



Legislation Text

File #: 17-207, **Version:** 1

RESOLUTION authorizing the City Manager or his designee to perform certain functions pertaining to the business license denial of Royal Ice Cream pursuant to City of San Leandro Municipal Code Section 2-2-450 and approving the findings of the Hearing Officer to uphold the appeal of Patras Gill, Owner, regarding the Finance Director's Decision to deny the business license for Royal Ice Cream

WHEREAS, on March 8, 2017, the Finance Director rejected a business license application for Royal Ice Cream pursuant to San Leandro Municipal Code Section 2-2-420 after determining that the owner and operator for Royal Ice Cream, Mr. Patras Gill, inaccurately submitted a business license application that stated Mr. Gill had not received a citation for a moving violation within the past ten (10) years; and

WHEREAS, pursuant to San Leandro Municipal Code Section 2-2-450, Royal Ice Cream timely submitted an appeal of the Finance Director's decision; and

WHEREAS, City of San Leandro Municipal Code Section 2-2-450 authorizes the City Council to delegate the authority to conduct a hearing for appeals regarding business license denials, revocations, and non-renewals to a hearing officer and make a recommendation to the City Council for a final determination; and

WHEREAS, the City Council does hereby wish to delegate this authority to the City Manager or his designee; and

WHEREAS, under San Leandro Municipal Code Section 2-2-450, at an appeal hearing, the applicant must show cause why the action or determination of the Finance Director should not be approved. The findings of the City Council are final and conclusive in the matter; and

WHEREAS, the decision of the Hearing Officer must be submitted to the City Council which may, on the basis of the record only, approve or disapprove the findings of the hearing officer. The findings of the hearing officer for the business license denial appeal for Royal Ice Cream are attached hereto, and made a part hereof.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. The Recitals above are true and correct, and made a part of the City Council's decision; and

2. Pursuant to City of San Leandro Municipal Code Section 2-2-450, the City Council hereby authorizes the City Manager, or his designee, to conduct the appeals hearing for the denial of the Royal Ice Cream business license. The City Manager is also authorized to take all appropriate steps to conduct the appeal consistent with City of San Leandro Municipal Code Section 2-2-450; and

3. Pursuant to City of San Leandro Municipal Code Section 2-2-450, the City Council approves the findings of the Hearing Officer; which are as follows:

"The applicant showed cause why the action or determination of the Finance Director should not be approved. Based upon the evidence submitted and the findings set forth, the appeal of the business license denial should be upheld and the business license should be granted."

4. The City Manager is are hereby authorized and directed, on behalf of the City Council, to take all actions necessary or appropriate to carry out and implement the intent of this Resolution.