

CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

WORK SESSION
April 12, 2010
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL BY THE CITY CLERK

2 DISCUSSION OF THE 2011-2015 CONSOLIDATED PLAN AND 2010-11 ANNUAL ACTION PLAN

Council input is sought for the 2010-2014 Consolidated Plan and 2010-11 Annual Action Plan. The Consolidated Plan contains goals for achieving housing and community development objectives over the next five years beginning with federal fiscal year 2010. The Annual Action Plan contains recommended allocations for Avondale fiscal year 2010-11 Community Development Block Grant (CDBG) and HOME funds. For information, discussion and direction.

3 SUPPORT OF DISADVANTAGED/SMALL BUSINESS ENTERPRISES

Staff will provide an update on the status of research and development of an ordinance or policy in support of disadvantaged, minority, women owned and small business enterprises (DBE).

4 PROPOSED REPEAL OF THE MASSAGE ESTABLISHMENT ORDINANCE

City Council will receive information regarding the Massage Establishment Ordinance and will seek feedback and direction regarding the proposed removal of this section from the Municipal Code. For information, discussion and direction.

5 ADJOURNMENT

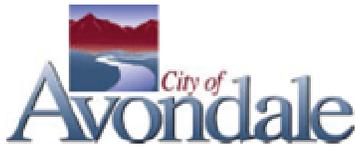
Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez".

Carmen Martinez
City Clerk

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.



CITY COUNCIL REPORT

SUBJECT:

Discussion of the 2011-2015 Consolidated Plan and 2010-11 Annual Action Plan

MEETING DATE:

April 12, 2010

TO: Mayor and Council

FROM: Gina Montes, Neighborhood and Family Services Director (623)333-2727

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The U.S. Department of Housing and Urban Development (HUD) will allocate \$545,000 in Community Development Block Grant (CDBG) funds and Maricopa County will allocate approximately \$200,000 in HOME funds to the City of Avondale for fiscal year 2011 which begins on July 1, 2010 and extends through June 30, 2011. To be eligible to receive the funds the City of Avondale must complete this Consolidated Plan and Annual Action Plan. The Consolidated Plan identifies the housing and community development needs of low-income and special needs persons and prescribes strategies to address them. This plan begins during federal fiscal year 2010. The Annual Action Plan defines how CDBG and HOME resources will be allocated over the next fiscal year. HUD requires that local governments involve the public in completing their Consolidated Plans and Annual Action Plans. Data gathered from the public participation provided the basis for the goals and strategies outlined herein. An Executive Summary of the draft Consolidated Plan is included for City Council review (attached).

BACKGROUND:

The federal objective of the CDBG program is to “develop viable urban communities by providing decent housing, a suitable living environment and economic opportunities for low- and moderate-income persons.” The objective of HOME program is to “create affordable housing opportunities for low-income persons.” Staff is recommending the following goals with respect to CDBG and HOME over the next five years:

Goal 1: Preserve the existing affordable housing stock;

Goal 2: Support new construction and rehabilitation of affordable rental development;

Goal 3: Increase homeownership;

Goal 4: Affirmatively further fair housing in Avondale;

Goal 5: Support organizations that assist the City's special needs population;

Goal 6 : Improve public infrastructure and economic conditions in low-income, economically-challenged neighborhoods;

Goal 7: Reduce Lead Based Paint Hazards in Residential Dwellings in Avondale.

DISCUSSION:

Neighborhood and Family Services (NFS) held an extensive public participation process to receive input for the Consolidated Plan. The first public hearing was held on October 22, 2009. The Neighborhood and Family Services Commission reviewed the plan on October 28, 2009 and February 24, 2010. The Commission recommended that all CDBG funds be allocated to homeownership, rehab and economic conditions.

Following these forums a draft plan was made available to the public for the required 30-day comment period beginning March 1, 2010 and ending April 1, 2010. After considering all input, staff recommends funding the following allocations.

CDBG Allocations: 1) Street Reconstruction \$300,000; 2) Emergency Home Repair \$106,317; 3) Youth Job Training \$30,000; 4) Administration \$109,079.

HOME Allocations: 1) Substantial Rehabilitation \$148,628; 2) Administration \$7,823.

BUDGETARY IMPACT:

The use of \$156,451 in HOME funds will require a 25% non-federal match from the City of Avondale of approximately \$39,000. The match funds are accounted for from several non federal sources including the owner's downpayment and bank funds allocated towards home ownership. CDBG funds do not require match.

RECOMMENDATION:

Review and discuss the Consolidated Plan and Annual Action Plan.

ATTACHMENTS:

Click to download

 [Con Plan Executive Summary](#)

2010-2014 Consolidate Plan Executive Summary

The Executive Summary is optional, but encouraged. If you choose to complete it, please provide a brief overview that includes major initiatives and highlights that are proposed throughout the 3-5 year strategic planning period.

3-5 Year Strategic Plan Executive Summary:

Purpose of the Plan. The U.S. Department of Housing and Urban Development (HUD) has allocated approximately \$500,000 in Community Development Block Grant (CDBG) funds to the City of Avondale for Fiscal year 2010 which begins on July 1, 2010 and extends through June 30, 2011. To be eligible to receive the funds the City of Avondale must complete this Consolidated Plan. The Consolidated Plan identifies the housing and community development needs of low-income and special needs persons and prescribes strategies to address them. HUD requires that local governments involve the public in completing their Annual Action Plans. Neighborhood and Family Services (NFS) held an extensive public participation process to receive input for the Annual Action Plan. The first public hearing was held on October 22, 2009. The Neighborhood and Family Services Commission reviewed the plan on October 28, 2009 and February 24, 2010. Following these forums a draft Annual Action Plan was made available to the public for 30-day comment period beginning on March 1, 2010 and ending April 1, 2010. Data gathered from the public participation provided the basis for the goals and strategies outlined herein.

Geographic Allocation and Priorities. Avondale is targeting its funds to its low-income neighborhoods of Old Town, Cashion, Las Ligas and Rio Vista. Activities identified as priorities are public services for special needs population, owner occupied housing rehabilitation, increasing homeownership opportunities, investing in economically challenged low-income neighborhoods and businesses and street and infrastructure improvements.

Institutional Structure and Enhancing Coordination. The City of Avondale Neighborhood and Family Services (NFS) Department coordinates the development of the Plan. The Plan is reviewed by the NFS Commission and input is sought from the general public and a variety of non-profit, business, governmental, professional and citizen organizations. The City of Avondale enhances the coordination between public and private housing, health and social service agencies by maintaining active involvement in the activities of the local non-profit service providers, local advisory boards and commissions, other government agencies and professional associations especially through planning forums and community events.

Evaluation of Past Performance. The City of Avondale became a CDBG Entitlement city and received approval of its first Consolidated Plan in May 2006. During the previous program year the City of Avondale achieved the following: 1) Owner Occupied Housing Rehabilitation – 45 emergency and 6 substantial projects; 2) Homebuyer Assistance – assisted 40 homebuyers; 3) Public Improvements to Infrastructure – completed street reconstruction in low-income neighborhoods; 4) Youth Job Training and Employment Programs – assisted 20 teens with job training,

summer jobs and tuition assistance; 5) Assisted 5 businesses in the Old Town Neighborhood exterior renovation and business plans.

2010-2014 Consolidated Goals and Objectives

The following table on the following page lists the Goals and Objectives in the City of Avondale’s 5-Year Consolidated Plan:

2010-2014 Consolidated Plan Goals and Strategies	
Goal 1: Preserve the existing affordable housing stock.	Strategy 1.1 Operate a Single-Family Owner-Occupied Housing Rehabilitation Program to conduct emergency and substantial rehabilitation activities using CDBG, HOME and a variety of other funding sources.
	Strategy 1.2 Operate a weatherization program using Maricopa County funding and a variety of other funding sources.
	Strategy 1.3: Incorporate energy and water efficiency standard in rehabilitation and weatherization programs that reduce utility costs.
	Strategy 1.4: Increase awareness about the availability of programs that preserve and promote affordable housing.
Goal 2: Support new construction and rehabilitation of affordable rental development.	Strategy 2.1: Pursue partnerships with non-profit and for-profit developers to construct and rehabilitate affordable rental housing.
Goal 3: Increase homeownership.	Strategy 3.1: Operate a homebuyer assistance program using HOME and a variety of other funding sources.
	Strategy 3.2: Assist agencies conducting homeownership activities in Avondale.
Goal 4: Affirmatively further fair housing in Avondale.	Strategy 4.1: Implement strategies for removing impediments to Fair Housing identified in the Avondale 2010 Analysis to Impediments to Fair Housing.
	Strategy 4.2: Sponsor Fair Housing educational seminars for city staff and housing industry professionals.
	Strategy 4.3: Maintain a page on the City’s website that serves as a public resource for identifying violations of fair housing laws and filing fair housing complaints
	Strategy 4.4: Assist the elderly and persons with disabilities with accessibility improvements to their residences.
Goal 5: Support organizations that assist the City’s special needs population.	Strategy 5.1: Support local and regional agencies that provide shelter, housing and support services homeless and those close to becoming homeless.
	Strategy 5.2: Operate programs that assist low-income and special needs populations in Avondale.
	Strategy 5.3: Operate programs to provide education, job training and recreational activities for youth.
Goal 6 : Improve public infrastructure and economic conditions in low-income, economically-challenged neighborhoods.	Strategy 6.1: Improve streets, sidewalks, lighting, water, sewer and drainage infrastructure in low- to moderate-income Block Groups.
	Strategy 6.2: Construct and rehabilitate community facilities and parks as necessary to meet the educational, recreational and social needs of low income and special needs citizens.
	Strategy 6.3: Assist businesses in low income neighborhoods with improving their buildings and business plans.
	Strategy 6.4: Support new and existing businesses to promote job creation and retention.
Goal 7: Reduce Lead Based Paint Hazards in Residential Dwellings in Avondale.	Strategy 7.1: Adhere to HUD Lead Safe Housing Rule 24 CFR Part 35 in the conduct of rehabilitation and demolition activities
	Strategy 7.2: Provide information to housing recipients as well as the general public about the hazards of lead based paint.

Mission: To develop viable urban communities by providing decent housing, a suitable living environment and economic opportunities principally for low and moderate income persons.

Strategic Plan. This section represents the Five-Year (FY2010-FY2014) Strategic Plan for the City of Avondale, Arizona. The City of Avondale ("Avondale") receives Community Development Block Grants (CDBG) directly from the U.S. Department of Housing and Urban Development (HUD) and HOME funds from the Maricopa HOME Consortium based on its CDBG formula allocation. Avondale is required to complete a Consolidated Plan, Five-Year Strategic Plan, Analysis of Impediments to Fair Housing Choice (AI) and Annual Action Plan prior to receiving CDBG funds. These documents describe the housing and community development needs of low-income and special needs populations in Avondale and prescribes strategies to address them.

Avondale has elected to use a five-year consolidated planning period. The City's program year start date is July 1; therefore, the City's Consolidated Plan and/or Annual Action Plans are due to HUD no later than May 15 of each program year.

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed.
2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) and the basis for assigning the priority (including the relative priority, where required) given to each category of priority needs (91.215(a)(2)).
3. Identify any obstacles to meeting underserved needs (91.215(a)(3)).

3-5 Year Strategic Plan General Questions response:

Geographic Areas Assistance will be Directed. Avondale will direct assistance to low- to moderate-income Block Groups (i.e., where 51 percent or more of households earn less than 80 percent of the HUD-defined area median income). The City has 15 Block Groups that meet these criteria. The Block Groups are:

- Census Tract 612, Block Group 1 (low-mod percentage = 72 percent)
- Census Tract 612, Block Group 2 (low-mod percentage = 62 percent)
- Census Tract 612, Block Group 3 (low-mod percentage = 65 percent)
- Census Tract 612, Block Group 4 (low-mod percentage = 52 percent)
- Census Tract 614, Block Group 1 (low-mod percentage = 75 percent)
- Census Tract 614, Block Group 2 (low-mod percentage = 74 percent)

- Census Tract 614, Block Group 3 (low-mod percentage = 85 percent)
- Census Tract 614, Block Group 4 (low-mod percentage = 83 percent)
- Census Tract 822.01 , Block Group 3 (low-mod percentage = 64 percent)
- Census Tract 822.02, Block Group 1 (low-mod percentage = 62 percent)
- Census Tract 822.02, Block Group 2 (low-mod percentage = 68 percent)

Target neighborhoods that are located in these Block Groups include, but are not limited to, Las Ligas, Old Town Avondale, Rio Vista and Cashion.

A map showing the Avondale’s low- to moderate-income Census Block Groups and Target Neighborhoods appears in **Appendix A**. The City’s low- to moderate-income Census Block Groups are concentrated south of Interstate 10 from the western to eastern City boundaries.

Basis for Geographic Allocation of Investment. CDBG funds will be primarily directed to the low-income Census Tracts listed above in conformance with 24 CFR part 200 provisions requiring at least 70% of funds benefit low and moderate income persons. Funds will be also be made available Citywide for eligible activities that address priority needs outlined this plan.



CITY COUNCIL REPORT

SUBJECT:
Support of Disadvantaged/Small Business
Enterprises

MEETING DATE:
April 12, 2010

TO: Mayor and Council
FROM: Kevin Artz, Finance & Budget Director (623)333-2011
THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff will provide an update on research conducted related to policy options that support disadvantaged, minority, women owned and small business enterprises (DBE).

BACKGROUND:

At the 2010-2011 Council Goal Setting session on November 30, 2009, staff was directed to research and develop an ordinance that supports utilization of DBE on City projects. Staff has done the preliminary research to determine the processes utilized by other agencies around the State of Arizona, and the City's current utilization data, tracking tools and policies.

DISCUSSION:

Describing the Issue

Utilization of disadvantaged business for government projects has been an ongoing concern for several decades. The Federal Government has established agencies that provide assistance to small businesses and businesses that are primarily owned by disadvantaged individuals or members of groups considered to be economically or socially disadvantaged. These businesses are classified as Minority Business Enterprises or Woman Business Enterprises and also referred to MBE/WBE. These groups are commonly referred to as Disadvantaged Business Enterprises (DBE). To be eligible for programs or assistance from these programs, these businesses must meet specific criteria and be able to obtain certification under the program rules.

Federal aid, in some cases requires that a public agency adopt a formal DBE program in order to be eligible for funding. The Federal Highway Administration and Federal Transit Administration only award Federal aid to agencies that have an official DBE program.

Arizona DBE Programs

The Arizona Department of Transportation has developed a program that provides for a uniform statewide certification program, Arizona Unified Certification Program (UCP), which is done in partnership with the City of Phoenix and the City of Tucson. These agencies have developed extensive programs which have the benefit of dedicated staff to administer and monitor the program performance.

In addition, these agencies provide bid incentives to certified businesses to encourage participation. The City of Phoenix provides a 5% incentive for contracts and purchase orders up to \$250,000 and 2.5% incentive for contracts between \$250,000 and \$500,000. The City of Tucson provides up to 7% price preference on goods or service contracts between \$25,000 and \$150,000. The State of Arizona

requires under its procurement code that purchases of goods or supplies of less than \$50,000 be made from a certified small business.

Ultimately the objectives of these programs are to promote the economic development of small businesses and increase the utilization of disadvantaged businesses so that they potentially will graduate from these programs so that procurement practices can be geared more toward gender and race neutral policies. While many of the certified vendors re-certify based on the program requirements, some of the vendors find that their business has grown beyond the financial maximums of the programs and they are no longer eligible, which is actually a measure of the success of the program.

Other Arizona cities around the valley provide assistance to small businesses and have various useful links on their websites for small and/or disadvantaged businesses. Only one of the valley cities researched has a certification program. The following table shows the comparative data of a few select valley cities.

City	Certification Program	DBE Program	SBA Program	Website Resources
Phoenix	Yes	Yes	Yes	Yes
Mesa	No	No	Yes	Yes
Scottsdale	No	No	Yes	Yes
Tempe	No	No	No	Yes
Surprise	No	No	Yes	Yes
Peoria	No	No/UCP	No	Yes
Glendale	No	No	No	No
Goodyear	No	No	No	No

Avondale Policies and Practices

The City of Avondale procurement code currently includes a provision for assistance to S/M/W/DBE. It is required that suppliers of goods or services to the city adhere to a policy of equal employment opportunity. It is required that affirmative steps be taken to locate S/M/W/DBE interested in doing business with the City.

The current procurement policies and practices currently include outreach and encouragement of S/M/W/DBE in all levels of purchases. The administrative procurement policy (AP-23) states that small purchases under \$5,000 should be made utilizing S/M/W/DBE whenever possible. It further requires that for purchases between \$5,000 and \$50,000 that departments contact at least one (1) S/M/W/DBE.

For formal solicitations, over \$50,000, including federally funded projects, all solicitations are advertised in two (2) printed publications: the Arizona Business Gazette and the West Valley View. It is also required that all solicitations be posted on the City's E-Procurement site, currently BuyHub. A copy of each advertisement is sent to the Greater Phoenix Chamber of Commerce who then lists our solicitation with BidSource.

In addition, to increase outreach to all business types, all project plans are posted on the City's website and in eleven (11) plan rooms as listed below:

Arizona Hispanic Chamber of Commerce
Arizona Informant
Bid Ocean

Contractor's Plan Room
 FW Dodge
 Grand Canyon Minority Contractors Plan Rm.
 Integrated Marketing Systems
 National American Business Development Ctr.
 National Association of Minority Contractors
 Northstar Exchange
 Reed Construction Data
 Arizona Black Chamber of Commerce

All advertisements for City solicitations include the following text: *The City of Avondale will endeavor to ensure every way possible that disadvantaged, minority and/or women owned business enterprises (MWBE) shall have every opportunity to participate in providing materials/services without being discriminated against on grounds of race, religion, sex, age, or natural origin. MWBE businesses are encouraged to submit on this request for bids.*

All vendors are encouraged to register on the City's E-Procurement site (BuyHub) to ensure receipt of all solicitations by their preferred category. This site provides for the entry of federal information for all vendors that provide their status including MBE/WBE. The City Procurement website includes the following language: *The City supports and strongly encourages participation from small, disadvantaged, minority, women owned business enterprises (MWBE) and/or labor area surplus firms in all solicitations. When registering with BuyHub.com, be sure to complete the Federal Information section if applicable.*

As required by the City Code, all formal solicitations include a vendor information form that requires that each proposer or bidder provide us with their business type if they are considered to be in any of the S/M/W/DBE categories. It also asks if they have been certified by any Arizona jurisdiction as a minority or woman owned business.

Once a vendor is awarded a contract or a purchase order, they are registered as a City vendor in our financial system, EDEN. The City's vendor registration form currently asks that the vendor provide their profile information including S/M/W/DBE designation. While the EDEN system allows us to capture the categories, the number of fields is limited and does not provide for us to track actual certification information.

After compiling the vendor information since procurement was centralized, FY 2005, the number of S/M/W/DBE registered vendors who received payments for the listed fiscal year has increased by 138% for Minority Owned Firms, 225% for Woman Owned and 26% for Small Businesses. There is overlap between categories as some firms can be listed in multiple classes.

Fiscal Year	Minority Owned	Woman Owned	Small	All Vendors	Pct. Payment \$
2005	13	16	131	2,718	22.5%
2006	10	30	142	2,760	30.1%
2007	18	19	152	2,356	25%
2008	18	34	146	2,265	22%
2009	25	26	108	2,030	33.3%
2010	37	52	165	1,535	23.6%

The data in the system does rely on the vendors "self-designation" of business type. A random sample of EDEN vendors was cross referenced with the UCP to determine if they are currently certified within the State. The sample indicated that only 3% of the vendors are certified.

The lack of current certification can be attributed to a variety of factors. Some businesses may not have sufficient information regarding the certification process, some may not have the administrative staff available to complete the process and some likely do not qualify. While there are advantages to using a certification program to ensure that the utilization data includes only legitimate DBEs, there are also disadvantages. For example, legitimate DBEs may be excluded from the program simply because they are unaware of the certification requirements, lack the administrative capacity to apply, or do not want to go through the comprehensive review/application process.

An adopted DBE program could make the City of Avondale eligible for FWHA and FTA funding for certain projects and would help increase utilization of certified DBEs. Any assistance which helps assure the success of small and disadvantaged businesses is also important to the local economy. With proper certification assistance, local DBEs would have the opportunity to be included on federally funded construction projects.

Implementation of a program that provides incentives for DBEs requires the establishment of goals and a commitment to fully administer and monitor performance. This type of program must ensure that departments have sufficient funding to meet the goals when achievement requires the use of financial incentives and set asides. A bid incentive program of 2.5% - 7% for contracts up to \$250,000 could require additional funding ranging from \$6,250 to \$17,500 per contract.

The current staffing levels are not sufficient to implement the City's own certification program, with full reporting and performance measurement systems, therefore a program that through intergovernmental agreement utilizes and encourages the UCP certification process may be more practical. The City of Phoenix staff has indicated that other jurisdictions have an agreement to use their directory of DBE firms although the extent of reciprocal assistance required of the other agencies has not been fully researched. This type of program would require a full update of financial system vendor data and the development of additional tracking and reporting mechanisms to accurately report utilization. Additional outreach and education efforts to help local vendors obtain certification would also be necessary.

Alternatives:

1) Increased Outreach and Information: Improve current procurement web pages and add approved links to official DBE and small business assistance programs.

Potential costs: \$0 - \$1,000

2) Bid and Scoring Incentive program: Provide a bid incentive of 2% on purchases up to \$150,000 and a five (5) point scoring preference for service purchases up to \$150,000 and Alternative #1.

Potential costs: Up to \$29,000

3) Training and Assistance program: Provide training seminars and staff assistance with preparation of certification documents and Alternative #1 Potential costs: One (1) to Two (2) FTE or services contract, training & materials estimated at up to \$121,000.

4) All of the above.

Potential costs: Up to \$149,000.

RECOMMENDATION:

Staff recommends Alternative #1 with a full evaluation at the end of 12 to 18 months to determine if additional incentive is required and available to increase certification.

ATTACHMENTS:

[Click to download](#)



CITY COUNCIL REPORT

SUBJECT:
Proposed Repeal of the Massage Establishment Ordinance

MEETING DATE:
April 12, 2010

TO: Mayor and Council
FROM: Carmen Martinez, City Clerk (623) 333-1214
THROUGH: Charlie McClendon, City Manager

PURPOSE:

City Council will receive information regarding the Massage Establishment Ordinance and will seek feedback and direction regarding the proposed removal of this section of the Municipal Code. For information, discussion and direction.

DISCUSSION:

The City of Avondale first established a Massage Establishment Ordinance in 1978. Highlights of the ordinance included:

- Regulated therapists and establishments
- Established a Massage Board responsible for developing competency tests and reviewing applications to make recommendations for licensure
- City was responsible for testing and qualifying potential therapists
- Required background checks and investigation
- Established requirements for building itself including a minimum of one tub or shower, one dressing room with own locker, etc. per customer
- Prohibited establishment to be operated in conjunction with a cocktail lounge, photo studio, model studio, etc.
- Prohibited services to be provided between 12:00 midnight and 6:00 a.m.
- Listed specific prohibited activities which if performed by a massage therapist would be construed as prostitution.

In 2003, the State of Arizona preempted the ability of cities in Arizona to regulate massage therapists. ARS § 32-4201 through 4259:

- Established Board of Massage Therapy
- Effective July 1, 2005 required all therapists to be licensed through the State
- Established qualifications and requirements for licensure including education and testing requirements
- Set rules and standards for the practice of massage therapy
- Established grounds for investigation and disciplinary action

Ordinance 1243-107, adopted by the Council on January 2, 2007, removed the language pertaining to the licensing of massage therapists to acknowledge the State's adoption of the Statute. The ordinance also removed the requirement for one tub or shower per customer, but retained the rest of the requirements including minimum lighting, ventilation, hot and cold running water, toilet facilities, etc.

The City's Building Official, Ken Sowers, believes that it is unnecessary to outline these requirements in this section of the code as they are duplicative of those listed in the International Uniform Building Code which is regularly updated and adopted by the Council. The Building Division ensures that all businesses comply with these building standards prior to issuing the Certificate of Occupancy.

The industry has changed considerably since this section of the code was originally written in 1978. The practice is now a reputable profession and one that is no longer associated with questionable practices. The American Massage Therapists Association is the professional organization for massage therapists dedicated to advancing the arts, science and practice of massage therapy by establishing ethics and educational standards, continuing education opportunities and promoting the practice for its complementary health benefits. Massage establishments such as Massage Envy are clearly reputable businesses that seek to provide a wellness service that is in high demand by our society.

A survey of 13 valley cities revealed almost a 50/50 split between those that regulate it and those that do not.

City	Massage Ordinance
Buckeye	Yes
Glendale	Yes
Mesa	Yes
Phoenix	Yes
Surprise	Yes
Tempe	Yes
Youngtown	Yes
Fountain Hills	No
Goodyear	No
Litchfield Park	No
Peoria	No
Tolleson	No
Wickenburg	No

Of the cities that do regulate it, their ordinances are very similar to Avondale's current ordinance. The City of Peoria had a massage establishment ordinance prior to the State's adoption of the statute, but decided that with the State's regulation of massage therapists, it was not necessary to regulate the businesses other than issuing them a business license. Those cities that have the ordinance feel that it serves a purpose and those that don't have one do not feel it is necessary to have one as the industry tends to regulate itself. All cities issue business licenses to these establishments.

Currently, there are six establishments in the city that provide massage services. Due to a misunderstanding of the changes that took place in 2007 when the ordinance was updated, the City has not issued licenses to these establishments. To date, these businesses have not presented any problems. They are duly licensed with the City as businesses and the Police Department has not received any complaints from customers or surrounding neighbors regarding their practices.

In light of this, it is staff's opinion that the ordinance is no longer necessary. The practice and the industry have changed considerably in the last 20 years and the industry regulates itself as it seeks to retain a reputation and elevate the standards of their practices. Regulation by the State of

massage therapists ensures that the actual providers of the services are competent and abide to a set of ethics and standards. The Building Official feels the requirements outlined in the ordinances are duplicative and unnecessary in this section of the code.

Staff is seeking feedback from City Council regarding the removal of the massage establishment ordinance from the Municipal Code.

RECOMMENDATION:

For information, discussion and direction only.

ATTACHMENTS:

[Click to download](#)

No Attachments Available