

RESOLUTION NO. \_\_\_\_-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE AMENDING RESOLUTION NO. 704-15, THE  
CITY'S FEES, RATES AND CHARGES RESOLUTION,  
PERTAINING TO ADULT ENTERTAINMENT AND MASSAGE  
ESTABLISHMENTS LICENSING AND PERMITTING FEES**

WHEREAS, the City Council of the City of Sunnyvale ("City") adopted Resolution No. 704-15, the Master Fee Schedule, on June 23, 2015; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services; and

WHEREAS, the City Council approved Ordinance No. \_\_\_\_ updating and reenacting Chapter 9.41 (Massage Establishments and Professionals) of the Sunnyvale Municipal Code

WHEREAS, to ensure consistency with Ordinance No. \_\_\_\_, the City desires to implement updated Licensing and Permitting Fees for Massage Establishments as set forth in Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 7.06, "Adult Entertainment and Massage Establishments" of the Master Fee Schedule, is hereby adopted as set forth in Exhibit "A", attached hereto and incorporated herein.
2. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.
3. This resolution shall be effective on the effective date of ordinance number \_\_\_\_ (Repealing and Reenacting Chapter 9.41 (Massage Establishments and Professionals) of the Sunnyvale Municipal Code.
4. All other provisions of Resolution No. 704-15 shall remain in effect.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT A

	<b><u>Current Fiscal Year 2015/16</u></b>	<b><u>Proposed Fiscal Year 2015/16</u></b>	<b><u>Charge Code</u></b>	<b><u>Object Level 3 &amp; 4</u></b>	<b><u>Title (Obj. Lvl. 3)</u></b>	<b><u>Title (Obj. Lvl. 4)</u></b>
<b><u>SECTION 7.06 ADULT ENTERTAINMENT AND MESSAGE ESTABLISHMENTS</u></b>						
(SMC Ch. 9.40 and Ch. 9.41 and CA Business & Professions Code 4612)						
A. Adult Establishment License						
Application (includes background for first owner)	<u>\$4,675.00</u>	<u>\$4,675.00</u>	799583	1373	Adult Entertainment Permits	
Annual Renewal (includes background for first owner)	<u>\$4,587.00</u>	<u>\$4,587.00</u>	799583	1373	Adult Entertainment Permits	
Additional Owner(s) (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1373	Adult Entertainment Permits	
Non-Compliance Penalty	<u>20% of Amt Due</u>	<u>20% of Amt Due</u>	799583	1373	Adult Entertainment Permits	
B. Massage Establishment Permit (Not Certified with CAMTC)						
Application (includes background for first owner)	<u><del>\$1,149.00</del></u>	<u>\$1,060.00</u>	799583	1371	Misc. DPS Permits & Services	
Annual Renewal (includes background for first owner)	<u><del>\$1,060.00</del></u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Additional Owner (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1371	Misc. DPS Permits & Services	
Amendment Fee	<u>NEW</u>	<u>\$30.00</u>	799583	1371	Misc. DPS Permits & Services	
Non-Compliance Penalty	<u>\$250.00</u>	<u>\$250.00</u>	799583	1371	Misc. DPS Permits & Services	
<del>C. Massage Establishment License</del>						
<del>(CA Massage Therapy Council Certified)</del>						
<del>The fees for massage establishment license and</del>						
<del>massage therapist licenses are set in California</del>						
<del>Business &amp; Professions Code 4612 and became</del>						
<del>effective January 1, 2012.</del>						
	<u>See</u>	<u>See</u>				
	<u>Attachment D</u>	<u>Attachment D</u>				
C. Non-CAMTC Certified Therapist Exemption Application	<u>NEW</u>	<u>\$94.00</u>	799583	1371	Misc. DPS Permits & Services	
D. Massage Establishment Permit (CAMTC Certified)						
Application	<u>NEW</u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Annual Renewal	<u>NEW</u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Additional Owner (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1371	Misc. DPS Permits & Services	
Amendment Fee	<u>NEW</u>	<u>\$30.00</u>	799583	1371	Misc. DPS Permits & Services	
Non-Compliance Penalty	<u>\$250.00</u>	<u>\$250.00</u>	799583	1371	Misc. DPS Permits & Services	

**City of Sunnyvale  
Fiscal Year 2015/2016**

***Proposed Fee Schedule - Massage Establishment Permits***

**Section 7.06: Adult Entertainment and Massage Establishments**

**B. Massage Establishment License (Not Certified with CAMTC)**

Application (includes background for first owner)	\$ 1,060.00
Annual Renewal (includes background for first owner)	\$ 999.00
Additional Owner (each)	\$ 110.00
Non-Compliance Penalty	\$ 250.00

**D. Massage Establishment License (CAMTC Certified)**

Application	\$ 999.00
Annual Renewal	\$ 999.00
Additional Owner (each)	\$ 49.00
Non-Compliance Penalty	\$ 250.00

**APPLICATIONS AND RENEWAL PROCESSING**

**DIRECT COSTS**

Personnel	Rate	Specialty Pay	Total Hrly	Hours	Unit Cost	Total Cost
Public Safety Officer II **	\$ 148.00	\$ 6.69	\$ 154.69	2.00	\$ 309.37	
Public Safety Lieutenant **	\$ 172.50	\$ 7.77	\$ 180.27	2.00	\$ 360.54	
Dir. of Public Safety	\$ 235.34	\$ -	\$ 235.34	0.25	\$ 58.84	
Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	1.00	\$ 61.48	
Management Analyst	\$ 92.27	\$ -	\$ 92.27	0.25	\$ 23.07	
Other	Rate per each			Units	Unit Cost	
Fingerprinting - DPS charge (Penal Code 13300 (e))	\$ 10.00			1.0	\$ 10.00	
Fingerprinting - DOJ cost	\$ 32.00			1.0	\$ 32.00	
Fingerprinting - FBI cost	\$ 19.00			1.0	\$ 19.00	
Finance/Banking Fee (DPS invoices)	\$ 2.97			1.0	\$ 2.97	

**TOTAL DIRECT COSTS** **\$ 877.27**

**INDIRECT COSTS**

Program 475 - Investigation Services	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
Purchased Goods & Services	\$ 39,520	32,029	4.00	0.0001248868	\$ 4.94	
Internal Service Charges	\$ 136,878	32,029	4.00	0.0001248868	\$ 17.09	
						22.02986543
Program 477 - DPS Administration	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	5.500	0.0000101901	\$ 52.30	
DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	5.500	0.0000101901	\$ 46.18	
						98.48086391

**TOTAL INDIRECT COSTS** **\$ 120.51**

Subtotal - Direct + Indirect \$ 997.78

Plus: City-Wide Overhead 6.21% 61.96

**TOTAL FEE BASIS:** **\$ 1,059.74**

**PROPOSED FEE:** **\$ 1,060.00**

**ADDITIONAL OWNER PROCESSING**

**DIRECT COSTS**

Personnel	Rate	Specialty Pay	Total Hrly	Hours	Unit Cost	Total Cost
Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.74	
Other	Rate per each			Units	Unit Cost	
Fingerprinting - DPS charge (Penal Code 13300 (e))	\$ 10.00			1.0	\$ 10.00	
Fingerprinting - DOJ cost	\$ 32.00			1.0	\$ 32.00	
Fingerprinting - FBI cost	\$ 19.00			1.0	\$ 19.00	
Finance/Banking Fee (DPS invoices)	\$ 2.97			1.0	\$ 2.97	

**TOTAL DIRECT COSTS** **\$ 94.71**

**INDIRECT COSTS**

Program 477 - DPS Administration	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	0.500	0.0000009264	\$ 4.75	
DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	0.500	0.0000009264	\$ 4.20	
						8.95280581

**TOTAL INDIRECT COSTS** **\$ 8.95**

Subtotal - Direct + Indirect \$ 103.66

Plus: City-Wide Overhead 6.21% 6.44

**TOTAL FEE BASIS:** **\$ 110.10**

**PROPOSED FEE:** **\$ 110.00**

**Notes:**

\*\* PSOII/LT: Officer time based on a two-person team performing an initial 1 hour review and 2 followup inspections at 1/2 hour each  
 Sr. Office Asst. reviews background and assembles all documentation.  
 Fee calculations includes background and fingerprinting for first owner. Each additional owner is required to pay fingerprinting and processing fee

**City of Sunnyvale**  
**Fiscal Year 2015/2016**

**Proposed Fee: Massage Therapist Exemption Fee**

**Section 7.06 - C Massage Therapist Exemption Application**

For existing non-CAMTC Certified Therapist who qualify for the exemption \$ 94.00

TOTAL FEE BASIS							\$ 94.40
PROPOSED FEE							\$ 94.00
DIRECT COSTS							
	Personnel	Rate	Specialty Pay	Total Rate	Total Hrs	Unit Cost	Total Cost
	Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.43	\$ 30.43
Other				Rate per each	Units	Unit Cost	
	Fingerprinting - DPS charge (Penal Code 13300 (e))			\$ 10.00	1.0	\$ 10.00	
	Fingerprinting - DOJ cost			\$ 32.00	1.0	\$ 32.00	
	Fingerprinting - FBI cost			\$ 19.00	1.0	\$ 19.00	
	Finance/Banking Fee (DPS invoices)			\$ 2.97	1.0	\$ 2.97	\$ 63.97
TOTAL DIRECT COSTS					4.50		\$ 94.40
INDIRECT COSTS: Program 477 - DPS Administration							
	DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	4.495	0.0000083281	\$ 42.74	
	DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	4.495	0.0000083281	\$ 37.74	
							0.00
TOTAL INDIRECT COSTS							\$ -
Subtotal - Direct + Indirect							\$ 94.40
Plus: City-Wide Overhead							6.21% \$ -
TOTAL FEE BASIS							\$ 94.40
PROPOSED FEE							\$ 94.00

**City of Sunnyvale**  
**Fiscal Year 2015/2016**

***Proposed Fee: Amendment to Massage Establishment Permit***

**Section 7.06 - B Amendments to Massage Establishment License**

- |   |    |       |
|---|----|-------|
| (a.) Any change to the name or telephone number of the massage establishment  | \$ | 30.00 |
| (b.) Any change to the name, residence address or phone number, business address or phone number of any owner of the massage establishment  | \$ | 30.00 |
| (c.) Any change to the name(s) of each individual who the massage establishment employs or retains to perform massage therapy for compensation, whether on or off the massage establishment premises. New (additional) employees must be added before they may commence work for the establishment. | \$ | 30.00 |
| (d.) Any change to the description of the proposed massage establishment, including types of treatments to be administered*   | \$ | 30.00 |

*\*If site inspection is required, additional fees may apply*

							<b>TOTAL FEE BASIS</b>	<b>\$ 30.43</b>
							<b>PROPOSED FEE</b>	<b>\$ 30.00</b>
<b>DIRECT COSTS</b>								
	Personnel	Rate	Specialty Pay	Total Rate	Total Hrs	Unit Cost	Total Cost	
	Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.43	\$	30.43
<b>TOTAL DIRECT COSTS</b>					0.50		\$	30.43
<b>INDIRECT COSTS: Program 477 - DPS Administration</b>								
	DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	0.495	0.0000009171	\$ 4.71		
	DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	0.495	0.0000009171	\$ 4.16		
								0.00
<b>TOTAL INDIRECT COSTS</b>							\$	-
Subtotal - Direct + Indirect							\$	30.43
Plus: City-Wide Overhead						6.21%	\$	-
<b>TOTAL FEE BASIS</b>							\$	30.43
<b>PROPOSED FEE</b>							\$	<b>30.00</b>