



MINUTES

October 25, 2018

BOARD OF APPEALS HEARING

3:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Fratis 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:

Bruce Hagler
Leilani Fratis
Brian Stenklyft

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the October 25, 2018 hearing was Leilani Fratis.

4. PLEDGE OF ALLEGIANCE

Chairperson Fratis led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Fratis administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 17017

Appellant: Terry Klinefelter

- Roseville Municipal Code Section 14.09.060(A), Water Waste (Run Off)

Prior to the start of the hearing, the appeal of Administrative Citation No. 17017 was postponed to a future hearing date.

7.2. Citation No. 16482

Appellant: Greg and Melinda Shrader

- Roseville Municipal Code Section 16.35.110(13), Dangerous Building-Unpermitted Work

A. Staff Report:

Building Inspector James Proper offered testimony in regards to the staff materials in Exhibit A and 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

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 October 5, 2018

Greg and Melinda Shrader presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Email from Keith Bigbee
- Two photos of the balcony
- One page Criminal Protective Order

C. Rebuttals and Panel Questions:

James Proper offered rebuttal testimony and answered panel questions.

Greg and Melinda Shrader offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 16482.

For the violation of Roseville Municipal Code Section 16.35.110(13), Dangerous Building - Unpermitted Work, a motion was made by Brian Stenklyft to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred. The motion failed because it was not seconded.

A new motion was made Bruce Hagler and seconded by Leilani Fratis to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

E. Panel Decision:

The panel decided to uphold Administration Citation No. 16482, but waived the fine in the interest of justice.

Chairperson Fratis 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. 12671

Appellant: Eugene Martinez

- Roseville Municipal Code Section 7.12.010, Animal at Large (four counts)
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior (four counts)
- Roseville Municipal Code Section 7.16.010, Failure to License (two counts)
- Roseville Municipal Code Section 7.20.010, Kennels – License Required

A. Staff Report:

Animal Control Officer Sarah DeRego offered testimony in regards to the

staff materials in Exhibit A and 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

Complainant's Statement:

Complainant David McLaine 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 October 5, 2018

Eugene Martinez presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Copy of two animal licenses

C. Rebuttals and Panel Questions:

Sarah DeRego offered rebuttal testimony and answered panel questions.

David McLaine offered rebuttal testimony and answered panel questions.

Eugene Martinez offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 12671.

For the violation of Roseville Municipal Code Section 7.12.010, Animal at Large (four counts), a motion was made by Brian Stenklyft and seconded by Bruce Hagler to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

In regards to one count of Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Bruce Hagler and seconded by Leilani Fratis to deny the appeal and uphold the charge because the City/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: Bruce Hagler, Leilani Fratis

NOES: Brian Stenklyft

In regards to three counts of Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Bruce Hagler and seconded by Brian Stenklyft to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

For the violation of Roseville Municipal Code Section 7.16.010, Failure to License (two counts), a motion was made by Brian Stenklyft and seconded by Bruce Hagler to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

For the violation of Roseville Municipal Code Section 7.20.010, Kennels – License Required, a motion was made by Brian Stenklyft and seconded by Bruce Hagler to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

E. Panel Decision:

For the following violations, the panel decided to uphold the charges, but waived the fines in the interest of justice: RMC Section 7.12.010, Animal at Large (four counts); 7.12.050, Aggressive Behavior (three counts); 7.16.010, Failure to License (two counts); and 7.20.010, Kennels – License Required.

The panel decided to deny the appeal and uphold the charge of one count of RMC Section 7.12.050, Aggressive Behavior because the City/Complainant proved by a preponderance of the evidence that the violation occurred.

Chairperson Fratis 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.

8. ADJOURNMENT

A motion was made by Brian Stenklyft and seconded by Bruce Hagler to adjourn the hearing.

AYES: Bruce Hagler, Leilani Fratis, Brian Stenklyft

NOES: none

Chairperson Fratis adjourned the October 25, 2018 hearing at 4:36 p.m.

April Esparza
Legal Clerk