



## **MINUTES**

January 26, 2023

### **BOARD OF APPEALS HEARING**

3:00 p.m.

City Council Chambers

311 Vernon Street

Roseville, CA

#### **1. CALL TO ORDER**

Arthur J. Pauly, Jr. called the meeting to order at 3:00 p.m. in the City Council Chambers.

#### **2. ROLL CALL (SILENT)**

The following Hearing Panel members were present:

Arthur J. Pauly, Jr.

Tom Rutherford

Deanna Erdman

The following Staff members were present:

Travis Cochran

Deputy City Attorney

Kelly Aye

Legal Clerk

#### **3. IDENTIFICATION OF CHAIR**

Chairperson for the January 26, 2023 hearing was Arthur J. Pauly, Jr.

#### **4. PLEDGE OF ALLEGIANCE**

Arthur J. Pauly, Jr. led the audience in the Pledge of Allegiance.

#### **5. PUBLIC COMMENT**

No one from the public offered any comments.

## **6. SWEAR IN**

Arthur J. Pauly, Jr. administered the Oath to those in attendance who would be offering testimony at the hearing.

## **7. MATTERS TO BE HEARD**

### **7.1. Citation No.: 21113 - 11/9/2022 – 514 Coronado Ave**

Appellant: Claudia Castro

- Roseville Municipal Code Section 7.16.010 Licensing x3
- Roseville Municipal Code Section 7.25.010 Animal Noise x3

#### **A. Staff Report:**

Animal Control Officer (ACO) Sarah Cooper gave testimony in regard to the complaint against Claudia Castro and the animals at 514 Coronado Ave. ACO Sarah Cooper is familiar with the address because of prior complaints. The complaint in regard to the current citation being appealed is dated June 13, 2022. ACO Sarah Cooper read her Staff Report as stated in the agenda. ACO Sarah Cooper informed the Board that the Animal Noise violations are based on the complaint of a third party and were not independently observed by Animal Control. ACO Cooper also indicated that at the time of the hearing, none of the 3 subject animals had been licensed.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

#### **Exhibit A:**

- Staff Report including case history and narrative

#### **Complainant's Statement:**

Complainant Marci Gadberry, 512 Coronado Ave, offered her testimony in support of the complaint stating that the dog barking is an ongoing issue that got worse in February 2022. She asked for video evidence, submitted as Exhibit B, to be played for the panel.

#### **Exhibit B:**

- Video evidence was played on the Council Chambers media screen.

#### **Witness Statements:**

Sandy Harless, 511 Coronado Ave, gave testimony in support of the

complaint and said the barking dogs are affecting the entire neighborhood.

Ellen Tresidder, 513 Coronado Ave, gave testimony in support of the complaint and said the barking has been a nightmare for the block.

Jon Cartoscelli, 527 Coronado Ave, gave testimony in support of the complaint and said that the barking is audible from his home.

B. Appellant's Response:

Exhibit C:

(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on Dec. 7, 2022.

Claudia Castro, 514 Coronado Ave, gave testimony in support of the appeal stating she is only the owner of one of the dogs. She denied that all three dogs are hers and denies that the dogs bark constantly. Claudia Castro answered panel questions.

Witness Statement:

Virginia Castro, 514 Coronado Ave, gave testimony in support of the appeal and said that all the dogs on the street bark.

C. Rebuttals and Panel Questions:

Claudia Castro answered panel questions.

Animal Control Officer Sarah Cooper offered rebuttal testimony and answered panel questions.

Deputy City Attorney Travis Cochran answered panel member Tom Rutherford's questions regarding the tracking of individual counts per animal.

Animal Control Officer Sarah Cooper answered additional panel questions.

Complainant's witness, Ellen Tresidder, offered rebuttal testimony.

Complainant's witness, Jon Cartoscelli, offered rebuttal testimony.

Claudia Castro offered rebuttal testimony.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21113.

In regard to Roseville Municipal Code Section 7.25.010 Animal Noise, a motion was made by Arthur J. Pauly, Jr. and seconded by Tom Rutherford to DENY THE APPEAL AND UPHOLD THE CITATION because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Tom Rutherford, Arthur J. Pauly, Jr., Deanna Erdman

NOES: None

In regard to Roseville Municipal Code Section 7.16.010 Licensing, a motion was made by Arthur J. Pauly, Jr. and seconded by Tom Rutherford to DENY THE APPEAL AND UPHOLD THE CITATION because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Tom Rutherford, Arthur J. Pauly, Jr., Deanna Erdman

NOES: None

E. Decision and Statement of Determination:

Regarding Roseville Municipal Code Sections 7.25.010 and 7.16.010, the panel decided to deny the appeal of Administration Citation No. 21113 and uphold the charges because the City and Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

Arthur J. Pauly, Jr. informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

Arthur J. Pauly, Jr. signed the decision form and asked the Appellant to see staff for the paperwork.

## **8. ADJOURNMENT**

A motion was made by Tom Rutherford and seconded by Deanna Erdman to adjourn the hearing.

AYES: Arthur J. Pauly, Jr., Tom Rutherford, Deanna Erdman

NOES: None

Arthur J. Pauly, Jr. adjourned the January 26, 2022 hearing at 3:52 p.m.

Additional information and/or detail of the hearing may be obtained by requesting a video recording of the hearing from the City Attorney's Office.

Kelly Aye, Legal Clerk