



PUBLIC SAFETY COMMITTEE

December 6, 2010

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 6, 2010 at 3:41 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairperson
Dina Higgins
Scott Somers

COMMITTEE ABSENT

None

STAFF PRESENT

Alfred Smith
Mike Comstock

1. Items from citizens present.

There were no items from citizens present.

2-a. Hear a presentation and discuss hypothermia resuscitation and its benefits for cardiac patients.

Fire Chief Harry Beck addressed the Committee and stated that part of the department's vision for providing Emergency Medical Services to Mesa's citizens includes the investigation of new areas in order to provide the most advanced care in a field setting. He explained that Deputy Chief Keith Pyers, who is unable to be present today, was instrumental in developing the pilot program with the hospitals, and he introduced Assistant Chief Mary Cameli to make the presentation.

Chief Cameli said the hypothermic resuscitation study addresses three of the Council's initiatives: Community Engagement, Quality of Life, and Regional Leadership. She advised that the six-month study treats cardiac arrest patients with cool IV (intravenous) fluids and cold packs on the body once a pulse is resumed. Chief Cameli reported that this process has been in place in operating rooms for almost 50 years and has proven to enable a higher patient survival rate with fewer deficits.

Chief Cameli advised that the Mesa Fire Department responds to an average of one cardiac arrest patient per day and the Fire Stations with the majority of the calls, Stations 1, 5 and 6, are the stations involved in the study. She said that the participating hospitals are Banner Baywood and Arizona Regional, which have the highest number of cardiac patients per year. Chief

Cameli noted that the study may also lead to treating stroke patients and individuals with spinal cord injuries. She stated that the cooling process may also be used on firefighters during recovery efforts due to the fact that when firefighters die of heart attacks, it is typically within 48 hours of strenuous activity such as fighting a major fire. Chief Cameli reported that during the study to date, nine cardiac arrest patients have been treated with this therapy, and she explained that the therapy is restricted to patients that are medically coded in nature and over 18 years of age. She added that Phoenix and Apache Junction are the only other departments in the Valley that are beginning to utilize this type of therapy.

In response to a question from Committeewoman Higgins, Chief Cameli advised that trucks are equipped with coolers and some fire engines are equipped with small refrigerators for storage of the IV fluids.

Chairperson Kavanaugh commented that this was a promising study utilizing an old technique.

Responding to a question from Chairperson Kavanaugh, Chief Cameli stated that although information is limited, 55 locations nationwide are utilizing the therapy and it is unknown if any of these locations are fire stations.

Chief Beck credited the State Medical Director and the Mesa Fire Department's medical director, Dr. Gary Smith, for encouraging advancements in emergency medical care. He said the cooling therapy was a natural progression for the department.

Chairperson Kavanaugh thanked Chief Beck and Chief Cameli for their regional leadership on this issue, and he stated that the Committee looked forward to hearing the results of the study.

2-b. Hear a presentation and discuss the Police Department's Immigration and Customs Enforcement Protocol.

Police Chief Frank Milstead introduced Assistant Chief John Meza and Police Staff Attorney Nancy Sorensen to make a presentation regarding the impact of Senate Bill (SB) 1070.

Chief Meza addressed the Committee and displayed a PowerPoint presentation (**see Attachment 1**) in order to provide an update on changes made to the department's protocol as a result of the new State Law which became effective on July 29, 2010.

Chief Meza advised that that SB 1070 did not alter the primary focus of the department's policy, which is to maintain an atmosphere of trust within the community that encourages a citizen to report a crime and enables the department to fight crime. He stated that prior to SB 1070, Immigration and Customs Enforcement (ICE) protocol restricted department personnel from asking the following individuals about his or her immigration status: a victim or witness of a crime, a juvenile or a person cited for a civil traffic violation or a community volunteer in police service while operating in a volunteer capacity. Chief Meza said that under SB 1070, questions regarding immigration status went from "shall not ask" to "may ask." He noted that the current policy continues to emphasize building trust within the community to encourage citizens to come forward with information. Chief Meza reported that he recently reviewed the changes in protocol with the Hispanic Forum and at a Mesa Latino Town Hall.

Chairperson Kavanaugh commented that the law has changed from prohibiting officers to inquire about immigration status to providing officers with the discretion to make such an inquiry.

In response to a question from Chairperson Kavanaugh, Chief Meza advised that each officer would determine the impact of inquiring about immigration status relative to the case that is being investigated.

Chief Milstead advised that because Mesa's policy was sound to begin with, there has been very little change as a result of the passage of SB 1070.

Responding to a comment from Chairperson Kavanaugh, Chief Milstead noted that he recently met with Homeland Security Secretary Janet Napolitano and John Morton, who is in charge of ICE. He said that ICE is basically following the same policy as the City of Mesa in that criminals are being targeted for deportation.

Chairperson Kavanaugh thanked staff for update.

2-c. Hear a presentation and discuss the Massage Establishment Ordinance.

Chief Meza displayed a Power Point presentation (**see Attachment 2**) and advised that the presentation would provide an update on the Massage Establishment Ordinance, which was established in March of this year and requires registration with the City of owners and managers. He reported that since the ordinance became effective, 63 businesses cancelled their licenses, 38 new business licenses were issued and 109 massage establishments are currently licensed in the City of Mesa. He also reported that of the 159 applications for a manager's license, 19 were denied based on prior criminal activity and 11 applications are pending a criminal history review. Chief Meza noted that the requirement for an on-site manager has been very effective. He reviewed the results of inspections for each of the patrol districts (see pages 6 and 7 of Attachment 2). Chief Meza stated that a higher conviction rate has been achieved as a result of having a solid ordinance in place. He noted that many massage establishment employees are working in this country on visas and therefore, these individuals are very concerned about incurring any criminal violations. Chief Meza said that prostitution continues to be an area of concern and different strategies are being considered in order to improve enforcement.

Business License and Revenue Collection Administrator Tim Meyer reviewed proposed updates to the Massage Code (**see Attachment 3**). He noted that the proposal to utilize government-issued photo identification would eliminate the burdensome task of having staff take photographs of applicants.

In response to a question from Chairperson Kavanaugh, Mr. Meyer advised that although they are unaware of any licenses being transferred, staff believed that the Code should be clarified to state that all licenses are non-transferrable. He also provided a breakdown of the offenses that are classified as administrative offenses and criminal offenses.

Responding to a question from Committeewoman Higgins, Mr. Meyer confirmed that the licenses referred to are the State-issued Massage Therapist License and the City-issued establishment license and manager's license.

Chairperson Kavanaugh noted, and Mr. Meyer confirmed, that many of the massage establishments are represented by the same attorney.

In response to a question from Chairperson Kavanaugh, Deputy City Attorney Alfred Smith advised that the items before the Committee are for presentation and discussion; however, the Committee could choose to provide further direction to staff regarding the issues.

Chairperson Kavanaugh, with the concurrence of the Committeemembers, directed staff to proceed to draft an ordinance that incorporates the changes as outlined. He thanked staff for the update and the presentation.

Mr. Meyer noted that although the presentation noted that 44 managers were out of compliance, a recent letter to each establishment resulted in 38 of these managers becoming compliant and the remaining six establishments will receive suspension letters for not complying with the Code. He added that the State of Arizona may not issue future licenses with a photo, which is the reason for staff proposing to require the presentation of a government-issued ID.

Chief Milstead stated that staff would continue to keep the Committee informed regarding the status of massage establishment operations.

3. Adjournment.

Without objection, the Public Safety Committee meeting adjourned at 4:15 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 6th day of December 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

baa

Attachments (3)

**MESA POLICE DEPARTMENT
ARREST ORDERS
IMMIGRATION AND CUSTOMS
ENFORCEMENT PROTOCOL**

**Public Safety Committee
December 6, 2010**

PURPOSE

- The purpose of this report is to provide the Public Safety Committee with an update on the changes made to the Mesa Police Department's Immigration and Customs Enforcement Protocol as a result of newly enacted State Law concerning Immigration and Border Security.

BACKGROUND

- Senate Bill (SB) 1070, Immigration; Law Enforcement; Safe Neighborhoods Bill, was signed into law by the Governor on April 23, 2010. House Bill (HB) 2162, which amended SB 1070, was signed into law on April 30, 2010 (hereinafter collectively referred to as SB 1070) and became effective on July 29, 2010.

BACKGROUND CONTINUED

- Like every other law enforcement agency in the State, MPD had to revise its Immigration and Customs Enforcement Protocol to comply with the newly enacted State law.
- SB 1070 did not alter the primary focus of the MPD which is to maintain an atmosphere of trust within our community. Without the community's trust, MPD's crime fighting ability would be severely impaired. Encouraging the public to report criminal activity and cooperate with law enforcement is critical for MPD to operate effectively.

Immigration and Customs Enforcement Protocol

- SB 1070 did not significantly change the MPD's existing Immigration and Customs Enforcement Protocol that was last discussed with the City Council on December 4, 2008.
- There was, however, one notable change to existing MPD policy.

Immigration and Customs Enforcement Protocol

- SB 1070 prohibits cities, towns, and counties from having any policy in place limiting the investigation of violations of federal enforcement laws to less than the full extent permitted by federal law.
- The MPD Pre-SB 1070 Immigration and Customs Enforcement Protocol restricted department personnel from asking a victim or witness of a crime about his or her immigration status; a juvenile or a person cited for a civil traffic violation; and a person seeking medical assistance or a community volunteer in police service while operating in the volunteer capacity.

Immigration and Customs Enforcement Protocol

- Since SB 1070 prohibits a policy that restricts investigations under federal enforcement law, the MPD Immigration and Customs Enforcement Protocol was revised to allow the inquiry into immigration status as a factor to be considered, along with others, when determining whether to question the person about immigration status within the scope of a criminal investigation.

CONCLUSION

- The primary focus of the MPD is to maintain an atmosphere of trust within our community. MPD's crime fighting ability would be severely impaired without the community's trust. Therefore, it is necessary to continue to encourage the public to report criminal activity and cooperate with law enforcement in order for MPD to operate effectively.

**City of Mesa
Massage Establishment
Ordinance**

**Enforcement Update
Public Safety Committee
December 6, 2010**

PURPOSE

- The purpose of this report is to provide the Public Safety Committee with an update on enforcement efforts under the City of Mesa's (City) Massage Establishment Ordinance.

BACKGROUND

- On March 7, 2010, the City's Massage Establishment Ordinance went into effect.
- The Massage Establishment Ordinance placed several requirements on massage establishments conducting business in the City to include application, registration and permit requirements of owners, managers, and massage therapists as well as interior design and safety requirements on the business.

MESSAGE ESTABLISHMENT ORDINANCE

- There were 123 licensed massage establishments' within the City prior to the enactment of the Massage Establishment Ordinance.
- When the Ordinance was passed, 63 massage establishment business licenses were cancelled and 38 new business licenses were issued.
- Currently, there are 109 massage establishments licensed to conduct business within the City.
- Also, since the Ordinance was passed, there have been 159 applications for a manager's license. 19 applications were denied based on prior criminal activity and 11 applications are pending a criminal history review.

ENFORCEMENT

- One requirement under the Ordinance provides for notification to the City of the on-site manager.
- To date, 68 massage establishment businesses have notified the City while 41 businesses have failed to do so and have received a citation or a warning for non-compliance.
- Since the Ordinance was enacted, MPD representatives have conducted 77 inspections of massage establishment businesses, with the following results:

INSPECTIONS

- **Central Patrol District**

- 17 Massage establishment business licenses
- 8 Massage establishments did not notify the City of the on-site manager
- 14 Inspections resulted in the issuance of 11 violations

- **Dobson Patrol District**

- 29 Massage establishment business licenses
- 8 Massage establishments did not notify the City of the on-site manager
- 31 Inspections resulted in the issuance of 7 violations

INSPECTIONS

- **Red Mountain Patrol District**

- 36 Massage establishment business licenses
- 12 Massage establishments did not notify the City of the on-site manager
- 14 Inspections resulted in the issuance of 3 violations

- **Superstition Patrol District**

- 27 Massage establishment business licenses
- 13 Massage establishments did not notify the City of the on-site manager
- 18 Inspections resulted in the issuance of one (1) violation

- Once a violation is issued, the City's Department of Business Licensing Services is notified and determines what licensing action will be taken.

CONCLUSION

- The MPD will continue to partner with the City's Department of Business Licensing Services to monitor compliance with the City's Massage Establishment Ordinance to ensure quality of life in our community.



Date: December 6, 2010
To: Public Safety Committee
Through: Patricia Sorensen, Acting Deputy City Manager
From: Ed Quedens, Business Services Director
Tim Meyer, Business Licensing & Revenue Collections Administrator
Subject: Massage Code Updates

Based on information from the Police Department and observations from the court cases and appeals, changes are being recommended to address the issues and deficiencies of the current code. If there is concurrence, an ordinance will be drafted and submitted to the Council for consideration.

The primary changes revolve around the massage manager license, enforcement and accountability. There have also been arguments presented to the court regarding what aspects of the code are criminal and what aspects are administrative.

- Create provision for a temporary manager
 - Screening & approval process
 - Time period
- Clarify wording of 1st year license fees
- Substitute government-issued photo ID for photo requirement
- Make all licenses non-transferable
- Require licensee to obtain written approval for changes to:
 - Hours of operation
 - Space configuration
 - Services
 - Managers
- Provide a process to hold license issuance if Misdemeanor charges pending
- Make Administrative Offense if:
 - Therapists can't produce government-issued photo ID upon request
 - License with correct name and address is not posted
 - Licensee who is exempt from Manager's License requirement can't produce form validating such upon request
- Make Criminal Offense if:
 - Establishment licensee does not have license of all managers and therapists available for inspection upon request
 - Establishment is open for business outside approved hours
 - Establishment is open without manager on site, if a manager is required