



MINUTES

January 24, 2019

BOARD OF APPEALS HEARING

3:00 p.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Bruce Hagler called the meeting to order at 3:01 p.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Bruce Hagler

Sherry Rutledge

The following Staff members were present:

Joseph Speaker

Deputy City Attorney

Gretchen Hakala

Paralegal

Lynda Risucci

Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the January 24, 2019 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Bruce Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Bruce Hagler administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 12573

Appellant: Kristen Boatwright

- Roseville Municipal Code Section 7.25.010 (two counts)

The Complainant was not present when the matter was called, so the item was trailed to allow 15 minutes per the Administrative Hearing Procedures.

At 3:15 p.m., the Complainant was still not present. According to Section VII(B) of the rules for Administrative Hearing Procedures, if the Complainant fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically granted.

A. Panel Decision:

In regard to Roseville Municipal Code Section 7.25.010 (two counts), a motion was made by Sherry Rutledge and seconded by Bruce Hagler to deny the appeal and uphold the charge because appellant failed to appear.

City staff sought clarification on the motion prior to a vote. Based on the clarification, a second motion (to replace the first motion made in error) was made by Sherry Rutledge and seconded by Bruce Hagler to grant the appeal and dismiss the charge because the complainant failed to appear.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

Bruce Hagler signed the decision form 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. 12572

Appellant: Caesar Rubio

- Roseville Municipal Code Section 7.25.010, Animal Noise (two counts, second offense).

B. Staff Report:

Animal Control Officer DeRego offered testimony in regard 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 Vicki Gulley offered testimony in support of the complaint and answered panel questions.

C. 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 December 3, 2018.

Caesar Rubio offered testimony in support of the appeal and answered panel questions.

D. Rebuttals and Panel Questions:

No rebuttal testimony was offered by any of the parties.

E. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 12572.

F. Panel Decision:

In regard to one count of Roseville Municipal Code Section 7.25.010, a motion was made by Sherry Rutledge and seconded by Bruce Hagler, to deny the appeal and uphold one count of the charge because the Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

In regard to the remaining count of Roseville Municipal Code Section 7.25.010, a motion was made by Sherry Rutledge and seconded by Bruce Hagler uphold the citation but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

Bruce Hagler 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. 16494

Appellant: Brandon Murray

- Roseville Municipal Code Section 9.24.150(A), Noise Disturbance
- Roseville Municipal Code Section 19.42.030(D), Home Occupation, Limitation on Use

A. Staff Report:

Code Enforcement Officer Ranjit Dosanjh offered testimony In regard 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 Jason Yarbrough presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Audio and video recording presented at hearing.

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 December 4, 2018.

Brandon Murray offered testimony in support of the appeal and answered panel questions.

The panel recalled Code Enforcement Inspector Ranjit Dosanjih to answer additional questions.

Rick Morris, witness on behalf Brandon Murray, offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Jason Yarbrough offered rebuttal testimony and answered panel questions.

Brandon Murray offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 16494.

E. Panel Decision:

In regard to Roseville Municipal Code Section 9.24.150(A), Noise Disturbance, a motion was made by Sherry Rutledge and seconded by Bruce Hagler to deny the appeal and uphold the charge because the Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

In regard to Roseville Municipal Code Section 19.42.030(D), Home Occupation, Limitation on Use, a motion was made by Sherry Rutledge to uphold the citation but waive the fine in the interests of justice.

The motion was recalled and a second motion (to replace the first motion made in error) was made by Sherry Rutledge and seconded by Bruce Hagler to grant the appeal and dismiss the charge because the Complainant did not prove by a preponderance of the evidence that the violation(s) occurred.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

Bruce Hagler 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 Sherry Rutledge and seconded by Bruce Hagler to adjourn the hearing.

AYES: Sherry Rutledge, Bruce Hagler

NOES: none

Bruce Hagler adjourned the January 24, 2019 hearing at 4:21 p.m.

Gretchen Hakala
Paralegal