

RESOLUTION NO. 2005-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DENYING A PUBLIC CONVENIENCE AND NECESSITY LETTER FOR
VALERO GAS & MINI MART, PROJECT NO. EG-04-769**

WHEREAS, Jarwail Singh, owner of Valero Gas and Mini Mart, filed an application for a Letter of Public Convenience and Necessity (PCN) to obtain a type 21 alcohol license per requirements of the Department of Alcohol and Beverage Control (ABC); and

WHEREAS, the Department of Alcohol and Beverage Control requires approval from the affected jurisdiction in the form of a Public Convenience and Necessity Letter (PCN) when crime statistics exceed 120% of the average rate; and

WHEREAS, Title 4, Chapter 4.60, of the City of Elk Grove Municipal Code establishes the City Council as the appropriate authority to hear and decide all Public Convenience and Necessity Letters; and

WHEREAS, the project is exempt under the California Environmental Quality Act (CEQA) Section 15061 (3); and

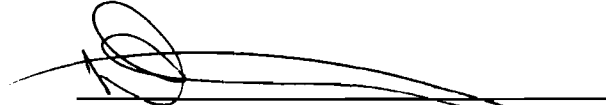
WHEREAS, a duly advertised public hearing notice; in accordance with Government Code Section 65090 et al. and a public hearing was conducted by the City Council on February 2, 2005; and

WHEREAS, after careful consideration of all the written materials and testimony received, the City Council denied the application for a "public convenience and necessity letter.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Deny the request by Valero Gas & Mini Mart (EG-04-769) for a Public Convenience and Necessity Letter for a Type 21 alcohol license.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 2nd day of February 2005.



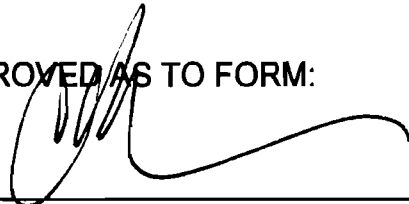
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-28

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 2nd day of February 2005 by the following vote:

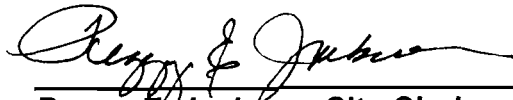
AYES 4: COUNCILMEMBERS: Briggs, Leary, Scherman, Soares

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Cooper





Peggy E. Jackson, City Clerk
City of Elk Grove, California