

# Cedar-Vine Project Killed

By Alan Jones

The Cedar-Vine street project was killed stone cold dead at 12:45 a.m. today.

The end came after a stormy four-hour hearing which filled the city council chamber with repeated charges of fraud and irresponsibility. The \$607,500 project, needing six out of seven votes, to override protests, fell one vote short.

Councilmen Ted Foster and Norman Walters voted against overriding the protests. Attorneys raised a legal question this morning whether that resolution was actually the one needing a 6/7 majority, but the question appeared rhetorical. The same 5-2 vote could be expected if another vote were required.

Before the vote, Walters said he felt the project essential, and said it would benefit the downtown property owners. But he had reservations on the spread of the proposed assessments, Walters said.

Foster said improvement pro-

jects should be promoted by those who will pay for them. "I'm not wise enough" to tell people what they should spend their money for, he said.

Mayor Norman Lezin and City Manager David Koester had blunt words for the project's opponents.

"The City of Santa Cruz is just about through providing dollars to downtown merchants," Lezin said. He charged that the opponents "don't want to pay for the project and aren't honest enough to say so."

"Downtown business interests," Koester said, "will have to face the fact that not all needed downtown improvements will be done with tax dollars." The Cedar-Vine link is needed if the over-all downtown street program is to be done, he said.

The Cedar-Vine project was to cut through the two-block link between Cedar and Vine streets, producing a through street parallel to Pacific avenue and one block away. Cost of the

project was estimated at \$607,500, to be spread over an assessment district including most of downtown Santa Cruz. Bulk of the cost was to go for property acquisition.

Opponents of the project centered their fire on the proposed assessment method. Some contended the project should be paid by a city-wide tax levy, while others said their downtown property would receive no benefit from the cut.

Attorney Frank Murphy Sr. repeatedly charged city officials with fraud in the proceeding. He leveled the charges against Public Works Director Bill Fieberling, consultant bonding attorney Ken Jones, and the consultant engineering firm of Bowman and Williams.

Jones finally protested hotly, after repeated interruptions, against "this repeated use of the word fraud" by Murphy. Murphy interrupted again even as Jones protested.

Written protests and endorsements balanced out to a degree. Owners of 217 parcels protested against only 96 parcels favoring the projects, but on an area basis proponents owned 39.6 per cent of the district area against 27.8 per cent area protest.

Dave Ferrari, Pacific avenue florist, made the evening's most vehement verbal protests. He excused himself for a little blue language on the grounds, "I'm a Latin." He said project backers had "made a mess of it," and called the procedure "sickening."

Murphy and another attorney, Donald Younger, presented the bulk of the opposition protests. Younger backed an overall street plan and a Pacific avenue mall, and said his clients would not be opposed if the project were enlarged and revised.

Murphy challenged the proceeding on legal and technical grounds, and charged that property owners on the proposed street right-of-way would make large profits on the project. Cost prices on the property totaled \$237,000 he said, against an estimated acquisition cost of \$467,000.

If the project were expanded to include needed project for the East Side, beach and West Side, to be financed by one big bond issue, Murphy said he would "be for it 100 per cent."

Other opponents included Attorney Donald May, businessman Ted Harbert, Dr. Bernard Zwerling, Dr. Alan Nittler, Earl Harris and Warren Head.

Supporters included Cecil Bates, George Penniman, Dr. Carl Nelson, Charles Hall, and Ernest Dillon.

Fieberling presented a 5-year downtown street plan which met some of the objections. Key elements of the plan were a major street loop surrounding downtown, using Ocean, Chestnut, Laurel and Water streets, with Water a 6-lane street from Ocean west beyond the downtown area. Inside the loop, east-west traffic would move on Soquel avenue and a one-way loop on Lincoln and Walnut streets. Main north-south streets would be a levee road along the river, Front street, Center street, and Cedar-Vine.

The plan, broken down into 12 projects, would carry a \$3,725,000 price tag, Fieberling said.

He recommended bond issue financing for six projects totaling \$2,090,000; a wider Water street and bridge, \$310,000; Laurel street bridge, \$520,000; the levee road, \$490,000; extension of Water street widening, \$520,000; extension of Broadway to Laurel street, \$250,000.

State gas tax money will be available at about \$190,000 a year Fieberling said, but not all of it can be spent for the downtown pattern. The city must produce matching funds for the gas tax money.

The legal question about Cedar-Vine's status arose from last night's procedure. In this sort of action, the council normally takes three votes. First, a resolution ordering changes and modifications in the assessments — this was passed 7-0. Second, a resolution overruling protests in the project.

The second resolution drew the 5-2 vote, and the council dropped the proceeding without voting on the third issue. The third vote would have been a resolution determining the convenience and necessity of the project, adopting the engineer's report, confirming the assessment and ordering work and acquisitions to proceed.

The legal question: If a petition requesting an improvement bears less than a 60 per cent sign-up, the council must have a four-fifths majority to order the project. But attorneys today are investigating to see whether the four-fifths is required on the second or the third of the above resolutions.

## News In Brief

### West Berliners May Cross Wall

Bonn, Germany (AP).—Chancellor Ludwig Erhard and his West German cabinet approved today an accord with the Communists to let West Berliners cross the wall for visits to East Berlin.

Erhard's spokesman said the cabinet decision was unanimous.

Details of the agreement were not immediately announced. The spokesman, Karl-Guenther von Hase, said there would be a meeting of the negotiators in East Berlin to make the final draft. Signature is expected Thursday.

The accord is for the benefit of the 2¼ million West Berliners. The 55 million inhabitants of West Germany can

## Bulletin

Washington (AP).—The senate