SPECIAL MEETING
BOARD OF EDUCATION
SANTA BARBARA HIGH SCHOOL DISTRICT
January 25, 1963

A special meeting of the Santa Barbara High School District was
called to order by President O'Neal on Friday, January 25, 1963, at
4:00 p.m. in Room 6 of the Administration Annex.

Present: Bruce D. O'Neal, President
C. E. Sovine, Vice President
Mrs. Elizabetha P. Henderson, Member
Arnold W. Jacquemain, Member
David S. Licker, Member

Absent: None

Others present for all or a portion of the meeting:
Dr. Norman B. Scharer, Superintendent and Secretary
Clerk to the Board of Education
C. E. Browne, Associate Superintendent and Assistant
Secretary-Clerk to the Board
Douglas C. White, Assistant Superintendent
R. V. Jackson, Assistant Business Manager
Gleola M. Brun, Executive Secretary
Harry Trimborn, News-Press Reporter
Robert D. Curiel, Deputy County Counsel
James W. Soke, Director of Maintenance and Operations
John J. Penney, elementary teacher
Mrs. Silvio Varni, Mrs. Forrest Cutshall, and Mrs. Thomas
Kleveland, representatives of the Santa Barbara P. T. A.
Council
Mrs. Dennis Marlow, P. T. A. President, Cathedral Oaks
Elementary School
Donn E. Tatum, owner-trustee of Willard property
C. W. Grandin, real estate broker
Lawrence Lane, resident and property owner in the
Goleta Valley, and President of the Goleta Union School
District Board of Trustees
Robert Grant and Glenn Mosher, representatives of
Arendt/Mosher/Grant, Architects
Everett Pickett, resident of the Goleta Valley
A number of other persons, several of whom
accompanied Mr. Tatum
A cameraman from KEY-T, local television station
Mr. O'Neal said this Special Meeting had been called for the primary purpose of granting the request of Mr. Donn B. Tatum, owner, acting in the capacity of trustee, of the so-called Willard property at Hollister Avenue and Old San Marcos Road, that he be permitted to discuss with the Board its announced intention of acquiring a certain portion of said property as the site for the urgently needed Goleta Valley Junior High School.

Mr. O'Neal called upon Mr. Tatum who expressed appreciation for the opportunity the Board had given him to appear and to discuss the problem regarding the property he owned and represented.

Mr. Tatum read a prepared five-page statement in which he outlined at length the ownership history of the Willard property; the contacts which had been made between him and his representatives and Board representatives regarding the District's acquisition of a portion of his property; and his reasons for opposing said acquisition. In his statement, Mr. Tatum questioned the judiciousness of the Board's announced attempt to instigate its powers of eminent domain to acquire 24 acres on the Hollister frontage of said property; and the validity of the appraisal upon which the Board's offer of $10,000 an acre was apparently based, particularly in view of possible rezoning of said property which would increase its value substantially. He stated he was prepared to litigate...
the point of value to the highest court. He also objected to the fact that he had not been given a copy of the Board’s appraisal on said property and stated he was engaging a qualified appraiser to help him arrive at a fair market price, including the value of any severance damages to which he might be entitled. Mr. Tatum stated he understood the Goleta Union School District also wished to acquire an elementary school site on his property, and he said two schools on his property were too many.

Mr. Tatum submitted the following proposals for consideration by the Board:

1. That the Board of Education look elsewhere for a junior high school site;
2. That, in the spirit of compromise, the Board consider acquiring an alternate portion of his property adjacent to the railroad tracks, and consisting of 14 acres on the north-west side of Old San Marcos Road and 10 acres on the north-east side of said Road, said property to be offered for sale in the amount of $7500 an acre.

Mr. Tatum stated that the 14 acres on the north-west side of Old San Marcos Road was the property he understood the Goleta Union School District might be interested in acquiring as an elementary school site. Mr. Tatum made it clear that his compromise offer was made without prejudice to any future position he might take with reference to efforts by either the Santa Barbara High School District or the Goleta Union School District to acquire any portion of his property for school purposes.

Mr. O’Neal requested clarification of Mr. Tatum’s compromise offer, asking whether his present intention was to make the 24 acres
Mr. Tatum specified at the rear of his property available for a junior high school site, and another 14 acres available to the Goleta Union School District, all at a price of $7500 per acre for the total of 38 acres. Mr. Tatum emphasized that his offer to sell the 24 acres adjacent to the railroad tracks to the Board of Education was presented in the expectation that only said 24 acres would be made available for school purposes, and that no other parcel would be available to the Goleta Union School District.

Mr. Browne read a prepared statement of chronological summarization of negotiations with Mr. Tatum and/or Mr. Julien Goux, his local legal counsel, and other pertinent information regarding attempts of the Board of Education to acquire a site for the Goleta Union Valley Junior High School. Mr. Browne stated that preliminary negotiations for acquisition of such a site had been started in December, 1961, prior to the bond election in March, 1962, and that the Board had considered the advantages and disadvantages of four separate pieces of property. He stated that the Willard property has been the first choice of the Board of Education and its consultants and that suitable property on Patterson Avenue had been the second choice. Mr. Browne reported the Board had decided to proceed with acquisition of the Patterson Avenue site because of thinking at the time that it would be easier to acquire the latter property. He stated that, as negotiations on the Patterson Avenue property proceeded, it became clear that said property would have to be acquired by condem-
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onation. Mr. Browne stated the Board had abandoned its attempts to acquire the Patterson Avenue property in view of the necessity of condemnation proceedings and in view of the fact that the County Planning Commission had disapproved said site.

In response to Mr. Tatum's question regarding the validity of the Board's offer of $10,000 per acre on a specified 24-acre parcel fronting on Hollister Avenue, Mr. Browne stated that this offer was based on a carefully developed appraisal by Mr. Ralph M. Hults, M.A.I., an eminently well-qualified appraiser from Pasadena. He stated that said parcel was also approved for school purposes by the County Planning Commission last August.

Mr. Browne stated that, following numerous contacts with Mr. Tatum and/or Mr. Goux in an attempt to negotiate the District's purchase of the specified parcel, the Board of Education had taken action on January 3, 1963, directing him to inform Mr. Goux that, if the Board's offer on September 24, 1962, of $10,000 an acre for the subject parcel did not receive a favorable response by January 17, 1963, the Board intended to instruct the County Counsel to initiate condemnation proceedings on said property. In response to comments by Mr. Tatum, Mr. Browne emphasized that neither a selection of the 24-acre parcel fronting on Hollister Avenue, nor the amount of the offer of $10,000 an acre, nor the Board's intent to initiate condemnation proceedings were done in a capricious manner. He stated these carefully considered decisions by
the Board had been made on the advice of the architects for the new school, the County Planning Commission, an appraisal by a qualified appraiser, and very careful analysis of the proper location of the junior high school to meet immediate enrollment pressures in the Goleta Valley area. In response to Mr. Tatum's comments that anticipated rezoning of the Willard property would result in higher land values, and that severance damages should properly be considered because of such increases in value, Mr. Browne stated that applications for the commercial zoning in the immediate area of the Willard property had been rejected twice by the County Planning Commission, and there appeared to be little likelihood any of said property would be rezoned. He also pointed out the appraiser had taken the question of severance damages into consideration and had determined there were none.

Mr. Browne voiced his personal belief that it was unfortunate a recent News-Press article stated the Board of Education was adopting a "get tough" policy regarding its intention to acquire the subject parcel. He stated the Board's decision to take a firm stand on its intent to acquire said property was based on the lengthy period of time encompassed by the Board's thus far unsuccessful attempts to acquire a site for the new junior high school, and the increasing urgency of providing the new school at the earliest possible moment.

Mr. Browne questioned Mr. Tatum's statement that the Board was attempting to confiscate his property. He stated he wished to make it clear that the Board of Education was not taking anyone's property, but rather,
following procedures clearly outlined by law in determining in its
discretion the proper location of a new school, and in exercising its
powers of eminent domain to acquire the site decided upon when the
owner refused to sell. He pointed out that in his twelve years of
assignment in the Central Office, the Board of Education had never
had to exercise this power. He also stressed that the Board’s offer
of $10,000 an acre was based on the appraised value of the land and
not on anyone’s subjective opinion on the potential value if other circum-
stances existed.

Mr. Brown stated the Board of Education already had a considerable
investment in the subject parcel since, with the owner’s permission: the
boundaries and topography had been surveyed, soil tests conducted, and
the architects had been authorized to proceed with preliminary adaptation
of the La Colina Junior High School plans to the site for the additional
junior high school. He estimated that the total expense incurred thus far
was approximately $7000 to $7500, based on the following expenses:

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<th>Fee for Architects’ services to date</th>
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<tr>
<td>$3330</td>
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<tr>
<td>1900</td>
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<tr>
<td>1500 - 2000</td>
<td>Cost of boundary and topographical surveys</td>
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<tr>
<td>$6930 - 7430</td>
<td>Soil tests</td>
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<tr>
<td>$7000 - $7500</td>
<td>Total expenses to date</td>
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At the request of Mr. Jacquemain, Mr. Grant of Arents/Mosher/Grant
reviewed at length the advantages and disadvantages for junior high school
site purposes of four alternative parcels of the Willard property. He
summarized his review by stating that the first choice of 24 acres on the
south-west portion of the property, fronting on Hollister Avenue, had been deemed to be the most desirable parcel from the standpoint of development costs, including grading, drainage, and the provision of utilities; orientation of La Colina plans to the new site; noise factors; and other pertinent considerations. Mr. Grant also pointed out that construction of the new school had already been delayed by approximately one year from the initial completion estimate of September, 1963, and that the new school could not possibly be ready for use before about October, 1964, even if the site now under consideration were to become available immediately.

Mr. Browne pointed out that the 1961-1962 Citizens' Advisory Committee had recommended the reuse of the La Colina plans for the new junior high school with a consequent reduction in the amount of the Architect's fee from the customary 8% for new school plans to 5 1/2% for reuse of previous plans. He stated that if the La Colina plans could not be used, it would cost the District approximately $40,000 more to develop new school plans, and that this was more than presently anticipated and provided for in the budget appropriation for the new school. He and Mr. Grant estimated that the development of the northern parcel suggested by Mr. Tatum would cost approximately $111,000, more than the cost of developing the Hollister Avenue frontage which is more suitable for site purposes.

There was lengthy discussion on various aspects of the problem at hand. Mr. Licker summarized his analysis of the problem, stating Mr. Tatum had submitted two distinct proposals:
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1. That the Board not use any portion of the Willard property for a school site;

2. That, if the Board decides to proceed with acquisition of a site on the Willard property, it acquire the northern 24 acres adjacent to the railroad tracks and bisected by Old San Marcos Road.

Mr. Licker voiced his belief that the two proposals should be considered separately. On the first point, Mr. Licker stated that the Board and staff had considered at length the various sites which might be suitable for the new school, and that it had determined that a portion of the Willard property was the first choice because of the many factors already mentioned, and that a site on Patterson Avenue was the second choice. He stated that, because of Mr. Tatum's opposition, the Board had decided to proceed with acquisition of the Patterson Avenue site in the belief that it would be easier to acquire, but that the Board had run into difficulty because of subsequent determination by the owners of the Patterson Avenue site that they would not negotiate with the Board, and because of the contrary opinion of the County Planning Commission in disapproving said site. He stated these circumstances had made the Board decide to return to consideration of the Willard property. Mr. Licker asked whether any other suitable sites for the junior high school were available in the Goleta Valley area which the Board had not already considered.

Mr. Browne replied that no other satisfactory sites were available. He observed that no property was ever absolutely
ideal as a school site, but that the 24 acres of the Willard property fronting on Hollister Avenue approached the ideal more than any other property in the area. He stated that school district representatives had been working on the problem for over a year and had arrived at the decision that said parcel of the Willard property was the proper selection to be made. Mr. Browne pointed out that the Board had acquired a site for a future junior high school in the Glen Annie Canyon area but that development of this site at this time would not meet the enrollment problem now facing the Board.

In response to a request by Mr. Jacquemain, Mr. Browne stated that, in addition to the Willard property and the Patterson Avenue property, the other two areas considered as possible locations for the Goleta Valley Junior High School were on the Bishop and the Johnstone properties, both of which are north of Highway 101. He said that neither of the latter two properties would properly serve the area intended to be served by the new school, and that it was probable the County Planning Commission would not have approved either of these sites for the new school.

Mr. Tatum pointed out what he considered to be the advantages to the Board of accepting his compromise offer of 24 acres at the rear of his property, stating that they had exactly the same configuration as the 24 acres on Hollister Avenue; that they would be available immediately; and that they would cost substantially less than any parcel on the southerly portion of his property.
Mr. Jacquemain asked Mr. Tatum what he thought the value of the Hollister Avenue frontage would be. Mr. Tatum stated he was unable to answer such a question until he had been thoroughly advised by a qualified appraiser, but that it was his present feeling that he would not consider accepting an offer of twice the amount of the $10,000 offered him by the Board of Education.

Mr. Licker addressed comments to Mr. Curiel, requesting affirmation of his understanding that a school district does not have the right to immediate possession of property when condemnation proceedings are instituted and that eminent domain proceedings have priority over certain other types of cases in scheduling on the Court Calendar. He asked Mr. Curiel how long it would probably take for such a case to be heard. Mr. Curiel estimated that it would take no less than about 6 months, and he concurred with Mr. Licker's other statements.

Mr. Lanne, owner of adjacent property and President of the Goleta Union School District Board of Trustees, suggested that the Board give serious consideration to accepting the alternative parcel suggested by Mr. Tatum. He stated he was the owner of nearby property which was in process of being sold for residential development, and that the purchase price was much higher than the Board's offer to Mr. Tatum. Mr. Grandin, representing other nearby property, objected to the Board's offering price of $10,000 an acre, stated that even $20,000 an acre would not be a fair value for said property on Hollister Avenue.
Mr. Everett Pickett asked whether the Board's acceptance of 
Mr. Tatum's compromise offer would eliminate possibility of acquisition 
by the Goleta Union School District of any portion of the Willard property 
for an elementary school.

Mr. Tatum affirmed that the intent of his compromise offer was that 
there would be one school on the portion of his property which he specified 
and not two schools on other portions.

Mrs. Varni asked if the Board of Education would have to negotiate 
with the Goleta Union School District if it accepted Mr. Tatum's compro-
mise offer. Mr. Browne replied that the Board of Education was not 
responsible for selecting sites for the Goleta Union School District, but 
that if Mr. Tatum's intentions prevailed, the Goleta Board would have to 
look elsewhere for an elementary school site. He asked Mr. Lane if the 
Goleta Board were still considering the 14 acres at the north-west portion 
of the Willard property and Mr. Lane replied in the affirmative.

Mr. Jacquemain voiced his belief that Mr. Tatum had been honest 
with the Board of Education and that the Board should make the appraisal 
by Mr. Hults available to Mr. Tatum. Mr. Tatum agreed with Mr. 
Jacquemain's suggestion and stated it was apparent that the Board had 
not given the matter as much consideration from the owner's standpoint 
as he had. He also voiced his belief that the cost of developing the rear 
parcel would be substantially less than that estimated by Mr. Browne and 
the Architect.
Mr. Tatum questioned the validity of Mr. Grant's opinion on the
cost of developing the 14 acres on the north-west side of Old San
Marcos Road. Mr. Grant replied that his architectural firm had also
been retained by the Goleta Union School District as architects for
the new elementary school proposed for said site and that he was
thoroughly familiar with the 14 acres under discussion. He stated
the development costs would be substantially higher than Mr. Tatum
indicated.

Following a further exchange of comments, Mr. Licker stated
that the Board of Education has had two proposals submitted to it by
Mr. Tatum and that it was the policy of the Board of Education to
weigh carefully all factors relating to any problem at hand and to
make a decision based on justifiable and carefully considered premises.

It was moved by Mr. Licker, seconded by Mr. Sovine, and unanimously
carried that the Board take Mr. Tatum's proposals under consideration
and that the matter of reaching a decision thereon be scheduled for the
next regular Board meeting on February 7, 1963.

Mr. Jacquemain moved that the Board of Education instruct
Mr. Browne to make available to Mr. Tatum the report by Mr. Hults of
his appraisal of the subject property. Mr. Sovine and Mr. Licker
questioned the wisdom of taking the action suggested by Mr. Jacquemain,
stating that such an appraisal should be considered as the confidential
information of the Board of Education in view of the possible litigation
in the matter. In response to a question by Mr. Licker regarding the
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legality of the Board's disclosing details of this appraisal, Mr. Curiel stated that such action would be at the discretion of the Board but that he questioned the advisability of taking such action. Mr. Curiel suggested that an agreement be made with Mr. Tatum, whereby the Board would release its appraisal to Mr. Tatum if Mr. Tatum would release his appraisal to the Board. Mr. Tatum stated he would not be willing to enter into such an agreement. He stated he had hoped that the problem at hand could have been discussed quietly and cooperatively but that the persistence of the Board in its determination to acquire a portion of his property for a junior high school site had forced him to resort to securing an appraisal on behalf of his own interests.

Mrs. Henderson commented to Mr. Tatum that she trusted he would consider that the Board of Education had taken the same position in the interests of the schools.

Mr. Jacquemain's motion to release the Board's appraisal to Mr. Tatum was lost for want of a second, and he requested that the record indicate clearly that he had not withdrawn his motion but that it had been lost for want of a second.

Mr. O'Neal called attention to the second item of business included on the Call to Special Meeting.
It was recommended by the Superintendent that the Board consider adoption of final plans and specifications on the following building projects at Santa Barbara High School:

Library/Instructional Materials Building; Cafeteria/Instrumental Music Building.

Mr. Mosher presented the plans and specifications which had been returned from the State Division of Architecture.

At the request of Mr. O'Neal, Mr. Mosher outlined the minor changes which had been made by the State Division.

Following brief discussion it was moved by Mr. Licker, seconded by Mr. Sovine, and unanimously carried to approve said final plans and specifications; to authorize their advertisement for bids, said bids to be opened and read in public on Tuesday, February 26, 1963, at 2:00 p.m. in Room 6 of the Administration Annex; and to authorize progress payment to the Architect.

No further business being scheduled for this meeting, the meeting adjourned subject to the call of the Chair.

Norman B. Scharer, Superintendent and Secretary-Clerk to Board of Education

Attest:

Bruce D. O'Neal, President

Approved by the Board of Education on ____________________, 1963