

County Counsel Opinion:

City School Board Can't Build Road On La Fonda Site

By Len Klempnauer
Sentinel Asst. City Editor

"Speak softly and carry a big stick; you will go far."

Theodore Roosevelt's advice is more than appropriate today for the Santa Cruz city board of education, as a board committee will ask the Santa Cruz city council to discuss further a city-mandated road for the new La Fonda high school site.

The board of education was informed last night in a letter by County Counsel Bill Card that it "may not build the road so long as the governing board determines that the road is not needed for school purposes."

The city has refused to grant a use permit for the high school, between the Watsonville-Santa Cruz freeway and Soquel avenue at the end of the La Fonda avenue overpass, unless provisions are made by the school board to build a road linking the overpass with Soquel avenue, to be built within three years.

School district trustees consistently have maintained that the road is not needed for school purposes. Estimated cost of such a street is \$161,000.

The city council tonight is scheduled to consider granting the use permit, under the conditions that the road be built and drainage problems solved. The city had requested the school board to sign an agreement that

a road would be built, to be presented to the council tonight.

After hearing Card's opinion that the school board cannot build the road, trustees decided to ask for a meeting with the council, or its staff members, to work out a solution.

Board President John Melendy said the school board "may have legal grounds" for not building the street. But, he said, such drastic action of refusing outright to build the street should not be taken "when we have other avenues" to explore.

Trustee Eugene Adams said the drainage problem has been "worked out on a share" basis (among the city, county and school district), so "we ought to be able to work out" the road problem in some similar method.

Trustee Lloyd Hebbbron said the school district has a good working relationship with the city, and the road problem, therefore, could be solved in "an equitable manner."

Melendy said he "wouldn't want to enter any discussion" with the city using the county counsel's opinion as "a threat."

Adams moved that the school board ask the city council to continue the road matter to a later meeting. In the meantime, the city and school committee would attempt to work out a mutually agreeable solution. The motion was approved unanimously.

Then Ed Hansmann, an opponent of the La Fonda site and a former owner of most of that land, asked if a drainage agreement has been worked out.

Adams answered there hasn't been a formal action, but a "workable agreement" has been reached.

Hansmann said he has checked with the city and the county and has not been able to find any agreement.

Hebbbron answered that the county is preparing a drainage plan, that the plan was supposed to be submitted at the last council meeting, but it is not yet completed. At this point the pact among the three agencies stands as a "gentlemen's agreement," Hebbbron added.

(At a previous school board meeting, Assistant Superintendent of Schools Dave Gray said the city, county and school district have worked out the drainage problem, and that the school's share of the cost would be approximately \$5000).

Hansmann then asked if the school board has obtained a use permit for the La Fonda site from the county planning commission. He said about 15 acres is outside the city.

Melendy answered that the school board has undertaken annexation procedures, to get the land still in the county into the city. "I think you'll find the county planning commission acceding to the city planning commission," Melendy said. He added there may be legal qualifications, however, but "one (commission) honors the other."

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