

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
CITY COUNCIL MEETING
JANUARY 31, 2011**

A. Adjourned Regular City Council Meeting

The Adjourned Regular Meeting of the City of Fontana City Council was held on Monday, January 31, 2011, in the City Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 6:03 p.m.

ROLL CALL:

Present: Mayor Warren and Council Members Roberts, Slowik, Tahan and Wibert.

Absent: None.

B. Pledge of Allegiance/Invocation

Following the Invocation given by Council Member Slowik, the Pledge of Allegiance was led by Council Member Wibert.

C. Public Communications

No one was present wishing to speak.

D. Appeals relating to Fireworks Citations

Consideration of the written decisions of the Administrative Hearing Officer and deny or approve each of the following 11 appeals and hardship waivers for citations received for violation of Fontana Municipal Code Section 15-602 for Sales/Possession of Fireworks:

Mayor Warren requested clarification on if the 11 Appellants present tonight were found to be guilty of fireworks related violations.

Fontana Police Department Captain Robert Ramsey stated that the 11 Appellants present this evening were indeed found culpable of the violations.

Fontana Police Department Captain Ramsey provided a background report on the 87 fireworks-related citations that were issued: 74 of which were administratively appealed, with 10 upheld, 58 with fines reduced, and 6 were dismissed.

City Manager Hunt requested Police Department Captain Ramsey to provide the

background information at the start of each of the 11 appeals.

1. Appellant Christian Luis Alvarez; Citation No. 617214; Customer No. 93283

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Alvarez apologized for the violation and requested the fine to be reduced.

Council Member Roberts asked Captain Ramsey if there was an option for community service.

Captain Ramsey responded that there is currently no option for community service.

Council Member Slowik and Wibert requested clarification on the amount to which the fine was reduced.

Captain Ramsey responded that the fine was reduced based on hardship.

Council Member Roberts requested clarification on the role of the Administrative Hearing Officer.

Captain Ramsey clarified that it was at the discretion of the Administrative Hearing Officer to either reduce, uphold, or dismiss each of the appeals.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Tahan, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

2. Nancy K. Elmezian; Citation No. 620718; Customer No. 93299

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Elmezian explained that she was unaware of the City Code relating to fireworks due to her recent move to Fontana.

Council Member Roberts clarified the difference between safe and sane and illegal fireworks throughout the State of California.

ACTION: Motion was made by Council Member Wibert, seconded by Council Member Tahan, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

3. Charles Henderson; Citation No. 621784; Customer No. 93314

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Henderson clarified that he did not purchase the illegal fireworks, however they were present in his home. Appellant Henderson requested a three-monthly-installment payment plan.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Slowik, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver, and allow the fine payments to be paid in full in three-monthly-installments.

4. Baltazar Campos Mata; Citation No. 587720; Customer No. 93324

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Mata apologized for the violations and explained that visitors to her home had used the illegal fireworks.

Council Member Tahan requested clarification on the fine payment options.

Captain Ramsey explained the option for a six month payment plan.

Council Member Slowik requested clarification on whether the payment option was a City policy or part of the Municipal Code.

Captain Ramsey explained that it is a City policy.

ACTION: Motion was made by Council Member Wibert, seconded by Council Member Slowik, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver, and allow the fine payments to be paid in full in six months.

5. Byron Andre McCauley; Citation No. 615113; Customer No. 93325

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant McCauley was not present.

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Wibert, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

6. Edward Sherrill Miner; Citation No. 615521; Customer No. 93330

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Miner explained that it was his son who had brought the illegal fireworks and lit them at his home and request community service.

Council Member Roberts requested clarification on the culpability of the owner.

Captain Ramsey clarified that the Code suggests a failure to act on the part of the homeowner.

ACTION: Motion was made by Council Member Slowik, seconded by Council Member Tahan, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

7. Haven Lee Moses; Citation No. 619147; Customer No. 93335

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Moses discussed that he purchased the fireworks at a Fontana fireworks stand and requested a fine reduction due to his full-time student status.

Council Member Roberts asked Appellant Moses for the stand location.

Appellant Moses stated that it was located on the corner of the Interstate-210 and Cherry Avenue.

Council Members Tahan and Roberts requested clarification on the location of fireworks in the Appellant's garage and the statements made to the administrative hearing officer.

Captain Ramsey stated that the Appellant was observed lighting fireworks and that Appellant Moses was not the property owner.

ACTION: Motion was made by Council Member Wibert, seconded by Council Member Roberts, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

8. David Ortega; Citation No. 601373; Customer No. 93340

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Ortega stated that there were no fireworks in his possession, that he was picking up fireworks trash when cited, and that he is a full-time student.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Wibert, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

9. Joseph Albert Reinbold; Citation No. 613570; Customer No. 93344

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Reinbold clarified that it was an unmarked police vehicle that cited him, discussed the type of safe and sane fireworks he used, the citations of the individuals present with him, his previous employment with the Air Force, and the effects on his security clearance which caused him to leave his job.

Captain Roberts clarified that it was indeed an unmarked vehicle and uniformed officer that cited Appellant Reinbold.

Council Member Tahan requested clarification from the Appellant on why he left his job.

Appellant Reinbold discussed that if he had stayed with his employer, the citation would have caused him to be fired so he chose to resign.

Council Member Wibert asked the Appellant if he had brought any witnesses with him.

Appellant Reinbold stated that he did not and also that there was no videotape

evidence of the incident.

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Wibert, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

10. Lorna Marie Simpson; Citation No. 622087; Customer No. 93354

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Simpson stated that she did not allow anyone using fireworks to seek refuge in her home, that she was in her home when the suggested violation occurred, and that she felt intimidated by the female officer to sign the citation.

Council Member Tahan requested clarification from the Appellant on the refuge of individuals in her home.

Appellant Simpson clarified that her children and the neighborhood children did run into her home but she did not know why or if the children had lit fireworks.

Council Member Tahan, Roberts, and Slowik requested clarification on her relation to the children, refuge of the children, and if the officer requested to speak with the minors.

Appellant Simpson stated that she did not allow the children to seek refuge in her home, that she knew the children, and that the officer did not request to speak with the minors.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Slowik, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

11. Rafael Vargas Zambrano; Citation No. 601374; Customer No. 93367

a. Fontana Police Department Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

b. Appellant Zambrano discussed the incidents surrounding his claimed violation, the arrest of his brother and sister, and the alleged injustices against himself and his two young daughters.

Council Member Roberts requested clarification on the use of the Penal Code in

the incidents.

Captain Ramsey clarified that the Appellant's brother was charged for several violations of the Penal Code.

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Wibert, and carried unanimously by vote of 5-0 to deny the appeal and request for hardship waiver.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

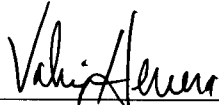
Council Member Tahan discussed that fireworks are part of the American tradition, but that it is important to enforce safety in the City. Council Member Tahan discussed his support of safe and sane fireworks, his respect for the apologies of the Appellants present this evening, and his respect for the laws the City has in place.

Council Member Roberts discussed the recent election results where City residents chose to continue to allow safe and sane fireworks, the controversy over legal and illegal fireworks, and his hopes for lessons learned so that residents may have a safe Fourth of July this year.

Mayor Warren discussed the purpose of this appeal process, the accountability for those that participated in the violations and the culpability of the Appellants present this evening, the experience of the administrative hearing officer, and the need to uphold City ordinances that protect our home in Fontana.

ADJOURNMENT:

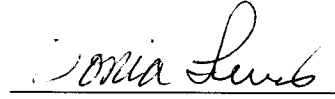
The City Council meeting adjourned by consensus at 7:24 p.m. to an Adjourned Regular City Council Meeting to be held on Tuesday, February 1, 2011, at 6:30 p.m. in the City Hall Executive Conference Room located at 8353 Sierra Avenue, Fontana, where local San Bernardino Cities and groups will discuss Redevelopment Agency strategies, then to the Fontana Chamber of Commerce Breakfast to be held on Thursday, February 10, 2011, at 7:30 a.m. at the Hilton Garden Inn located at 10543 Sierra Avenue, Fontana, California, and then to an Adjourned Regular City Council Meeting which will be held on Tuesday, February 8, 2011, with a workshop at 5:00 p.m. and then the regular meeting at 7:00 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, California.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON

THE 8TH DAY OF FEBRUARY, 2011.

A handwritten signature in cursive script that reads "Tonia Lewis". The signature is written in black ink and is positioned above a horizontal line.

Tonia Lewis
City Clerk