

Minutes
City of Roseville
Hearing Panel
February 9, 2016
9:00 a.m.
City Council Chambers
311 Vernon Street

1) Designation of Chair

Chairperson for February 9, 2016 was Scott Sanford.

2) Call to order

Chairperson Sanford called the meeting to order at 9:00 a.m. in the City Hall Council Chambers and led the audience in the Pledge of Allegiance.

3) Roll Call

The following Hearing Panel members were present:

Scott Sanford
Brian Stenklyft
Sharon Telles

The following Staff members were present:

Joseph Speaker Deputy City Attorney
Pamela Sisk Legal Clerk

4) Chairperson Sanford reviewed the agenda.

5) Public Comment

No public comment was offered.

Chairperson Sanford administered the Oath.

6) Citation Appeals

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| ▪ Citation #16149 | Appellant: Lani Bauer |
| ▪ Citation #15955 | Appellant: Roseville Gateway |
| ▪ Citation #16768 | Appellant: Ronald Smith |
| ▪ Citation #17262 | Appellant: Mary Wayne |

Citation #16149

Appellant: Lani Bauer

Roseville Municipal Code Section 9.12.150, removing receptacles

Lani Bauer contacted the Roseville City Attorney's office on February 5, 2016 and requested her appeal be scheduled for a later date. Ms. Bauer's request was granted, and the appeal was rescheduled.

Citation #15955

Appellant: Roseville Gateway

Roseville Municipal Code Section 14.09.060(A), water waste, fourth offense

1. **Staff report:**

Water Conservation Specialist John Shannon presented his staff report and answered panel questions.

Exhibit A – Written testimony of case overview including background history from May 25, 2015 through November 30, 2015, photographs of property, Appeal Request form, letter from City Attorney's office to Roseville Gateway dated December 14, 2015, Water Consumption Report from 1/1/13 to 2/8/16, City of Roseville Environmental Utilities water usage statement, rainfall reports

Water Conservation Helper Zach McCrary offered testimony in support of the appeal and answered panel questions.

2. **Appellant's response:**

Representing Roseville Gateway, David Soper offered testimony in support of the appeal and answered panel questions.

3. **Rebuttals and questions by panel:**

John Shannon offered rebuttal testimony and answered panel questions.

David Soper offered rebuttal testimony and answered panel questions.

4. **Panel discussion/decision:**

Motion by Sharon Telles 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. No second on the motion was made. The motion was withdrawn.

Motion by Brian Stenklyft, seconded by Sharon Telles to uphold the citation but waive the fine in the interests of justice.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

5. Chairperson Sanford signed the decision form and asked David Soper to see staff for the paperwork and informed him that he may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #16768

Appellant: Ronald Smith

Roseville Municipal Code Section 7.12.010, animal at large
Roseville Municipal Code Section 7.12.050, aggressive behavior

1. **Staff report:**

Animal Control Officer John Bennett presented his staff report and answered panel questions.

Exhibit A – Written testimony of case overview and narrative

Roseville Police Officer Bob Gillis offered testimony in support of the complaint and answered panel questions.

2. **Appellant’s response:**

Ronald Smith offered testimony in support of the appeal and answered panel questions.

3. **Panel discussion/decision:**

In regards to the violation of RMC Section 7.12.010, animal at large, motion by Brian Stenklyft, seconded by Sharon Telles to uphold the citation but waive the fine in the interests of justice.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

In regards to the violation of RMC Section 7.12.050, aggressive behavior, motion by Brian Stenklyft, seconded by Sharon Telles to deny the appeal and uphold the charge because the City or Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

5. Chairperson Sanford signed the decision form and asked Ronald Smith to see staff for the paperwork and informed him that he may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #17262

Appellant: Mary Wayne

Roseville Municipal Code Section 7.25.010, animal noise, two counts
Roseville Municipal Code Section 7.16.010, failure to license, two counts

1. **Staff report:**

Animal Control Officer John Bennett presented his staff report and answered panel questions.

Exhibit A – Written testimony of case overview, including history and narrative

Nancy Griffin offered testimony in support of the complaint and answered panel questions.

Exhibit B – DVD containing 7 clips of video; 10 photographs; log of dog barking from May 7, 2009 to February 8, 2016; complaint log from September 25, 2014 to February 1, 2016; log – “111 Park” from May 7, 2009 to January 21, 2011; witness statements from Tom Wardell, Jillian Flor, Kara Schroeder; letter to Mary Wayne from Nancy Griffin dated August 9, 2010

The DVD submitted by Nancy Griffin was not audible in the Council Chambers, and after all of the parties agreed, the Panel left the dais to attempt to watch and listen to the DVD in the attached media room. Still unable to hear the audio in the media room, the Panel members returned to the dais.

Nancy Griffin resumed her testimony in support of the complaint and answered panel questions.

2. **Appellant’s response:**

Mary Wayne offered testimony in support of the appeal and answered panel questions.

It was made known to the panel that the audio was now available in the Council Chambers, and they offered the opportunity to Nancy Griffin to play the DVD, which she accepted. A portion of the DVD was played.

3. **Rebuttals and questions by panel:**

Mary Wayne was offered the opportunity to respond to the DVD, but declined.

John Bennett offered rebuttal testimony and answered panel questions.

4. **Panel discussion/decision:**

In regards to the violation of RMC Section 7.25.010, animal noise, motion by Brian Stenklyft, seconded by Sharon Telles to deny the appeal and uphold the charge because the City or Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party on both counts.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

In regards to the violation of RMC Section 7.16.010, failure to license, motion by Brian Stenklyft, seconded by Sharon Telles to deny the appeal and uphold the charge because the City or Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party on both counts.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

5. Chairperson Sanford signed the decision form and asked Mary Wayne to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

7) **Adjournment**

Motion by Sharon Telles, seconded by Brian Stenklyft to adjourn the February 9, 2016 Appeal Hearing meeting.

AYES: Scott Sanford, Brian Stenklyft, Sharon Telles

NOES: none

Chairperson Sanford adjourned the meeting at 10:15 a.m.

Pamela Sisk
Legal Clerk