



MINUTES

October 9, 2018

BOARD OF APPEALS HEARING

9:00 a.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Constant called the meeting to order at 9:01 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Pete Constant

Bruce Hagler

The following Staff members were present:

Joseph Speaker

Deputy City Attorney

April Esparza

Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the October 9, 2018 hearing was Pete Constant.

4. PLEDGE OF ALLEGIANCE

Chairperson Constant led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Constant administered the Oath to those in attendance

who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 16296

Appellant: Marina Foster

- Roseville Municipal Code Section 13.28.010, Encroachment Permit Required (Basketball Hoop)

A. Staff Report:

Code Enforcement Officer Ranjit Dosanjh offered testimony in regards to the staff materials in Exhibits A & B and also answered panel questions.

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

Exhibit B:

- Timeline of case history and narrative with photos
- Copies of the original Code Enforcement Notice dated November 15, 2015 and three Administrative Citation Warnings

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 June 25, 2018

Marina Foster offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 16296.

Regarding Roseville Municipal Code Section 13.28.010, Encroachment Permit Required (Basketball Hoop), a motion was made by Bruce Hagler and seconded by Pete Constant to deny the appeal and uphold the charge 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: Bruce Hagler and Pete Constant

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 16296 and uphold the charge of Roseville Municipal Code Section 13.28.010, Encroachment Permit Required (Basketball Hoop), because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Chairperson Constant signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No. 14739

Appellant: Erin Toomey

- Roseville Municipal Code Section 7.12.010, Animal at Large
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior
- Roseville Municipal Code Section 7.16.010, Failure to License

A. Staff Report:

Animal Control Officer John Bennett offered testimony in regards to the staff materials in Exhibit A.

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 Mike Pendergraft offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 August 22, 2018

Erin Toomey offered testimony in support of the appeal and answered panel questions.

Animal Control Officer John Bennett was called up by the panel to clarify the date of the violation and answered panel questions.

Erin Toomey continued her testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Animal Control Officer John Bennett offered rebuttal testimony and answered panel questions.

Erin Toomey offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14739.

Regarding Roseville Municipal Code Sections 7.12.010, Animal at Large; 7.12.050, Aggressive Behavior; and 7.16.010, Failure to License a motion was made by Bruce Hagler and seconded by Pete Constant to deny the appeal and uphold the charges because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Bruce Hagler and Pete Constant

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 14739 and uphold the charges of Roseville Municipal Code Sections 7.12.010, Animal at Large; 7.12.050, Aggressive Behavior; and 7.16.010, Failure to License because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

Chairperson Constant signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.3. Citation No. 12568

Appellant: Marlene Thornton

- Roseville Municipal Code Section 7.16.010, Failure to License, five counts
- Roseville Municipal Code Section 7.20.010, Kennels - License Required

Appellant, Marlene Thornton, withdrew her appeal prior to the start of the hearing.

8. **ADJOURNMENT**

A motion was made by Pete Constant and seconded by Bruce Hagler to adjourn the October 9, 2018 Appeal Hearing.

AYES: Bruce Hagler and Pete Constant

NOES: none

Chairperson Constant adjourned the October 9, 2018 hearing at 9:33 a.m.

April Esparza
Legal Clerk