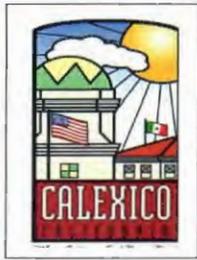


**AGENDA  
ITEM**

**22**



# AGENDA STAFF REPORT

**DATE:** September 4, 2019

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, City Manager *DD*

**PREPARED BY:** Miguel Figueroa, Assistant City Manager

**SUBJECT:** Approve Request by Martin Arellano, La Birrieria Red Tacos, for Waiver of Building Permit Fees and Ansul System Inspection Fees

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**Recommendation:**

Approve request by Martin Arellano, La Birrieria Red Tacos, for a waiver of building permit fees and Ansul System inspection fees.

**Background:**

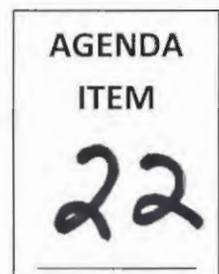
In an effort to offer more food selections, create a catering service and a desire to increase sales, Mr. Martin Arellano invested in purchasing new kitchen equipment and performed other upgrade improvements to his restaurant located at 900 W. Birch St. After years of doing business in the food industry in Calexico, Mr. Arellano is looking to keep La Birrieria Red Tacos as a recognized local restaurant for the community and its' visitors.

**Discussion & Analysis:**

Mr. Martin Arellano, owner of La Birrieria Res Tacos, is requesting a waiver of the following fees:

Building permit fee	\$ 172.00
Electrical permit	\$ 76.00
Ansul System inspection fee	<u>\$ 667.00</u>
Total Fee Waiver	\$ 915.00

City of Calexico Resolution 10-17, adopted March 2, 2010, vests exclusive authority with the City Council to reduce or wave fees and charges owed to the City.



**Fiscal Impact:**

Development Services and Fire Fees \$915.00

**Coordinated With:**

None.

**Attachments:**

1. Resolution No. 10-17.

**Fiscal Impact:**

Development Services and Fire Fees \$915.00

**Coordinated With:**

None.

**Attachments:**

1. Resolution No. 10-17.

**RESOLUTION NO. 10-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO  
VESTING EXCLUSIVE AUTHORITY WITH THE CITY COUNCIL TO  
REDUCE OR WAIVE VARIOUS FEES AND CHARGES OWED TO THE  
CITY.**

**WHEREAS**, due in part to a general recession in the national economy, the City of Calexico is currently, and has been, experiencing a fiscal crisis; and

**WHEREAS**, in order to ensure that the City remains able to deliver the maximum levels of municipal services to its citizens, the City must fully recover its administrative costs and fees to the greatest extent possible; and

**WHEREAS**, the City charges various fees for permits or licenses, including but not limited to, business license fees, building permit fees, fire inspection fees, facility rental fees, development impact fees, fees for the provisions of water and sewer services, and any other fees related to the City's provision of services as set forth in the City's Master Fee Schedule; and

**WHEREAS**, the City Council finds that the City, during the current fiscal crisis, cannot afford to regularly reduce or waive such fees; and

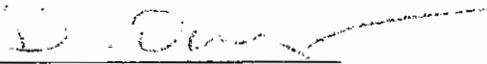
**WHEREAS**, the City Council of the City of Calexico desires to exercise its power as the governing body of the City in determining whether to waive or reduce certain fees or charges owed to the City, exclusively by means of a majority vote of the City Council.

**NOW, THEREFORE**, the City Council of the City of Calexico does hereby resolve as follows:

- 1) The City Council shall have sole authority to determine whether to waive or reduce certain fees or charges due and owing to the City after consideration by the City Council. A majority of three votes is required to waive or reduce such fees.
  
- 2) The process proposed in this Resolution is not intended to authorize the City Council to waive or reduce fees or penalties such as penalties or fees assessed pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above fees or penalties and the authority to set fines for those types of violations are already accounted for under the Calexico Municipal Code and State law. Such violations are subject to an appeal process before a hearing officer or judge. In no event shall any city employee or individual councilmember act to interfere with the due process procedures for administrative citations, parking violations, or other criminal violations of the municipal code.

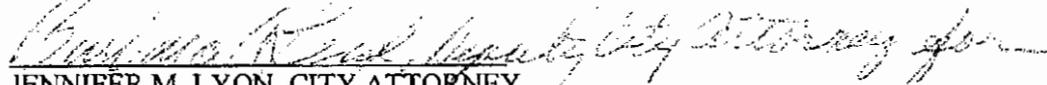
3) If there is a question as to the application of this Resolution to a particular fee, the matter shall be submitted to the City Council for interpretation and clarification.

**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the City Council of the City of Calexico this 2<sup>nd</sup> day of March, 2010.

  
\_\_\_\_\_  
DAVID OUZAN, MAYOR<sup>2</sup>

ATTEST  
  
for \_\_\_\_\_  
LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM: -

  
\_\_\_\_\_  
JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) SS.  
CITY OF CALEXICO )

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 10-17 WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 2<sup>nd</sup> DAY OF MARCH, 2010 BY THE FOLLOWING VOTE, TO WIT:

AYES: OUZAN, MORENO, CASTRO, ROMERO, HERMOSILLO  
NOES: NONE  
ABSENT: NONE

  
for \_\_\_\_\_  
LOURDES CORDOVA, CITY CLERK