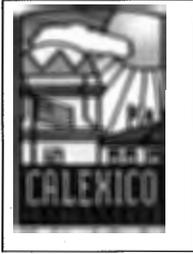


**AGENDA  
ITEM  
12**



# AGENDA STAFF REPORT

**DATE:** November 28, 2018

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, City Manager *DBD for P.D.*

**PREPARED BY:** Ralph Morales, Building/Planning/Code Enforcement Manager *[Signature]*

**SUBJECT:** Discussion and Potential Action Regarding Request by Edward Del Rial, La Fuente Restaurant, for Waiver of Building Permit and Business License Inspection Permit Filing Fee

=====

## Recommendation:

Discuss and take action on request by La Fuente Restaurant for a waiver of building permit and business license inspection permit filing fees due to relocation of their business from Cesar Chavez Blvd., to Emerson Avenue.

## Background:

As a result of the current improvements on Cesar Chavez Blvd. due to the relocation of the new port of entry, businesses have been forced to close down or relocate. Tortas and Beer was one of the businesses that relocated from Cesar Chavez Blvd. to Emerson Avenue and plan to reopen as La Fuente Restaurant.

## Discussion & Analysis:

Mr. Edward Del Rial, owner of La Fuente Restaurant, is requesting a waiver of fees due to special circumstances arising from the construction improvements on Cesar Chavez Blvd and his desire to relocate his business in the City of Calexico. Said relocation to Emerson Avenue has caused a financial hardship for the business owner. The cost to the business owner for relocation improvements include required building permits and business license inspections fees consisting of the following:

Plan check fee	\$ 200.00
Building permit fee	\$ 447.00
Business sign permit	\$ 240.00
Business license inspection fee	<u>\$ 200.00</u>
Total Fee Waiver	\$ 1,087.00



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:**

Building Permit Fees \$1,087.00

**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

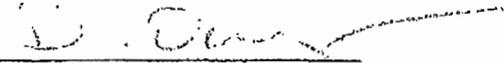
**WHEREAS**, the City Council of the City of Calexico desires to exercise its power as the governing body of the City in determining whether to waive or reduce certain fees or charges owed to the City, exclusively by means of a majority vote of the City Council.

**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

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