

POLICE COMMITTEE MINUTES

November 15, 1999

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 15, 1999 at 2:45 p.m.

COMMITTEE PRESENT

Pat Pomeroy, Chairman
Bill Jaffa
John Giles

COMMITTEE ABSENT

None

COUNCIL PRESENT

Jim Davidson
Keno Hawker

STAFF PRESENT

C. K. Luster
Don Ayers
Neal Beets
Denise Bleyle
Linda Crocker
G. T. Fowler
Jan Strauss
Others

OTHERS PRESENT

Barrett Marson
Robbie Sherwood
Marilyn Wennerstrom
Others

1. Discuss and consider proposed revisions to the massage therapist and the massage establishment regulations.

In response to a request from Chairman Pomeroy, City Attorney Neal Beets reviewed the major components of the proposed ordinance and advised that two changes are being recommended. Mr. Beets stated that the two proposed changes to the ordinance have been developed in response to concerns expressed by the Tax & Licensing Department which administers tax and licensing programs for the facilities and issues raised by the Police Department.

Mr. Beets advised that the first proposed revision would enhance the ability of the Police Department to access the facilities when the facilities are open and during reasonable business hours. Mr. Beets noted that search warrants would not be required and explained that access would be a feature of the license.

Mr. Beets informed the Committee that the City has been experiencing difficulties with a particular classification of massage therapists known as "trainees." Mr. Beets explained that several years ago the Council reviewed this issue and initiated a substantial modification to the entire Code. Mr. Beets added that at that time input from the industry was received relative to the City's intention to increase the education

requirement to 500 hours to become a licensed massage therapist. Mr. Beets explained that the industry expressed concerns relative to the status of students who were still attending school and had not yet completed the 500 hours required training. Mr. Beets commented that in response to this input, the City drafted an addition to the Code which allowed trainees to operate if they had enrolled in an accredited school teaching massage techniques. Mr. Beets reported that although trainees have enrolled in the schools, they have not necessarily attended the classes and have been circumventing the actual intent of the added provision. Mr. Beets also informed the Committee that a number of trainees are working without the direct supervision by anyone at the establishment. Mr. Beets stated that the second proposed revision to the ordinance states that in order to qualify as a "trainee," students must have a minimum of 200 hours of the 500 required hours of total educational requirements to obtain a "trainee" license. Mr. Beets emphasized that the ordinance will also require students not only to enroll in the school, but to actually attend the school to complete the 500 hour requirement.

Mr. Beets advised that the proposed changes have been discussed with some members of the industry and said that no concerns have been expressed regarding the recommendations. Mr. Beets commented that although the industry may prefer that additional changes be made to the ordinance in the future, including the establishment of a licensing board for massage therapists and/or the development of a licensing test, staff decided to bring forward the immediate concerns from a public health, safety and Police standpoint at this time. Mr. Beets stated the opinion that once the recommended changes are approved, the City will be in a better position to monitor the businesses and could address additional changes in the future.

In response to a question from Chairman Pomeroy, Mr. Beets advised that Tax & Licensing Administrator Don Ayers has contacted the industry regarding this matter and received their input.

Mr. Ayers addressed the Committee and advised that he has contacted both Mr. Burton and Mr. Lockhart, who had previously expressed concerns, and informed them that industry concerns will be addressed at a later date.

Chairman Pomeroy spoke in support of the proposed ordinance but stated that the City should continue to review this issue and initiate additional stipulations in the future.

Committeemember Giles concurred with Chairman Pomeroy's comments and said that the cities of Mesa and Tempe are the only municipalities that allow "trainees" and questioned why Mesa has permitted this to occur.

Mr. Ayers informed the Committee that the City of Mesa did not have an ordinance governing this issue until 1996 and at that time an educational requirement of 500 was implemented in order to be licensed. Mr. Ayers said that a number of the "trainees" at that time had not achieved the 500 hours and so to accommodate that group of individuals, the City adopted the provision that trainees enrolled in a massage therapist school would be allowed to qualify for a license. Mr. Ayers spoke in support of the proposed revisions and expressed the opinion that the revisions will eliminate abuses that have been occurring.

Committeemember Giles commented that although he supports staff's recommendations, he also supports the adoption of more stringent industry-recommended changes in the future.

In response to a question from Committeemember Jaffa, Mr. Beets stated that the City of Mesa does not license individuals who perform acupuncture.

Discussion ensued relative to the benefits of State-regulations, the fact that licensing appeals will be heard by a hearing officer and if no decision is made, the City Council will review the matter, and the fact that provisional licenses are being issued and investigative derogatory (criminal) background checks may result in the loss of the license.

It was moved by Committeemember Giles, seconded by Committeemember Jaffa, to recommend to the Council that the proposed revisions to the massage therapist and massage establishment regulations, be approved.

Carried unanimously.

City Manager Charles Luster advised that this item has been placed on the agenda of Council meeting that will be held this afternoon for Council consideration and action.

Chairman Pomeroy requested that staff pursue the issue of State rather than local licensing.

2. Adjournment.

Without objection, the meeting of the Police Committee adjourned at 3:22 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee Meeting of the City of Mesa, Arizona, held on the 15th day of November, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK