

## RESOLUTION NO. 19-32

### Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rudy's Can't Fail Café For Calendar Year 2019

**WHEREAS**, Emeryville Municipal Code 5-30.03 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**, BMZ Enterprises has submitted an application for Rudy's Can't Fail Café for an Annual Cabaret License for calendar year 2019 to the Emeryville Police Department; and

**WHEREAS**, the Chief of Police has conducted an investigation of the Rudy's Can't Fail Café 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 April 2, 2019, 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 year 2019 to Rudy's Can't Fail Café, 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 regular meeting held Tuesday, April 2, 2019, by the following vote:

AYES:	5	Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

ATTEST:



CITY CLERK



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY



# City of Emeryville

CALIFORNIA

## EXHIBIT A

### CONDITIONS OF APPROVAL

- The Annual Cabaret License would be valid through to December 31, 2019. 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 inside the café and on the outdoor patio area.
- Upon receipt of noise complaints during any cabaret event at Rudy's Can't Fail Café, the music will immediately be discontinued.
- Hours of operation for this Annual Cabaret License would be restricted to Monday through Sunday, 6:00 p.m. to 11:00 p.m.
- BMZ Enterprises shall be required to designate a contact person for 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.
- Any violations of these conditions or any listed in Emeryville Municipal Code 5-4.24 by BMZ Enterprises, owners, managers, or employees may result in suspension or revocation of this Annual Cabaret License, pursuant to Emeryville Municipal Code Sections 5-4.08, 5-4.09.