

RESOLUTION NO. 17-05

Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Madison Marquette For Calendar Year 2017

WHEREAS, Emeryville Municipal Code 5-4.03 provides that a license is required to operate a cabaret in the City of Emeryville; and

WHEREAS, an applicant for a cabaret license is required to submit an application to the Police Department; and

WHEREAS, Madison Marquette has submitted an application for an annual cabaret license for calendar year 2017 to the Emeryville Police Department; and

WHEREAS, the Chief of Police has conducted an investigation of the Madison Marquette application and has prepared a report and recommendation as required by the Emeryville Municipal Code; and

WHEREAS, the Chief of Police has recommended the application be approved and a license issued subject to conditions of approval; and

WHEREAS, the City Council held a public hearing on January 17, 2017, to consider the application, the report and recommendations by the Chief of Police, and the comments received from the public regarding the application; now, therefore, be it

RESOLVED, pursuant to Emeryville Municipal Code Section 5-4.07, the City Council of the City of Emeryville hereby approves an annual cabaret license for calendar 2017 to Madison Marquette, subject to the Conditions of Approval, attached hereto as Exhibit A, and authorizes the Chief of Police to issue said license.

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Tuesday, January 17, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

Scott Donahue
MAYOR

ATTEST:
[Signature]
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY



EXHIBIT A

CONDITIONS OF APPROVAL

**MADISON MARQUETTE BAY STREET
ANNUAL CABARET LICENSE**

- The Cabaret License would be valid from date of approval through December 31, 2017. Any Annual Cabaret License sought for subsequent years would require another application and an approval by the Emeryville City Council.
- The Annual Cabaret License if approved permits music to be played in the South End of Bay Street, commonly referred to as "The Outdoor Plaza" of Bay Street.
- Hours of operation for this Annual Cabaret License would be restricted to Monday to Sunday, between the hours of 11:00 am and 9:30pm
- No alcohol can be served or sold at any of these events without Madison Marquette first submitting an approval from Alcohol Beverage Control on Form ABC-221 for each event.
- Madison Marquette shall be required to designate a contact person from Madison Marquette for any and all complaints from the public and to interface with the Emeryville Police Department. This contact person shall be made known to the Emeryville Police Department and all complaining parties upon request. The contact person shall be immediately available for all concerns or complaints.
- Madison Marquette must maintain compliance at all times with Chapter 13 of Title 5 of the Emeryville Municipal Code (E.M.C.), commonly known as the City of Emeryville Noise Ordinance.
- In the event that an authorized agent of the City of Emeryville determines that Madison Marquette has violated the Noise Ordinance with live or amplified music during a cabaret event, he or she shall direct Madison Marquette to reduce the volume to a level that is compliant with the Noise Ordinance. In the event that an authorized agent of the City of Emeryville determines that Madison Marquette has violated the Noise Ordinance twice in the same calendar day, Madison Marquette shall immediately discontinue any and all music for the remainder of that calendar day.

Any violations of these conditions or any listed in EMC Code 5-4.24 by Madison Marquette's managers or employees, may result in suspension or revocation of this Annual Cabaret License, pursuant to E.M.C. Sections 5-4.08, 5-4.09. Violations may also be subject to Administrative Citations.