

POLICE COMMITTEE MINUTES

January 16, 1996

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 16, 1996 at 7:30 A.M.

COMMITTEE PRESENT

Farrell Jensen, Chairman
Jerry Boyd
Pat Gilbert

COMMITTEE ABSENT

None

COUNCIL PRESENT

Jim Stapley

STAFF PRESENT

C.K. Luster
Lin Adams
Don Ayers
Dan Brewer
John Brewer
Richard Clore
Kieth Dixon
Anthony Fajardo
Elva Fimbres
Gregory Fowler
Cathy Galloway
Mike Hutchinson
Lars Jarvie
Rodney Johnston
Michael Kalember
Larry Lines
Mark Mitchell
Ellen Pence
Bryan Raines
Paula Sloan Rivera
Janice Strauss
Mike Whalen
Allen Wick
Others

OTHERS PRESENT

Diane Connelly
Deborah Dickinson
Linda Frye
Kathy Keller
Kathleen Lawrenz
Earle Lincoln
Rhonda Marinakis
Gregg Mark
Paula Svetlecich
Others

1. Discuss and consider possible additional regulation of bathhouses massage parlors and therapy centers.

Tax and Licensing Administrator Larry Lines stated that massage establishments in Arizona are currently regulated by the cities but that the City of Mesa feels it should not be involved in determining the technical ability of who is qualified to practice massage therapy. Mr. Lines

explained that for this reason, Mesa has maintained minimal licensing fees and regulatory procedures. Mr. Lines advised that the Police Department has recommended that the fees be increased and an educational component added to the requirements for licensure and referred to the December 18, 1995 staff report outlining the proposed revisions. Mr. Lines added that the report and notification of the Police Committee meeting have been distributed to all licensed massage establishments in Mesa.

Police Captain Greg Fowler stated that staff has expressed concern that the City's lenient requirements may encourage individuals who do not intend to operate legitimate massage facilities to apply for a license. Captain Fowler commented that staff's recommendations were designed to minimize such instances while increasing the standard for bona fide establishments. Captain Fowler added that staff has recommended that licensing fees be increased to \$100 for establishments and therapists, renewable annually, \$25 for therapist trainees, renewable every six months, and that an application fee of \$50 be assessed.

Linda Frye, Center for Relaxation, 925 South Gilbert, stated opposition to imposing an educational requirement and expressed the opinion that therapists obtain greater benefit from learning from health care providers, such as chiropractors, than from formal education. Ms. Frye added the opinion that the proposed fee increases are excessive. Ms. Frye suggested increased monitoring of massage establishments by Mesa Police.

Diane Connelly, Radiant Health Systems, 2659 West Guadalupe, #D 110, expressed the opinion that the massage industry should be regulated by the State of Arizona. Ms. Connelly said that she supports implementing an educational requirement and noted that other states that regulate the massage industry require an average of 500 hours of education. Ms. Connelly concurred that Police monitoring of massage establishments should be increased.

In response to a question from Committeemember Boyd, Ms. Connelly stated the opinion that the increasing number of massage license applications may be due to the leniency of the City's requirements.

Kathy Keller, Massage Works Therapy Center, 123 North Centennial Way, suggested that a 200-hour education requirement be implemented that includes at least 100 hours of anatomy and physiology with the remaining hours in elective technique. Ms. Keller stated support for the proposed \$100 licensing fee provided the additional funds would assure increased monitoring of massage establishments. Ms. Keller displayed a license from the City of Scottsdale which includes a photograph and added that the license fee is \$150.

In response to a question from Committeemember Boyd, Ms. Keller stated that in the two years that she has owned her massage establishment in Mesa, she has never been openly inspected. Ms. Keller requested that the words "bathhouses" and "parlors" be deleted from the City code and the license issued by Mesa.

Rhonda Marinakis, Institute for Natural Therapeutics, 108 West University, stated that she has owned a massage therapy school for eight years which offers 200-, 500-, and 1,000-hour programs in response to the surrounding communities' licensing requirements. Ms. Marinakis

expressed the opinion that a minimum of 500 hours should be required for licensing as a massage therapist and noted that a beautician is typically required to complete 1,200 to 2,000 hours of education to obtain a license. Ms. Marinakis stated that the City of Chandler requires 750 hours of education to become licensed and added that this requirement is the highest of the communities surrounding Mesa.

Kathleen Lawrenz, Kasian Chiropractic, 239 West 9th Place South, expressed opposition to granting training licenses. Ms. Lawrenz said that she is nearing completion of a 2,000-hour educational program and stated the opinion that at least 500 education hours should be required for a license. Ms. Lawrenz encouraged the removal of the words "parlor" and "bathhouse" from Mesa's license.

Deborah Dickinson, 123 North Centennial Way, #213, advised that she is a massage therapist for Massage Works Therapy Center and supports State licensing of massage businesses. Ms. Dickinson concurred with a previous speaker's remarks concerning the difficulty of learning massage in a formal school setting but expressed support for a minimum education requirement. Ms. Dickinson encouraged greater enforcement efforts but expressed concern that unscheduled inspections may interfere with the privacy clients expect during a therapeutic massage.

Gregg Mark, 123 North Centennial Way, stated that he is employed by Massage Works Therapy Center and advocates State licensing of massage establishments. Mr. Mark said that he supports increased monitoring of massage facilities and an education requirement of at least 200 hours. Mr. Mark expressed the opinion that increased licensing fees would not eliminate non-legitimate operations. Mr. Mark commented on the number of licenses currently existing in Mesa and suggested that licensing only be required for practitioners and not establishments.

Paula Svetlecich, 3536 East Cambridge Street, Phoenix, stated that she is a student of massage therapy and supports a 500-hour education requirement to obtain a license. Ms. Svetlecich distributed a San Diego massage therapy license that includes the practitioner's photograph and fingerprint and suggested that a similar license be provided for Mesa therapists. Ms. Svetlecich stated the opinion that the proposed \$100 licensing fee is not excessive.

Earle Lincoln, Lemon Tree Therapeutics, 573 South Monte Vista, Chandler, stated that he intends to open a massage facility and supports a 200-hour education requirement. Mr. Lincoln added the opinion that the current licensing fees are appropriate and do not require revision.

Chairman Jensen thanked the citizens for their comments. After brief discussion, Chairman Jensen advised that it is the consensus of the Committee to recommend to the Council that the City Code be amended to 1) remove the words "parlor" and "bathhouses," 2) license both on-premise and off premise massage therapy work, 3) include therapist trainees under the establishment's license, 4) include special building code and fire department requirements for massage therapy establishments, and 5) include other provisions with respect to state of dress, hours of operation, sexual conduct, restricted premises, etc.

Chairman Jensen recommended in addition to the above-proposed regulatory requirements, 1) a 500-hour education requirement, 2) a \$25 application fee, 3) a \$100 establishment licensing fee and a \$50 therapist licensing fee, both renewable annually, and 4) a \$12 fingerprinting fee.

Committeemember Gilbert stated support for Chairman Jensen's recommendations concerning a revised fee schedule but expressed the opinion that additional education hours consistent with the City of Chandler may be appropriate.

Committeemember Boyd expressed the opinion that 500 hours of education is a sufficient requirement.

(Chairman Jensen excused Committeemember Gilbert from the meeting at 8:40 A.M.)

In response to questions from Committeemember Boyd, Police Chief Lars Jarvie advised that undercover Mesa Police Officers inspect massage establishments in response to complaints. Chief Jarvie explained that routine inspections are not conducted due to lack of available resources.

Councilmember Stapley recommended in addition to the regulatory requirements listed by Chairman Jensen, 1) a 500-hour education requirement, 2) a \$150 establishment application fee and a \$125 therapist application fee, 3) a \$100 license fee for the establishment and a \$50 license fee for the therapist, 4) a \$25 fingerprinting and background investigation fee, and 5) a semiannual license renewal fee of \$50 for an establishment and \$25 for therapists.

Discussion ensued concerning liability insurance. Various speakers commented that they maintain between one and four million dollar liability and/or malpractice coverages.

Councilmember Stapley suggested that hair salons and beauty and barber shops be listed as exclusions in the proposed regulatory provisions.

It was moved by Committeemember Boyd, seconded by Chairman Jensen, that staff prepare two options for the Council's review concerning the fee structure and education requirements for massage therapy establishments.

Upon tabulation of votes, it showed:

AYES - Boyd-Jensen
NAYS - None
ABSENT - Gilbert

The Chairman declared the motion carried unanimously by those present.

2. Review the fatality accident report for 1995 and consider possible implementation of a program for control of traffic offenses.

Police Chief Lars Jarvie provided accident statistics for Mesa and advised that 26 fatal collisions occurred in 1994 while 36 occurred in 1995, an increase of 30 percent. Chief Jarvie stated that the increase prompted the Police Department to evaluate new methods of traffic enforcement.

Police Lieutenant Richard Clore advised that the 1995 fatal accident figure is the greatest number that has occurred in Mesa to date and added that this statistic ranks the City above the annual national fatality average. Lieutenant Clore provided a breakdown of the primary causal factors resulting in death and noted that a significant number of accidents were related to intersection violations and/or conditions. Lieutenant Clore listed the ten intersections in which the greatest number of fatal accidents occurred for the year ending December 31, 1994.

Lieutenant Clore commented on the proactive measures Mesa has taken to enhance traffic enforcement. Lieutenant Clore discussed Mesa's DUI (Driving Under the Influence) motorcycle squad and stated that the Police Department has tentatively budgeted for an additional squad for Fiscal Year 1996/97. Lieutenant Clore spoke concerning the 1995 East Valley DUI Task Force in effect for 12 days during the Christmas and New Years holidays and stated that during the three days the Task Force worked in Mesa, 204 impaired drivers were arrested.

Lieutenant Clore advised that the recently-implemented mobile speed/radar trailer warns drivers of excessive speeds on residential streets. Lieutenant Clore said that a one month waiting list exists for the equipment and that public comments on the program have been positive. Lieutenant Clore added that three additional trailers are tentatively budgeted for assignment to each police sub-station. Lieutenant Clore said that the radar gun sign-out program is a similar concept in which a radar gun is temporarily supplied to concerned residents to monitor traffic in their neighborhoods. Lieutenant Clore stated that a waiting list exists for the three available radar guns.

Lieutenant Clore stated that photo radar equipment has been evaluated as part of the Police Department's efforts to utilize developing technology to enhance traffic enforcement. Lieutenant Clore said that current research suggests a strong relationship between the use of photo radar equipment and the reduction of traffic collisions and added that every city that has implemented photo radar has witnessed a dramatic decrease in the number of traffic accidents.

Lieutenant Clore provided statistics concerning 1995 calls for service related to traffic accidents and stated that three contributing factors were DUI, excessive speed, and intersection-related violations such as running a red light or failure to yield. Lieutenant Clore added that 37 percent of traffic fatalities are directly related to intersections. Lieutenant Clore said that photo-radar has been evaluated by the Department for speed and red light enforcement.

Lieutenant Clore advised that the photo-radar speed program is similar to the system utilized in the Town of Paradise Valley. Lieutenant Clore said that the equipment is mounted on a police truck in locations with excessive speed violations. Lieutenant Clore stated that the program can be significantly publicized and provides the benefits of a motorcycle officer except

that the officer must periodically remove him/herself from the area to issue citations. Lieutenant Clore added that when an officer is removed from the area, violations increase.

Lieutenant Clore stated that the red light enforcement program involves placing cameras at the ten intersections with the greatest traffic accident rate. Lieutenant Clore said that the camera photographs vehicles who enter the intersection after the signal has turned red. Lieutenant Clore expressed the opinion that the program is cost effective and that one intersection camera is equivalent to the efforts of 19 police officers in the same intersection.

In response to a question from Committeemember Boyd, Lieutenant Clore stated that the vendor providing support for the photo-radar equipment will agree to a one- or three-year contract. Lieutenant Clore added that, upon the Council's approval, the system could be operational by July 1, 1996.

Chief Jarvie noted that Police staff has discussed the two proposed photo-radar systems and unanimously support their implementation in Mesa.

Chairman Jensen stated support for implementing photo-radar enforcement and indicated that Committeemember Gilbert requested that his support of the programs be noted.

It was moved by Committeemember Boyd, seconded by Chairman Jensen, to recommend to the Council that a program for control of traffic offenses be implemented.

Committeemember Boyd expressed the opinion that elimination of the u-turn option in all major City intersections may enhance traffic safety.

Upon tabulation of votes, it showed:

AYES - Boyd-Jensen
NAYS - None
ABSENT - Gilbert

The Chairman declared the motion carried unanimously by those present.

3. Hear and consider a report of the usage of time by patrol officers.

Assistant Police Chief Mike Whalen referred to a December 20, 1995 staff report detailing Mesa Patrol Officers' daily time allocation. Chief Whalen said that time is divided into Administrative, Calls for Service, and Pro-active and that each category comprises approximately 25 percent, 60 to 65 percent, and 13 to 14 percent, respectively.

Chief Whalen explained that the percentage of time spent on pro-active duties, such as traffic stops, evidence processing, and on-view investigations, should increase to 16 percent after current trainees graduate this March. Chief Whalen added that when another group of trainees graduate in October 1996, pro-active time should increase to 20 percent assuming other factors

remain constant. Chief Whalen advised that the City is attempting to staff the Department to eventually realize a 30 percent pro-active time allocation.

In response to questions from the Committee, Chief Whalen advised that 96 recruits will be requested in the next budget cycle and added that this is the greatest number of officer recruits who can be effectively trained with the current level of personnel and training facilities. Chief Whalen added that Police staff will not grow annually by the same number due to the loss of approximately 40 officers per year to attrition.

Chief Jarvie stated that if the Department continues to obtain approval for 96 new recruits per year, it should be appropriately staffed in the next two to three years. Chief Jarvie added that should this figure be decreased substantially within that time, Mesa will not reach its goal to maintain an appropriate number of officers for a City the size of Mesa.

4. Hear a report concerning the Cops Ahead Community Policing Program.

Chief Jarvie introduced the Police Officers involved in the Cops Ahead Program: Tony Fajardo, Mark Mitchell, Alan Wick, Cathy Galloway, Kieth Dixon, and Michael Kalember.

Police Officers Alan Wick and Cathy Galloway addressed the Committee. Officer Wick provided a summary of the Cops Ahead Community Policing Program initiated at 718 South Alma School Road in September 1995. Officer Wick explained that the 100-unit apartment complex was ranked number one for calls for service. Officer Wick stated that staff worked with the apartment complex management, community relations agencies, and other City departments. Officer Wick noted that police perception was poor among the residents at the beginning of the program but has improved considerably.

Officer Galloway advised that calls for service to the complex for September, October, November, and December 1995 numbered 62, 79, 44, and 21, respectively. Officer Galloway stated that staff is developing a merchant's association for all four corners of Alma School Road and 8th Avenue. Officer Galloway indicated that as calls for service from the complex decreased, calls for service for the four surrounding grids also decreased by 35 percent. Officer Galloway explained that the complex has completed the third phase of the Crime Free Multihousing Program and will be awarded its certification.

Chairman Jensen commended the Cops Ahead program and the Police Officers for working with the community.

5. Hear a report concerning the Citizens on Patrol Program.

Police Lieutenant Rodney Johnston explained that the Citizens on Patrol Program is designed to encourage citizens to be pro-active in maintaining safety and law and order in their neighborhoods. Lieutenant Johnston said that the Program was first established several months ago in the Lehi area and that currently 80 residents participate in the Program. Lieutenant Johnston stated that staff provided the residents with three training sessions and that the group has progressed independently from that point. Lieutenant Johnston advised that

the result of the Program has been a significant reduction of neighborhood crime and drug and juvenile problems at the Lehi school. Lieutenant Johnston credited the Program for improving the relationship between the residents of Lehi and the Police Department.

Lieutenant Johnston advised that recent publicity about the Citizens on Patrol Program has prompted other neighborhoods to approach staff about initiating a Program in their areas. Lieutenant Johnston stated that if an organized effort by the neighborhood to initiate the Program is evident, staff will offer training and proposes to eventually assign an officer to each district.

Chief Jarvie stated that the limited number of neighborhoods that have requested the Program to date can be accommodated by staff at its current level, but added that if future demands increase, a program coordinator would need to be assigned. Chief Jarvie stated the opinion that the program will eventually expand throughout Mesa.

Chairman Jensen complimented the Department on the Citizens on Patrol Program.

6. Adjournment.

It was moved by Committeemember Boyd, seconded by Chairman Jensen, that the meeting adjourn at 9:50 A.M.

The Chairman declared the motion carried unanimously by those present.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee of the City of Mesa, Arizona, held on the 16th day of January, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of January 1996

BARBARA JONES, CITY CLERK

Alternative Proposals
Massage Therapy Regulations and Fees

License Fee - Establishment	\$100	\$100
License Fee -Individual	50	50
Establishment Application Fee	25	150
Therapist Application Fee	25	125
Fingerprinting/Background	12	25

Renewal Fee - Annual

Establishment	100	
Therapist	50	

Renewal Fee - Semiannual

Establishment		50
Therapist		25

Education - 500 hours from a State-licensed massage therapy training school.