

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – OCTOBER 25, 2011  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Susan Slayton	Administrative Services Director
	Jamie Boucher	Human Resource Analyst
	Sue Lichtenbaum	Harbor Business Manager

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session and read the Closed Session Statement.

Mayor Yates read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR.** Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

**CS-2 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS.** Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

- Property: 451 Embarcadero, Morro Bay, CA  
Negotiating Parties: Reg Whibley and the City of Morro Bay  
Negotiations: Lease Terms and Conditions

**CS-3 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES**  
Discussions regarding Personnel Issues including one (1) public employee regarding evaluation, specifically the City Attorney.

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – OCTOBER 25, 2011  
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Jamie Boucher	Deputy City Clerk
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

CLOSED SESSION REPORT - City Manager Andrea Lueker reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Wee of Wee Shack announced his new restaurant at 1698 Main Street. He said all food served is fresh and they serve breakfast and lunch all day from 7:00 am-8:00 pm. He thanked all of the local patrons who have come in to support his new establishment.

Matt Makowetski representing Project Surf Camp shared a PowerPoint show of this year's event that took place in Morro Bay where special needs children come from all over the nation to learn and play in the surf.

John Taylor, Founder and Executive Director of Project Surf Camp stated this is a non-profit organization started for special needs children. He said there were 281 campers and 500 volunteers that participated at this year's event. Mr. Taylor stated this also involves the families of the special needs children to promote a family leisure activity.

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Liz Bednorz, Beach House Bistro announced the North Morro Bay Merchants Co-op will be holding a Halloween Fair and Costume Party on October 30<sup>th</sup> at Spencers Market parking lot. She said it is free with a donation to the Food Bank.

Craig Schmidt, Executive Director of the Chamber of Commerce announced the Business Expo will be held on November 17<sup>th</sup> at the Morro Bay Community Center, and the Lighted Boat Parade will be held on the evening of December 3<sup>rd</sup>.

Betty Winholtz referred to Item D-1 (Consideration of an Amendment to Morro Bay Municipal Code Section 5.04.330 Regarding the Procedure for Submitting Certain Business License Applications to the Chief of Police and City Council) stating the Mayor has made several changes to the City's Municipal Code which narrows the democratic process. She said this Ordinance eliminates public input on certain businesses that can affect business neighborhoods and the reputation of our town. For this reason, the law currently provides for public input through public review before the City Council. Ms. Winholtz stated the proposed change removes public input; changes the requirement for background checks from "shall to may"; requires no annual review, and, it does not limit the age of people who would be participating in these businesses. The proposed change leaves all discretion to the Chief of Police who should not be the one responsible for setting the morals for the City. Ms. Winholtz requested the City Council not move forward with this amendment to the Municipal Code.

Robert Schreiber referred to a tree at 508 Shasta Street that he would like removed because it is a hazard. He said the City has done some pruning to the tree by removing the inner branches which causes it to be more susceptible to the wind. Mr. Schreiber stated he would like to be eligible to bid on the removal of this tree.

Mayor Yates closed the hearing for public comment.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF OCTOBER 11, 2011; (ADMINISTRATION)

**RECOMMENDATION: Approve minutes as submitted.**

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A-2 RESOLUTION TO APPROVE AMENDMENT #2 TO THE LEASE AGREEMENT FOR LEASE SITE 50-51/50W-51W, LOCATED AT 451 EMBARCADERO, BETWEEN REG WHIBLEY AND THE CITY OF MORRO BAY; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 70-11.**

MOTION: Councilmember Borchard moved the City Council approve the Consent Calendar. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES – NONE.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 CONSIDERATION OF AN AMENDMENT TO MORRO BAY MUNICIPAL CODE SECTION 5.04.330 REGARDING THE PROCEDURE FOR SUBMITTING CERTAIN BUSINESS LICENSE APPLICATIONS TO THE CHIEF OF POLICE AND CITY COUNCIL; (CITY ATTORNEY)

Police Chief Tim Olivas stated Morro Bay Municipal Code (MBMC) Section 5.04.330 is the current regulation for obtaining an Arcade business license. In addition to Arcades, MBMC Section 5.04.330 also regulates the following businesses: carnival, circus, money lending, pawnbroker, massage parlor, tent show and private patrol service. MBMC Section 5.04.330 requires the above-referenced businesses to obtain a business license from the City Council annually after a noticed public hearing. The proposed amendment to MBMC Section 5.04.330 would eliminate the annual noticed public hearing requirement for these businesses and instead require the approval from the Chief of Police. Chief Olivas recommended the City Council review the draft amendment to MBMC 5.04.330 regarding the procedure for submitting certain business license applications to the Chief of Police, and direct staff to return this item to Council with an Ordinance for Introduction and First Reading with any changes suggested by Council.

MOTION: Councilmember Borchard moved the City Council direct staff to return to the City Council with an Ordinance for introduction and first reading amending Morro Bay Municipal Code 5.04.330 as proposed in the staff report. The motion was seconded by Councilmember Johnson.

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Councilmember Smukler stated he will be voting in opposition to this motion. He said he understands the case for the Police Chief to perform annual reviews on current businesses; however, he finds that new businesses should go through the public process.

VOTE: The motion carried with Councilmember Smukler voting no. (4-1)

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Johnson requested to agendaize a presentation by the Economic Vitality Corporation regarding the current economic climate in San Luis Obispo County; Councilmember Borchard and Councilmember Smukler agreed.

ADJOURNMENT

The meeting adjourned at 6:38 p.m.

Recorded by:

Jamie Boucher  
Deputy City Clerk