



CITY COUNCIL AGENDA REPORT

MEETING DATE: June 15, 2010

ITEM NUMBER:

SUBJECT: AN URGENCY ORDINANCE EXTENDING UP TO A MAXIMUM OF 12 MONTHS, INTERIM ORDINANCE NUMBER 09-7 IMPOSING A CITY-WIDE MORATORIUM ON THE APPROVAL OF ANY BUSINESS LICENSE, USE PERMIT, OR ANY APPLICABLE APPLICATION RELATED TO MASSAGE ESTABLISHMENTS AND/OR MASSAGE PRACTITIONERS.

DATE: JUNE 4, 2010

FROM: POLICE DEPARTMENT/DEVELOPMENT SERVICES

PRESENTATION BY: LES GOGERTY, CAPTAIN (714) 754-5190

RECOMMENDED ACTION:

Staff recommends the following actions:

1. Introduce and adopt urgency ordinance, to be read by title only, and waive further reading.
2. Direct staff to review amended State laws governing massage practitioners to better manage the massage business in the City of Costa Mesa and return to Council with recommended amendments to the Municipal Code.

BACKGROUND:

Since Council adopted the current moratorium on July 7, 2009, staff has been reviewing and assessing potential modifications and enhancements to the City's massage ordinance. This has been in accordance with the newly established guidelines outlined in Senate Bill 731, which was implemented into law in September of 2009. Since this new law has taken effect, law enforcement has recognized a wide array of concerns, which has resulted in the California Police Chiefs Association sponsoring Assembly Bill 1822 (Swanson). The Association believes the California Massage Therapy Council, a non-profit organization that is functioning as a quasi-governmental agency, does not have the resources to do thorough background investigations of applicants for the state license. It is also their opinion the system has already been and will continue to be abused by inappropriate and/or improperly trained applicants slipping through the cracks. In a report from the California Police Chiefs Association to Assemblyman Swanson it states, "We recently did a random/regional sample of California Massage Therapy Council applicants and found that 57% were known prostitutes, 32% were of unknown legitimacy and required further inquiry, and only 11% were legitimate." Due to this new pending legislation, staff will need additional time to assess and evaluate the impact it may have on pending revisions and modifications to the Municipal Code. Please see Attachment 2 for additional background information.

Staff sent notices of this public hearing to all existing massage establishment and massage practitioner license holders in the City.

CONCLUSION:

The current moratorium on the issuance of any new or expansion of any existing massage establishment permits, or the issuance of any new (non-replacement) massage practitioner permits will expire on July 2, 2010. Therefore, staff recommends that Council adopt the attached urgency ordinance which extends the moratorium for an additional 12 months. This extension will give staff adequate time to return to Council with recommended amendments to the City's massage regulations, which reflect existing State law and the outcome of Assembly Bill 1822. Staff will also bring back to Council appropriate revisions to the City's application fees for massage establishment and massage practitioner licenses.

CHRISTOPHER SHAWKEY

Chief of Police

KIMBERLY HALL BARLOW

City Attorney

DISTRIBUTION: City Manager
 City Attorney
 Finance Director
 City Clerk
 Development Services Director

Attachments: 1. [Urgency Ordinance](#)
 2. [June 1, 2010 City Council Staff Report](#)

cc: Ed Fawcett, Chamber of Commerce