

City of Morro Bay

City Council Agenda

Mission Statement

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

REGULAR MEETING – TUESDAY, OCTOBER 25, 2011

**CLOSED SESSION – TUESDAY, OCTOBER 25, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

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.

**IT IS NOTED THAT THE CONTENTS OF CLOSED SESSION MEETINGS
ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE.**

**PUBLIC SESSION – TUESDAY, OCTOBER 25, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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.

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.

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)

RECOMMENDATION: Review the report and draft 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, and direct staff to return with this item for introduction and first reading with any changes suggested by Council.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6200 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET DURING NORMAL BUSINESS HOURS OR AT THE SCHEDULED MEETING.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – OCTOBER 11, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1
MEETING DATE: 10/25/11

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
	Robert Schultz	City Attorney

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; PERSONNEL ISSUES

Discussions regarding Personnel Issues including two (2) public employees regarding evaluation, specifically the City Attorney and the City Manager.

The meeting adjourned at 5:55 p.m. to Open Session and reconvened after Open Session at the Veterans Memorial Hall located at 209 Surf Street, Morro Bay, CA.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 11, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:10 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessling	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
	Dylan Wade	Utilities/Capital Projects Manager
	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 – Mayor Yates reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken; he noted the City Council will adjourn the Open Session meeting to further discuss Closed Session.

PUBLIC COMMENT

Todd Gailey, Fire Engineer/Paramedic, announced Rescue Challenge 2011 will be held on October 29th at Coleman Park which is a fitness competition between the Morro Bay Fire Department and the U.S. Coast Guard to raise funds for the Morro Bay Community Foundation.

Steve Knuckles, Fire Captain/Paramedic, announced the Morro Bay Fire Department and fire departments around the County, along with Carina Corral and Richard Gearhart from KSBY TV will be participating in the 23rd Annual San Luis Obispo County Burn Relay to support the Alisa Ann Ruch Burn Foundation by going to schools around the County to teach children about fire safety and to raise funds for the Foundation.

Mayor Yates closed the hearing for public comment.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 11, 2011

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 JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING ON SEPTEMBER 13, 2011, AND THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 27, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve minutes as submitted.

- A-2 ADOPTION OF ORDINANCE NO. 573 AMENDING CHAPTER 2.06 OF THE MORRO BAY MUNICIPAL CODE FROM COUNCILMEN TO COUNCILMEMBERS AND ADDING SECTION 2.06.040 REGARDING APPOINTMENT OF BOARDS AND COMMISSIONS; (CITY ATTORNEY)

RECOMMENDATION: Adopt Ordinance No. 573.

- A-3 RESOLUTION NO. 69-11 INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF MORRO BAY- MISCELLANEOUS EMPLOYEES; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 69-11.

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

- B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 574 AUTHORIZING THE AMENDMENT OF SECTION 20475 (DIFFERENT LEVEL OF BENEFITS); SECTION 21353 (2% @ 60 FULL FORMULA); AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION) FOR NEW HIRES IN THE PERS MISCELLANEOUS GROUP – INTRODUCTION AND FIRST READING; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton stated the Resolution of Intention and Ordinance are required by PERS in order to amend the PERS contract. PERS' procedure further requires the Ordinance not be finally adopted until 20 days have passed since the adoption of the Resolution of Intention.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 11, 2011

Ms. Slayton recommended the City Council approve the introduction and first reading of Ordinance No. 574, authorizing the amendment of Different Level of Benefits, 2% @ 60 Full Formula and Three-Year Final Compensation for all newly-hired PERS miscellaneous employees.

Mayor Yates opened the hearing for public comment; there were no comments, and Mayor Yates closed the hearing for public comment.

MOTION: Councilmember Johnson moved the City Council approve the introduction and first reading of Ordinance No. 574, authorizing the amendment of Different Level of Benefits, 2% @ 60 Full Formula and Three-Year Final Compensation for all newly-hired PERS miscellaneous employees. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 574 by number and title only.

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 DISCUSSION ON THE STATUS OF THE CITY RENTAL PROPERTY ON SHASTA AVENUE; (RECREATION & PARKS)

Recreation and Parks Director Joe Woods stated staff has inspected the current condition of the real property at both 983 and 985 Shasta Avenue, and has found that both structures have failing building systems and would be costly to repair. The residences are non-inhabitable due to failing infrastructure, and extremely dilapidated building systems. Both structures contain significant amounts of hazardous material, which by regulation; require specific handling, which would have to be addressed should any repair work or demolition to occur. The option of repair costs has doubled based on the deteriorating conditions of the buildings and availability for a more thorough inspection due to the properties now being vacant. Staff feels the benefit of removal of these structures would allow for City resources to be redirected. Mr. Woods recommended the City Council consider the high cost of renovating the real property at 983 and 985 Shasta Avenue and direct staff to proceed with demolition of each site.

MOTION: Mayor Yates moved the City Council direct staff to demolish the properties at 975, 983 and 985 Shasta Avenue; that the demolition leaves the ground ready for a pocket park or community (garden) park; and, that staff includes the installation of a hose bib on the property upon completion. The motion was seconded by Councilmember Leage.

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Mayor Yates amended his motion to include that this project will be brought to a conclusion within six months. Councilmember Leage accepted the amendment to his second to the motion.

VOTE: The motion carried unanimously. (5-0)

D-2 DISCUSSION ON TOILET RETROFIT REBATE PROGRAM; (PUBLIC SERVICES)

Utilities/Capital Projects Manager Dylan Wade stated this item is being brought to the City Council for discussion on how or if to pursue the retrofit rebate program. Some potential options are: 1) keep the current program as it exists and is interpreted. Positive aspects are the City will continue to provide an incentive for the conversion of the few remaining 3gpm toilets. The potential negative aspects are that there are few remaining fixtures out there and that the program in this fashion may not be interpreted as adequate by DWR during the 2015 Urban Water Management Plan (UWMP) review process; 2) allow and provide an incentive to convert between 1.6gpf and 1.28gpf. The positive aspects are that the City's program would likely be acceptable in the 2015 UWMP review and some additional conservation will be achieved. The negative aspects are the potential liability to the water fund of replacing all of the toilets in Morro Bay at \$100 each; 3) create a program that provides an incentive for retrofitting below the 1.28gpf such as requiring dual flush toilets that use .8gpf for one flush type and 1.28 for the other. The positive aspects of this decision are that the City's program would likely be acceptable in the 2015 UWMP review and some additional conservation will be achieved. The negative aspects are the potential liability to the water fund of replacing all of the toilets in Morro Bay at \$100 each; 4) some other alternative that the Council develops that staff did not anticipate; or, 5) elimination of the entire program. The positive aspects are the reduced costs associated with implementing the program. The negatives are the potential impact to future grant funding opportunities. Mr. Wade recommended the City Council review and discusses the City of Morro Bay's Toilet Retrofit Rebate Program and provides direction to staff on any changes.

MOTION: Councilmember Smukler moved the City Council approve Option #1: Keep the current program as it exists and is interpreted. Positive aspects are the City will continue to provide an incentive for the conversion of the few remaining 3gpm toilets. The potential negative aspects are that there are few remaining fixtures out there and that the program in this fashion may not be interpreted as adequate by DWR during the 2015 UWMP review process. Council added an adjustment that dual flush toilets will be used as the standard with future retrofits in the program. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 11, 2011

D-3 STATUS REPORT ON MORRO ROCK PARKING LOT SOLID WASTE
SERVICE; (PUBLIC SERVICES)

Public Services Director Rob Livick summarized the solid waste collection activities that take place at the Morro Rock parking lot noting Sunday collection was discontinued about 10 years ago as there was not enough interest from businesses to warrant offering the service due to the cost being prohibitive since Morro Bay Garbage Service would have to charge the cost for collection and Sundays would be double time for equipment and personnel. He said the Recreation & Parks maintenance employees are responsible for garbage collection in the Rock restroom and the immediate surrounding area. A part-time Harbor maintenance employee, in addition to other duties, is responsible for garbage collection every Sunday from the 2nd week in May through the 2nd week in September of all the aggregate containers on the waterfront from the launch ramp to the Rock (north and south sides). In the off-season this level of collection activity ceases as the Morro Bay Garbage Service collection schedule suffices to keep up with the volume accumulated. The lack of Sunday trash service and subsequent overflow issue was the genesis of the position being created. The City is aware that Morro Bay Beautiful meets each Monday to collect garbage along the waterfront and Rock parking lot. Mr. Livick recommended the City Council receive this information and direct staff accordingly.

Council consensus was to direct staff to research bird proof garbage cans; identify a funding mechanism; and, return to Council in four months with a status report.

No further action was taken on this item.

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested to agendize a discussion on a Civic Center Master Plan; he received Council consensus.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:15 p.m.

Recorded by:

Bridgett Kessling
City Clerk

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. 70-11 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.

RESOLUTION NO. 70-11

**APPROVAL OF AMENDMENT #2 TO THE LEASE AGREEMENT
FOR LEASE SITE 50-51/50W-51W, LOCATED AT 451 EMBARCADERO,
BETWEEN THE CITY OF MORRO BAY AND REG WHIBLEY**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay is the lessor of certain Tidelands property on the Morro Bay Waterfront described as Lease Site 50-51/50W-51W; located at 451 Embarcadero; and,

WHEREAS, Reg Whibley is the Lessee of said property; and

WHEREAS, Mr. Whibley is proposing to add a fire sprinkler system to the dock structure at Lease Site 50-51/50W-51W; and

WHEREAS, the City and Mr. Whibley have agreed to a lease amendment that will extend the term of the lease agreement from September 30, 2021 until June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that Amendment #2 to the lease agreement for Lease Site 50-51/50W-51W, located at 451 Embarcadero, between the City of Morro Bay and Reg Whibley, is hereby approved and that the Mayor is hereby authorized to execute said Amendment.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 25th day of October, 2011 on the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, Deputy City Clerk

AMENDMENT #2 TO THE LEASE AGREEMENT FOR LEASE SITE 50-51/50W-51W

This Amendment #2 ("Amendment") to the lease agreement for Lease for Lease Site 50-51/50W-51W dated September 30, 1987 by and between the City of Morro Bay, a municipal corporation of the State of California, hereinafter called "City" and Associated Pacific Constructors, Inc., subsequently assigned to Reg Whibley ("Tenant") per Resolution No. 38-04 on May 24, 2004.

Whereas, Tenant intends to install a fire sprinkler system on Lease Site 50-51/50W-51W, estimated to cost \$15,000; and,

Whereas, it is mutually beneficial for City and Tenant to acknowledge the improvement to the Lease Site and benefit of coordinating the term of the lease agreements for Lease Site 50-51/50W-51W and the adjacent Lease Site 52/52W; now therefore;

Tenant and City shall provide for the amendment of Lease as follows:

1. SECTION 1.01 TERM:

The Termination Date shall be amended to read "June 30, 2025".

2. Construction of Improvements

Tenant agrees to obtain the required building permit and to complete construction/installation of the fire sprinkler system on the docks located on Lease Site 50-51/50W-51W by September 30, 2012. Failure to complete said construction by September 30, 2012 will void this Amendment.

All other provisions of the lease shall remain in full force and effect.

In witness hereof the parties hereto have executed this Amendment as of the date written above.

CITY OF MORRO BAY

TENANT – Reg Whibley

William Yates, Mayor

Reg Whibley

APPROVED AS TO FORM

Robert Schultz, City Attorney

ATTEST:

Jamie Boucher, Deputy City Clerk

EXHIBIT A – CURRENT MBMC 5.04.330

5.04.330 Submitting application to chief of police and city council.

A. The application for a business license must be presented to the chief of police for his findings and recommendations in relation to the following businesses as a prerequisite to the issuance of such a license:

- Carnival;
- Circus or menagerie;
- Money lending or pawnbroker;
- Massage parlor;
- Tent show;
- Amusement parlor, penny arcade, or playland;
- Private patrol service.

B. The application to carry on any business enumerated in subsection A shall be submitted to the city council for its action before a license may be issued. No license shall be issued to carry on any business at any location where such would be in violation of Title 17, zoning.

C. Where an application for a new business license or renewal has been submitted for an amusement parlor, penny arcade or similar business enterprise involving four or more amusement machines (as defined in Section 17.12.035 of this code), the chief of police shall cause to have taken, fingerprints of all business supervisors and employees of the arcade, and to prepare a confidential background investigation to be assessed in a report to the council. Failure to submit to fingerprinting or identification of a criminal involvement shall be grounds for denial of the license.

Consideration of a license described by this section shall take place at a noticed public hearing before the city council. In the review of a license application, the city council may assign such conditions as it deems necessary for the conduct of the business operation to protect the public health, safety and welfare. All licenses authorized by the council shall include, but not be limited to the following minimum provisions:

1. The requirements of approvals granted under Title 17, zoning, shall be complied with in this exercise of the business activity.
2. Applications for annual renewals shall be considered at a noticed public hearing, with a report from the chief of police as to compliance with conditions of approval and any law enforcement related problems experienced in the past year.
3. The chief of police shall report any license condition violations found to occur during the licensing period, and if in the opinion of the city council, the violation reported materially affects the public health, safety or welfare, the license may be immediately suspended, or revoked; in which case any approval granted under Title 17, zoning, shall be similarly suspended or revoked.
4. All supervisors or managers of arcades shall be at least twenty-one years of age.
5. That the awarding of monetary prizes in contests or tournaments be prohibited.
6. That children under the age of eighteen shall not be allowed within the arcade during normal school hours or after ten p.m. unless accompanied by a parent or legal guardian. (Ord. 243 § 4, 1983; Ord. 82 § 1 (part), 1970; prior code § 6500)

EXHIBIT B – REDLINE MBMC 5.04.330

5.04.330 Submitting application to chief of police and city council.

A. The application for a business license must be presented to the chief of police ~~for his findings and recommendations~~ in relation to the following businesses as a prerequisite to the issuance of such a license:

- Carnival;
- Circus or menagerie;
- Money lending or pawnbroker;
- Massage parlor;
- Tent show;
- Amusement parlor, penny arcade, or playland;
- Private patrol service.

B. ~~The application to carry on any business enumerated in subsection A shall be submitted to the city council for its action before a license may be issued.~~ No license shall be issued to carry on any business at any location where such would be in violation of Title 17, zoning.

C. Where an application for a new business license or renewal has been submitted for ~~any of the businesses enumerated in Section A amusement parlor, penny arcade or similar business enterprise involving four or more amusement machines (as defined in Section 17.12.035 of this code)~~, the chief of police ~~shall~~ may cause to have taken, fingerprints of all business supervisors and employees of the ~~arcade business~~, and ~~may conduct to prepare~~ a confidential background investigation to ~~be assessed in a report to the council determine whether to issue a business license, and if issued, the conditions to assign to the business license.~~ Failure to submit to fingerprinting or identification of a criminal involvement shall be grounds for denial of the license.

Consideration of a business license described by this section shall ~~be approved by the chief of policetake place at a noticed public hearing before the city council. The denial or issuance of a business license pursuant to this section may be appealed to~~ In the review of a license application, the city council within ten days of the chief of police action. In the review of a business license application pursuant to this section, the chief of police and city council may assign such conditions as it deems necessary for the conduct of the business operation to protect the public health, safety and welfare. ~~All licenses authorized by the council shall include, but not be limited to the following minimum provisions:~~

~~1.—The requirements of approvals granted under Title 17, zoning, shall be complied with in this exercise of the business activity.~~

~~2.—Applications for annual renewals shall be considered at a noticed public hearing, with a report from the chief of police as to compliance with conditions of approval and any law enforcement related problems experienced in the past year.~~

~~3.—The chief of police shall report any license condition violations found to occur during the licensing period, and if in the opinion of the city council, the violation reported materially affects the public health, safety or welfare, the license may be immediately suspended, or revoked; in which case any approval granted under Title 17, zoning, shall be similarly suspended or revoked.~~

~~4.—All supervisors or managers of arcades shall be at least twenty one years of age.~~

~~5.—That the awarding of monetary prizes in contests or tournaments be prohibited.~~

~~6.—That children under the age of eighteen shall not be allowed within the arcade during normal school hours or after ten p.m. unless accompanied by a parent or legal guardian. (Ord. 243 § 4, 1983; Ord. 82 § 1 (part), 1970; prior code § 6500)~~

EXHIBIT C – DRAFT REVISION TO MBMC 5.04.330

5.04.330 Submitting application to chief of police and city council.

- A. The application for a business license must be presented to the chief of police in relation to the following businesses as a prerequisite to the issuance of such a license:
- Carnival;
 - Circus or menagerie;
 - Money lending or pawnbroker;
 - Massage parlor;
 - Tent show;
 - Amusement parlor, penny arcade, or playland;
 - Private patrol service.
- B. No license shall be issued to carry on any business at any location where such would be in violation of Title 17, zoning.
- C. Where an application for a new business license or renewal has been submitted for any of the businesses enumerated in Section A, the chief of police may cause to have taken, fingerprints of all business supervisors and employees of the business, and may conduct a confidential background investigation to determine whether to issue a business license, and if issued, the conditions to assign to the business license. Failure to submit to fingerprinting or identification of a criminal involvement shall be grounds for denial of the license.

Consideration of a business license described by this section shall be approved by the chief of police. The denial or issuance of a business license pursuant to this section may be appealed to the city council within ten days of the chief of police action. In the review of a business license application pursuant to this section, the chief of police and city council may assign such conditions as it deems necessary for the conduct of the business operation to protect the public health, safety and welfare.