hour's drive away from it.

Georgian officials said the Russians had looted and bombed Gori before they left. Moscow denied the accusation, but it appeared to be on a technicality: A BBC reporter in Gori said Russian tanks were in the streets while their South Ossetian allies seized cars, looted homes and set houses on fire.

As confusion reigned on the first day of the cease-fire agreement, Bush called a Rose Garden speech to express concern about reports the Russians were already breaking it.

He said he was sending Secretary of State Condoleezza Rice first

to France and then to Tbilisi to reinforce U.S. efforts to "rally the world in defense of a free Georgia."

**'Not 1968'**

For her part, Rice said: "This is not 1968 and the invasion of Czechoslovakia where Russia can threaten a neighbor, occupy a capital, overthrow a government and get away with it. Things have changed."

The president said a huge U.S. aid effort was under way, including American naval forces and C-17 military cargo planes, to get clothes, blankets, medicine and other supplies to refugees.

## DIAMOND

[From previous page]

fine at his office, but occasionally I hear expletives coming from the family room when his phone service suddenly dies.

Joint Venture says the problem is a lack of cell phone towers, particularly in residential areas, and they urge us to complain to our city and county officials to insist on better service — plus complain to our carriers. So I'm complaining. So should you, if you get poor reception.

**Rest of the planet does better**

I was all over northern India, including desert roads, and our guide was always talking on his cell phone. I was in the mountains of Turkey and the plains of South Africa, and not only my guide's phone worked, but also mine — the same one that won't work on Embarcadero Road.

Why do we have so many dead spots in our country?

There are 3 billion of us on this

planet who are using cell phones — and paying hefty monthly charges.

The least the carriers and cities can do is provide enough towers in Silicon Valley so that we can get reception comparable to that in South Africa.

*Diana Diamond is associate editor of the Daily Post. Her e-mail is Diana@DianaDiamond.com.*



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