

Woodland City Council Minutes
Council Chambers
300 First Street
Woodland, California

December 4, 2002

WOODLAND CITY COUNCIL
SPECIAL MEETING

6:00 P.M.

CALL TO ORDER

Vice Mayor Rexroad called the special meeting of the City Council to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Rexroad invited all in attendance to join in the Pledge of Allegiance.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, Jeff Monroe, Neal Peart, Matt Rexroad, David Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Richard Kirkwood, Phil Marler, Paul Hanson, Jeff Mitchell, Sue Vannucci, Gary Wegener, Bruce Lecair, Kathy Amen, Mark Feuerstein, Matt Milliron, David Ingman

COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Dote indicated that beginning at 5:30 p.m. on December 6th, the Office of the Downtown Coordinator would be hosting a Tree Lighting Ceremony in the Downtown.



APPEAL HEARING - CONDITIONAL USE PERMIT FOR OAK LEAF RESPITE RESIDENTIAL GROUP HOME

Vice Mayor Rexroad outlined the processes for the hearing. Planner Paul Hanson said the applicant, Albert Weiss, purchased the home at 124 Lincoln Avenue for the purpose of creating a Residential Care Group Home for six people. He has since applied to increase the size of the Home to fifteen people. The points under appeal by the Appellants, Jeffrey and Suzee Naff are: the zoning does allow for this type of use but requires a Conditional Use Permit for more than six persons in a Neighborhood Preservation Zone; provision of four parking spaces; required public notice. The Police Department had no specific comments.

City Attorney Mitchell summarized the legal aspects for a Conditional Use Permit in that the Planning Commission may approve, conditionally approve or deny an application for a Conditional Use Permit. They may impose requirements and conditions related to the use of that property and must be satisfied that the proposed structure or use conforms to the requirements and intent of the General Plan. The activities must be consistent with the General Plan process and the neighborhood uses. The Findings and conditions of approval for this proposal indicate the project is exempt from the provisions of CEQA, is consistent with the requirements of the General Plan, the zoning designation, is reasonably related to the use of the property, adjacent properties and the public interest is protected, the design will not cause serious public health problems, and the use has been made subject to specific conditions. The issue of safety has been raised by the Appellants, which is not part of the specific evidence and is not related to the facts presented. Facilities of this type need a CUP for six or less and it was stated they do not. Any additional conditions could be required.

Jeffrey Naff said he and his family purchased their property in 1999 and reside directly South of the proposed facility. Many of the neighbors are concerned about the project. They felt they were "blind-sided" by Mr. Weiss and his supporters. He did not receive notices of the hearing on November 7, 2002 and was told by his neighbors about that meeting. Section 25-27-20 of the City Code says the Public Hearing notices shall be mailed at least ten days ahead. He said this language is in the Government Code as well. He could not find language in the law to allow the legal authority for omission of notice. This house is located in the Neighborhood Preservation Zone. This type of facility fits into the definition of an NP zone and violates the intent to the zone. A Residential Care Facility definition is not clear. There will be fourteen people which is not a manageable number with their type of disability. It will create a great deal of traffic, noise, smoking, public drunkenness and an increased need for Fire and Police response. There are several other locations in the City which would be more appropriate.



Council Member Peart stated Mr. Naff said he did not receive a notice but the record indicates the notice was sent as per law. Acting Director Marler said there have been no indications from those sent the notice that it was not received. Mr. Naff indicated he had not received the notice. Mayor Flory asked if he knew any of the proposed tenants and Mr. Naff indicated he did not. Mayor Flory asked how Mr. Naff could then determine there would be problems with the tenants without personal knowledge of who they would be and Mr. Naff indicated he is a Police Officer in Sacramento and has had experience with this type of facility. There is the likelihood of a number of problems.

Albert Weiss said there is nothing in the appeal that would warrant overturning the Planning Commission decision. An Act was passed giving individuals the right to be "crazy" as long as they were not a danger to themselves, to others, or to property. He provided information to the citizens and they chose not to avail themselves because they said they were not going to allow the facility in their neighborhood. Each individual or guardian would be required to sign a contract to be allowed in the facility. He outlined the provisions of the contract, rules and identified those types of individuals who would not be allowed into the facility. This site was chosen because of the location as these people do not drive. The Department of Social Services has standards to renovate the facility even with only six residents. This facility is a 501(c)3. The staff will include those from the Career Center at U. C. Davis with students who need training. They will also receive training from John Buck who is head of Turning Point in Sacramento.

Mr. Weiss said the contract will be signed by the residents and if they violate the contract they will be terminated from the program. They will get one warning. He and his wife own the property. Mr. Buck will be speaking about his methods and level of training later in the Hearing. The building needs a total renovation and the Commission approved the facility for 14 residents. It is a matter of economics to increase the size. These residents are usually "5150" which is mentally unstable. Their record will indicate if there is a long history of violent behavior, which would be a different scenario than a person who had an episode and was recently diagnosed with a problem. An act of violence against anyone or anything must be reported. Vice Mayor Rexroad asked if the episode had happened and not been reported. Mr. Weiss said it would have to be on an individual basis. Vice Mayor Rexroad said his standard was an act of violence not mental state. The act of violence would have to be ongoing and there has to be more than one. Referrals would be from Yolo County Mental Health. Mayor Flory said people are "paroled" to Yolo County and housed here. Would this also be the case for this facility. Mr. Weiss would have to consult with the others to respond to that question. Mayor Flory asked if the resident was to be evicted, where would they go. Mr. Weiss said there is a crisis line and Yolo County Mental Health will then determine where the individual would be located. Council Member Dote asked if this facility would



be patterned after the facility in Davis and Mr. Weiss indicated to the affirmative. Melissa Culotty of the Davis facilities will be providing information at a later time in the evening. He will have a State license if approved. He has had extensive training on the program, heavy in the administrative area, rules and regulations, psychiatric solutions, basic intervention and it will be ongoing. The revenue comes through MediCal and Medicare. The gross income for the facility is \$2,000 per month per client. Pine Tree Gardens in Davis is very similar.

Mark Reiff said six people in the facility is like having another family in the neighborhood. Fourteen people is too many. The neighbors feels they cannot be taken care of as well as six.

Melissa Culloty, Director of Pine Tree Gardens, said Mr. Weiss has not begun to complete the Community Care Licensing Packet which is massive and all of the issues will be addressed in the packet prior to licensing. They will continue to work with him. The Davis Police Department has had no problems with their facilities. The Crisis House on Kentucky would be the type of facility that would have problems. The State considers anyone with an access one diagnosis of mental illness as a potential homeless person. Council Member Peart asked about the numbers of tenants in her facilities and Mr. Culloty indicated one has 13 and the other 15 residents. Director Marler said contact had been made with the City of Davis by Chief Sullivan and no problems or negative comments had been reported at either of these two facilities. Planner Hanson also contacted the Planning Department in Davis regarding the recently approved expansion of one of the facilities with no negative comments.

Council Member Monroe asked if we had asked for Police Department comments locally and Director Marler said everyone reviewed the project and he followed up with Chief Sullivan who had said there were no concerns.

Sylvia Lewis said that fourteen residents cannot be considered a home-like environment. If the philosophy that violent clients would not be allowed in why is the program providing anger management. What is the facility plan for when staff members do not show up for work. Turnover is very high and how will they deal with staff training. It is a client's right to refuse to take medications and what is the plan for that situation.

Blake Temple has a mentally ill son. Mr. Weiss taught a class and helped them through this period. There are not many places for the mentally ill. There are a lot of stereotypes. The medications help them to be model citizens. He hears his neighbors yell and they are not removed from their home when they become angry. These types of homes are very successful.



Stephen Amen said there are issues in the neighborhood brought to the Planning Commission that were not addressed. The level of stress in "crime central" is tremendous. They are under stress because of traffic. There are never Police in the area even since the murders. They have stress because of the crime. The Planning Commission wants them to assume more stress. They will have more crime, more ambulances and more traffic. They know there is a need for this service. Mr. Weiss should have researched the costs associated with the renovations prior to purchasing. Council Member Peart asked Mr. Amen if he had received the notice and he replied he lives beyond the notice limitation.

John Campos said across from the proposed facility is the Woodland Gymnasium. This is not an appropriate location for full blown schizophrenics.

Marilyn Moyle is a member of the Yolo County Mental Health Board. Her son needed to be in a home and was placed at Pine Tree. The fourteen bed facility is his home. An ambulance did come for her son because he had pneumonia. They have very close contact with the residents. This illness could happen to anyone.

Stuart Buchan has a son who is ill. People are ignorant or uneducated. The first reaction is fear of the unknown. The brain functions in different consciousness similar to a childhood nightmare. People are irrationally fearful in this scenario and this is what these people do. By giving these people a community to live in they become comforted from the irrational fear they experience.

Colette Stewart understands the need, but in watching the Planning Commission meeting, they disagreed. They did not consider the neighbors present issues with the increased size. The neighborhood consists of high density with apartments and duplexes. When the residents are released, where to they go and when. She said they should stay at six for one or more years and then revisit the request.

Lynn Smith was unable to be present but her husband, Al, spoke for her. Ms. Smith is a parent of a paranoid schizophrenic. She asked if the Police Department trained for encounters with these types of individuals. She urged support of this project. The neighbors concerns come from lack of information. There is stigma which then results in discrimination. Examples of those with this type of disease are Patty Duke, Ted Turner, Abraham Lincoln. She offered services to educate the neighbors.

Bertie Leathers spoke on behalf of her mother, Eleanor Keehn, who resides near the proposed facility. Ms. Keehn is opposed to the facility as there have been several problems in this area already and feels this facility is a serious mistake. Mr. Weiss has said they could not handle some of the problems and is still learning. There is a bar within walking distance. These people are unpredictable and do not want to take their



medication. They are known to be suicidal and homicidal. There are many facilities within walking distance. Mr. Weiss bought the property knowing it would be for six people and now he is asking to change the size. The neighborhood should be for families. She is disappointed that many questions would not have been answered. Council Member Peart asked if Ms. Keehn had received the notice and it was indicated she had.

Jocelyn Campos stated that the neighbors are not uneducated about the diseases. She has been a Special Education Teacher for twenty years. The needs of the mentally ill are clearly overwhelming, particularly for housing. He wants to add an entire wing adding 1,800 square feet. It will never return to a single family dwelling and it will remain a board and care or a high density house and she objects. Another concern is the zoning. The Neighborhood Preservation zone does not allow and it is not wise. We need to look and plan for the needs of all of the residents. The decision to place a facility in a neighborhood that goes against what has already been determined to be the focus, preserving what is there, is not right. The NP zone was determined to be set in this area after the apartments had been constructed.

Ali Summers said Mr. Weiss seemed to do minimum notification because she is outside the 300 feet. Why did he not make a wider spread for information sharing purposes. This will be a six unit apartment complex. The housing structure will change and it will never be a home again. The safety is of concern to her and she is very uncomfortable with this facility. The residents can stop taking their medication at any time. How long will it take for this to be discovered and will they be asked to leave. She does not want fifteen men who are unstable at the end of the street.

Council Member Monroe asked about the decrease of notification from 500 to 300 feet and was the option for wider notification on projects that may be subject to concern by the citizens. City Manager Kirkwood said the Council left the option open and Director Marler said a special project would trigger a notice would be placed on side, which did happen in this case.

Olga Rowe said no one has said anything about the appearance of the property now and it does not look good.

Kris Adams supports the project. He had a daughter who was ill. They were rejected and told they should not be out in the community. Attitudes changed when they found out it was a neurological brain disease causing the problem and then they received a great deal of assistance. The issues are fear, prejudice and a lack of understanding. Mr. Weiss must come under the State umbrella. The undiagnosed and untreated are the real problem. The NIMBY (not in my back yard) are people who will not be happy unless the facility is put out by the landfill.



Eldon Naff said as long as these people are on medication, they function like anyone else. If so, why can they not function in their own neighborhood. Mr. Weiss had to ask his son to leave his own home because it could not control the situation. Yet he is willing to place these individuals in our neighborhood. He suggested the State, County and City should take on this responsibility. This problem has existed for some time and does not need an immediate solution, but needs more investigation for a more appropriate facility. Other possible sites throughout the City were suggested such as, the Juvenile Hall building, the old County Jail facility, the old Police Station, the Woodland Hotel, the Porter Building.

Donna Howard had a son and he was taken to a Sacramento facility where he died due to the care he was given. She urged approval and said if not in this place, then somewhere else in town. There is a need.

Rodney Whitaker said chooses to live on Park Avenue because it is a beautiful place to live. This is not a good neighborhood facility. A facility like this is needed in the City, but not in this location. Character is making the right decision even when no one is looking. Character is what it takes for the Council to make the hard, unpopular decision while everyone is watching. Council Member Peart asked if Mr. Whitaker had received a notice and he indicated he was outside the 300 feet notification limit.

Dave Constance lives on Park Avenue. Neighbors are afraid to speak out and have lost neighborhood cohesiveness because of that. Six is legally acceptable and controllable. Fourteen or fifteen severely mentally ill with one attendance is not adequate. They will impact the neighborhood. They are prone to a lot of drama in their lives. They can refuse to take their medication and cannot be forced to leave immediately. They live in an area with high crime. Is the City ready for the increased crime. Is the neighborhood ready for the drama and screaming matches such patients normally provide. Are long term residents willing to give up the feeling of security in their homes. Property values will be impacted. Real estate sales will be stalled. Former Mayor Gary Sandy was attacked in his home by a man who was later deemed to be mentally unstable with severe mental illness. Those on Council who approve this measure will have lost the vote of everyone in this neighborhood.

Daniel Lee is the Management Consumer Liaison for Yolo County. He struggles with mental illness and does work. A thirteen person house may be able to afford a part-time job coach. They cannot block six, so they are willing to accept that amount. It is not a zoning fight. The issue is that mentally ill people are not safe next to the gymnastics. Mentally ill people are just people. Child molesters are mentally ill but not all mentally ill are child molesters. He takes his children along to meet mentally ill but the children are bored because there is no one for them to play with. He feels safe



taking their children there. They are not rapists or child molesters and do not break into homes.

Joseph Tabarez has a daughter who needs help. We are ignoring the problem. We have more to fear of those who are not getting help or treatment. It is sad that there would be less to do in this room if the discussion were about opening an animal shelter.

Joni Mari Dingman is a first-time home buyer on Park Avenue. She has a concern about the property values. Three years ago she reported a disturbance in the neighborhood and did not feel the Police were helpful. She is scared and that is a big issue with her. Her neighbor's house was robbed recently. There are only two Officers on patrol in a given night. The Lincoln Manor drug problem is a concern and asked if Mr. Weiss has considered that issue.

Martin Hernandez lives in the area and does not feel his children are safe. He would have purchased his home elsewhere but wanted to live in that area. This is a high risk for that area. Who will be responsible when something happens. There are many other areas where this facility could be located. He did not get an invitation and he does live within the 300 feet.

Esther Castillo is the Director of Mental Health, Drug and Alcohol for Yolo County. The question about the way other facilities in Sacramento have operated and the problems that arise, is very true. The differences in the larger Cities is there is more tolerance. This community has a sense of taking care of their own. The people to be referred are not the sickest. They are in the community now. There will be support from her staff for intervention, etc. Those who are evicted would move to a higher level of care. They are in their own homes, apartments, or are homeless. Mayor Flory if a resident wants to walk out of the facility, is there anything legally to hold them there. Ms. Castillo said there are methods, but they would have no reason to leave. She indicated many of the residents to have jobs. Pine Tree Gardens is one of the homes she works with and the County has two residential facilities in West Sacramento. They have had to place some residents as far away as Galt because there are not adequate facilities in this area. They must prove residence of more than one year. Council Member Peart asked if in the facility there was a client acting out, how quickly would the response be and what would they do with them. Ms. Castillo said usually the Police would be contacted to pick them up and take them to the hospital for evaluation to decide where to place them, and this is immediate action. Council Member Peart said then Police would be impacted and Ms. Castillo said not because they are not bringing in more people. These people are here already. They would end up in the Emergency Room. Vice Mayor Rexroad asked if there is a waiting list at present, why do existing services not expand. Do they have an ability to provide more places to stay.



Ms. Castillo said it is difficult to expand existing services because of the NIMBY issue. Current non-profit providers do not readily seek expansion opportunities because of the difficulty with the neighbors.

There is no waiting list in Woodland because there is no facility to offer. It could be determined by the number of clients they currently serve. Council Member Dote asked if clients want to live up to their contract because they want to be there and Ms. Castillo said they do because they are motivated. These are not people who are stepping out of a locked facility. These are clients who are looking toward independence. Vice Mayor Rexroad said because there is a need is it likely that people would transfer back to Woodland when this facility opened. Ms. Castillo said it would probably be new residents. Once these clients are placed in a facility, they feel it is their home and do not want to leave.

Council recessed at 8:15 and reconvened at 8:26.

Donna Bousquet is the Vice Chair of NAMI (National Association of the Mentally Ill) and has a son who is schizophrenic. She became very involved and has many hours working with these clients. She offered to speak to children and others about their concerns. Once educated, many will understand the illness. If those that act strange at times are understood, it will become clear they are just different.

Alan Smith is involved with NAMI. Mr. Weiss wants to help those with this illness. This problem will save taxpayers money by keeping people off the streets and out of the jails. This is a human issue, but the Neighborhood Preservation and zoning are of concern. The Planning Commission unanimously voted to approve this project. The neighbors fear something that is unknown. They are not sexual predators or violent.

Dale Ebbinghausen is very concerned about the children on his street which is near the facility. Something may happen. His wife was mentally ill and he took care of her. He also said the address of the facility had been changed from McKinley to Lincoln and asked why that was done. They want to be kept as a neighborhood, not as a hospital.

Bob Jones has a mother-in-law who lives near the facility. She has asked for a security door when she heard the facility was going in. This fear is not perceived, it is real to her. He had to respond in the past to a person who was a threat to himself and others because he was coming off of his medications. These people will wander over to the gym and watch. This is not healthy for the kids. The Lee Junior High School



students will be walking by there every day. The kids will harass the clients and that is not good either. Some of these people cannot be held accountable for damages and crimes that may incur by their hand. Who will be responsible for the damage that may happen.

John Buck is Executive Director of Turning Point Community Programs. He said one of the facilities for which he is responsible is directly across the street from a large day care program and they have never had an incident. He gave information on the zoning issues. Information was also provided on the crimes training check lists. Training is provided constantly. He will address any issues that clarify the views of citizens regarding psychiatric disability. Vice Mayor Rexroad asked about the high school graduate and what threshold they must reach to be in order to work at a facility like this one. Mr. Buck said they are willing to train people with open minds, who have good hearts, are solid kinds of people and who have a basis for this type of work. They will receive a minimum of 40 hours of training prior to entering any of the facilities. His existing staff have shadow trainees. The people for Mr. Weiss would be shadowing Mr. Buck's staff. The Community Care licensing requirements are less than what Mr. Buck requires. Mr. Weiss wants to run more than a Board and Care home. He wants interaction, training and an enriched environment. Council Member Dote said Mr. Weiss wants to use the Career Center at UCD with schedule changes and there will be a fairly high turnover. Will the training be offered to address the high turnover. Mr. Buck indicated there is a high turnover with Pine Tree as they do rely on students due to their proximity to UCD. If the employee is supported and valued, they are likely to stay longer. It also must consider the pool of potential employees in the City. A six bed facility is a "mom and pop" operation and one replacement worker when the facility is not subsidized by the County or the State. Mr. Weiss is proposing a fourteen because there is no subsidy from the County so he must rely on Social Security. Two people on during the day with access to support workers with one person at night, which keeps away intruders because the lights are on and someone is awake. He would like to see Mr. Weiss have three during the day, two in the evening and one on graveyard, plus those on call. Council Member Peart wanted to go on record in reference to the letter Mr. Buck presented from an attorney that this issue is not for elimination or discrimination of anyone, but is to allow from six to fourteen. Mr. Buck did not approach the attorney in the form of a threat but to address the issue around zoning and single family homes. He contacted the attorney to seek clarification on the appropriate rules in question. Council Member Monroe asked the City Attorney about the six and is this arbitrary number or is this number in law. City Attorney Mitchell said this is a number in State law.

Pat Williams said they started Pine Tree Gardens in 1986. They had two mentally ill sons. They wanted good residential care, good crisis house, social centers, work programs because of the shock that two of their three sons were ill. In four years



they had to start another. Mr. Weiss will have a very good program and needs to have the money. They have never had the Police Department respond to their facilities. They had no problem with the neighbors. This is like home for the residents because they are all the same.

David Bayne lives outside the 300 feet limit. He teaches at Lee Junior High School and has a two small daughters. This project is too large. This is not a short term neighborhood. The mix of older and newer residents is stable. What will this look like in twenty-five years. This is a nine bedroom dorm and we will be losing a tremendous amount in the neighborhood because of that alone.

Tom Pavao is the Manager for the Adult System of Care for the Yolo County Alcohol, Drug and Mental Health Services. When someone comes from their program they have a case number. They are assigned where the best care for them is located. They re-assess as needed. Pine Tree Gardens has been a great success. His wife was one of fourteen children and feels that the residents will be a family.

Percy Haugen owns a home in the area and it has been known that within a three block radius there is a lot of crime. Those in favor have direct experience with this type of program but do not live in the area. The residents in the area will be seeing these people every day and wondering if they are alright. Mr. Weiss is encroaching upon the neighborhood. They have legitimate fears about the facility. The facility was passed whether the neighbors like it or not. Consider how you would vote if this facility was placed next to your home. Vice Mayor Rexroad said there is no neighborhood that would welcome this type of facility and asked where he would suggest it placed. Mr. Haugen said Council is imposing their will on the neighborhood. Maybe it should be in more of an industrial area.

Darlene Gray is buying a house three blocks away from this site. She has a son who needs help. Her son watched the Planning Commission meeting and felt the prejudice. He said the people who spoke did not know much about him or mental illness. He has been hospitalized, overmedicated, locked in solitaire with no medication, has had a minor offense moved to a felony so that he could be moved to a large psychiatric facility where he could receive the proper care that was not available locally. Local agencies kept referring her elsewhere. If this facility had been available, her son would have received the care he needed locally. Our community should be thanking Mr. and Mrs. Weiss for their dedication and commitment to provide a safe environment. We have all learned more in the last two sessions with the Planning Commission and the Council that people have known for many years.

Dr. George Graman, Medical Director for County Mental Health said he chose this area due to the comprehensive continuum mental health services in the State. People



from Cities and Countries elsewhere have visited this County to see how our programs operate. The medications are crucial and are of great concern. There are many options to convince people to stay on their medications. These people suffer and many times are not aware they are suffering. The medicines keep 1,600 people in this County out of institutions. Woodland and Winters are the only two that do not have this type of program. Council Member Peart asked if the County provides funding and Dr. Graman said he only handles the medications. The budget for these programs does not look good and we all will be affected. There has been some funding in the past. All of these people will have case numbers and other types of staff available to them. The State runs money through the County but it does not go to the provider directly, but through the individuals.

Joan McChesney works in the Children's Division of Yolo County Alcohol, Drug and Mental Health Services. Mental illness strikes children, young adults and adults. They have skills that make them be productive citizens. They need a more stable environment. They need structure and housing options. Limiting to a six bed facility would not allow the type of programs that could be offered. Mr. Weiss has invested a great deal of his own funds into the project. These citizens have a right to the opportunity to live a productive life as others in the community. These are not potential criminals who will bring havoc to the community.

Kim Gupton supports the program, has two children who go to Lee Junior High School and is not concerned about their safety. The Lincoln Manor had a child molester who recently died of Aids. Her brother is mentally ill and Mr. Weiss helped him. The disease is not curable. Everyone deserves the care they need.

Council Member Monroe asked if this facility was limited to six people, would they qualify for Community Development Block Grant funds. Director Marler said they would qualify regardless of the amount of residents. Council Member Monroe said it appears that going to fourteen is an issue of economics. Director Marler said this is a competitive process. The economics and the program quality are part of the issue.

Denise Pascoe said safety is of concern. This is not a safe place. This is part of life and you can become a victim. Would a large family be allowed to move in to this home. Would this be problem free with a regular family. This group would be monitored. Mr. Weiss is a man of integrity and will be responsive to the people.

David Thompson said in 1992 he bought a piece of property on Grand Avenue near this project. There was an existing single family dwelling on the front and he proposed a triplex in the back and it was denied because of density. There are guidelines and standards and it was a R-M. Is the standard on NP zoning being



compromised and something that other builders will face for future projects. Are there written guidelines for us to follow.

Jeffrey Naff still does not have an answer on known pedophiles or sex offenders being allowed into the facility. He has not heard anything about the great measures mentioned other than the medical history will be the guideline for the behavior of these subjects, not the criminal record. Many times it will be successful to talk calmly with the individuals, but what about those situations when talking does not work. We have heard that our fears are unwarranted and we are ignorant to the issues. These people have criminal histories and scare me around my children. If there is going to be a contract, it must be adhered to and there should not be a warning. Guidelines must be solid without flexibility. The tolerance in Sacramento is higher. Mr. Buck, who is in charge of Turning Point in Sacramento, is now in charge of our training here. It is hoped that the tolerance for the Sacramento programs would not carry over here. There is a need for this facility. It is not appropriate in this neighborhood. The zoning should be kept in place.

Council Member Peart said Mr. Weiss had stated he has now a activity room and the clients do come and participate now. Mr. Weiss said NAMI Yolo uses this for potlucks, education and support groups. Mentally ill people do come for support groups and discussions are held about remaining on medication, talk with families about how to treat the mentally ill. Council Member Peart asked if there have been any problems with outbursts since this has been in operation. Mr. Weiss responded that none had been seen.

Council Member Dote asked if applicants are screened and medical records are available. Can the current records be accessed. Mr. Weiss said they follow their psychiatric records. Vice Mayor Rexroad asked if they are now 19 and it happened when they were 18. Mr. Weiss said he would have to refer to those who would be skilled in this area. Vice Mayor Rexroad said the question is whether it would appear in the file. Mr. Weiss said it would not be in the file if they had a violent history prior to age 18. Council Member Dote asked how is he funding the renovations. Mr. Weiss indicated he has agricultural land. He will give the land to the 501(c)3 who will sell it. They will then go into grant money. Council Member Dote asked what is the timing of the project and Mr. Weiss said the articles of incorporation must be filed and the grant written, so it will be eight to twelve months. He does not know if he can borrow and receive the grant at a later time. Council Member Dote asked if it is possible to share staff and support facilities. He can share support staff with Pine Tree. His property is currently being rented. Vice Mayor Rexroad asked about the statement that the address changed and Mr. Weiss said the property has always been 124 Lincoln Avenue. Council Member Peart asked if the fourteen people are allowed what kind of assurances can he give to insure the requirements will be kept. Would he offer a contract to the



neighbors that the assurances would be met. Vice Mayor Rexroad said conditions could be put on the property. Council Member Peart said specific requirements should be included outlining who would be in the home, how could they be evicted, etc. Could a contract be offered as part of the CUP. City Attorney Mitchell said it could be added as a condition that compliance with the State approved policies and procedures and that a copy be kept on file with the City. If made a condition, then failure to comply would be grounds for revocation of the Use Permit. The difficulty which may arise, is that when they change over time, the City may want to have something that states he must get City consent prior to making changes. He is taking steps beyond what is required. Vice Mayor Rexroad asked what is our ability to monitor homes of this type. City Manager Kirkwood said it is not within our present scope and would require additional staff. Council Member Peart if not required, we must have a binding contract that the restrictions will remain in place. The CUP could be pulled. He says is he is going to have stronger restrictions than the State.

City Attorney Mitchell said as long as the basic conditions are consistent with the General Plan, not treating him any different from other facilities, no discrimination, the conditions set would be valid. Mr. Weiss said staff must have a background check and HIV tests. Vice Mayor Rexroad said the privacy act does not allow for HIV status to be known. Mr. Weiss said he would not know about the resident status.

Mayor Flory said the security issue is the heart of the problem. There is no business plan. There has been differing figures on the funding to be received. The number per month is (from the audience and in audible). Vice Mayor Rexroad stated that the income per year would be \$10,000 per year per resident. (From audience and inaudible). Mayor Flory said the budget plan said he will break even including the three employees. Mr. Weiss said augmented care for programs will bring in additional money from the government. Mayor Flory asked if the meeting room is on the property at present and Mr. Weiss said it was and had been approved prior to building, which is 1,000 square feet.

Vice Mayor Rexroad said a question had been asked about the possibility of constructing a Boarding House on the site and asked if would that would be allowed without a CUP. City Attorney Mitchell said this would not be allowed under any circumstances.

City Manager Kirkwood said the Fair Housing Act states that if the Ordinance disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The City must address reasonable accommodation. Facts must be decided on a case by case basis and a determination on what is reasonable based on the answers to two questions. Does the request impose an undue burden on expense



on the local government and second does the proposed use create a fundamental alteration in the zoning scheme. If the answer is yes to either, then the request for reasonable accommodation is unreasonable. Primarily the concern is with the Neighborhood Preservation Zone, density and expectations of the area.

Council Member Monroe has concerns there is no well defined business plan or will defined programs. The State law says there is a need and puts the number at six. To go higher you need a Conditional Use Permit. The Council can then act as the big brother. This neighborhood has had two murders, and attempted murder and is under stress. The zone came about because of density. Home ownership is the biggest investment we have. There is a definite need and he encouraged Mr. Weiss to seek CDBG funding. There are many sources for him. He suggested looking at the Spring Lake Specific Plan area so that people know there is this type of facility in the area when they move in. He does not approve of this project.

Mayor Flory said the Council received threats this evening about not voting with the neighbors on this project and expressed his concern regarding that type of tactic. The project should begin with six residents for two years. They should seeking funding via grants and CDBG. If a good business plan was in place, it would have been more acceptable. The programs are good as part of the project, but not at this time. If there are no problems, Mr. Weiss could then return to Council for consideration.

Council Member Dote is very concerned about the neighborhood as it is under a great deal of stress. Fear cannot be rationalized. Safe Haven started small and grew because they proved themselves to the neighborhood. The NP Zone is of concern. The area now has small structures. It should start small and let the area see how it will operate. She asked if the permit could state if there are no concerns, he could expand without returning to Council. She wants the business plan and program details. She would like to delay the action until more information is provided.

Council Member Peart stated the notification argument does not apply as it appears that Mr. Naff is the only one who indicated he did not receive his notice. The NP Zone protects that area because of the density. He is concerned about the nine bedrooms as it does increase the density. He would like to have six only to prove to the neighborhood that this is not a problem.

Vice Mayor Rexroad is disturbed about the "Not In My Backyard" philosophy. The threat of retribution at a future election does not help the Appellant. This is a zoning issue. The individual who indicated he had searched the City to find the area in which he wanted to live and chose this area is important. He will not consider more than six because of the area.



On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried by unanimous vote, Council granted the appeal of the Planning Commission approval of the Oak Leaf Respite Group Home located at 124 Lincoln Avenue.

Council Member Dote asked staff to look at other care facilities in the City, plot their location and indicate where they could be successfully located in the future. City Attorney Mitchell asked if Council wanted staff to present Findings to the Council. Vice Mayor Rexroad asked if the Findings should be approved in the Council decision in order to grant the appeal. City Attorney Mitchell said that there is legal basis to provide Findings in order to grant the appeal. Vice Mayor Rexroad said this should be the final and they could link later with Findings.

On a motion by Vice Mayor Rexroad, seconded by Mayor Flory and carried unanimously, Council move that staff should return to Council with the Findings that would b adopted at a later time.

ADJOURN

Vice Mayor Rexroad adjourned the Special Meeting of the Council at 10:15.

Respectfully submitted,

Sue Vannucci, City Clerk