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**TORRANCE CITY COUNCIL – SEPTEMBER 27, 2011**

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At 12:07 a.m., Wednesday, September 28, the meeting was adjourned to Tuesday, October 4, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

September 27, 2011

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, September 27, 2011 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

\*

Agenda Item 18 was considered out of order at this time.

**18. EXECUTIVE SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Legal Counsel – Existing Litigation, pursuant to California Government Code § 54956.9(a).

The City Council reconvened at 7:01 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by City Treasurer Dana Cortez.

The non-sectarian invocation was given by City Clerk Herbers.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, September 22, 2011.

**MOTION:** Councilmember Brewer moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

City Manager Jackson announced that Agenda Item 6C was being withdrawn.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Sutherland requested an excused absence for the next two City Council meetings.

Councilmember Furey relayed a health advisory from the Los Angeles County West Vector Control District regarding West Nile virus. He reported that mosquitoes infected with the virus have been detected throughout L.A. County and urged residents to take precautions when engaging in outdoor activities, to mosquito-proof their homes, and to eliminate standing water on their property, with additional information available at 310. 915.7370.

Councilmember Rhlinger announced that the City Council Transportation Committee had met earlier to discuss the proposed Transit Center and the Rapid Bus design and a recommendation will be forwarded to the Council within the next few weeks.

City Clerk Herbers City Clerk Herbers reminded voters that the next election will be held on Tuesday, November 8; that voter registration closes on October 24; that sample ballots will be mailed between September 29 and October 18; and that residents may apply for Vote-by-Mail ballots October 10 - November 1.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2011-89 RE KEN CARTER**

**RESOLUTION NO. 2011-89**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIRE BATTALION CHIEF KEN CARTER UPON HIS RETIREMENT FROM THE CITY OF TORRANCE AFTER THIRTY-ONE YEARS OF SERVICE

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2011-89. The motion was seconded by Councilmember Numark and passed by unanimous vote.

Mayor Scotto presented the Resolution to Ken Carter, who accepted with appreciation.

Fire Chief Racowski commended Chief Carter for his dedicated service, wished him well in his retirement, and presented him with a retirement badge.

**6B. PROCLAMATION RE LEAGUE OF WOMEN VOTERS TORRANCE AREA**

Mayor Scotto presented a proclamation commending and congratulating the **League of Women Voters Torrance Area** as it celebrates the 100th Anniversary of woman suffrage in California to Torrance Area League of Women Voters Co-President Athena Paquette Cormier and members.

Ms. Cormier invited staff and the public to attend the League's gala fundraiser "Dangerous Women 1911 - 2011 and Beyond" on Sunday, October 9, at the Miyako Hybrid Hotel featuring former State Senator Sheila Kuehl.

**6C. PRESENTATION BY L.A. COUNTY ASSESSOR ON ASSESSMENT AND PROPERTY TAX INFORMATION**

Item was withdrawn.

**7. ORAL COMMUNICATIONS #1**

**7A.** Suzan Hubert, Friends of Madrona Marsh, invited staff and the public to attend their "Starlight Magic" fundraiser to be held Saturday, October 1, at the Madrona Marsh from 5:00 – 10:00 p.m. with tickets available for \$50 per person.

7B. Marco Sandoval invited staff and the public to attend St. Catherine Laboure's annual Fiesta on Friday, September 30, through Sunday, October 2, which will include entertainment, carnival rides and food booths.

8. **CONSENT CALENDAR**

8A. **COMMISSION ON AGING 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Commission on Aging and the Community Services Director that City Council accept and file the Commission on Aging 2010-2011 Annual Report.

8B. **CULTURAL ARTS COMMISSION 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Cultural Arts Commission and the Community Services Director that City Council accept and file the Cultural Arts Commission 2010-2011 Annual Report.

8C. **LIBRARY COMMISSION 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Library Commission and the Community Services Director that City Council accept and file the Library Commission 2010-2011 Annual Report.

8D. **PARKS AND RECREATION COMMISSION 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council accept and file the Parks & Recreation Commission 2010-2011 Annual Report.

8E. **YOUTH COUNCIL 2010-2011 ANNUAL REPORT**

Considered separately, see page 5.

8F. **APPROVAL IN CONCEPT ASSOCIATION WITH COLANTUONO & LEVIN**

**Recommendation**

Recommendation of the Finance Director that City Council approve in concept the association between the City of Torrance and the law firm of Colantuono & Levin, PC in matters related to the Sipple et al. v. City of Alameda, et al., Los Angeles County Superior Court Case No. BC 462270.

8G. **PURCHASE ORDER FOR AMMUNITION**

**Recommendation**

Recommendation of the Police Chief that City Council authorize a blanket purchase order to San Diego Police Equipment Co., Inc. of San Diego, CA, in an amount not to exceed \$45,000, for the purchase of ammunition on an as needed basis for the period beginning September 28, 2011 through June 30, 2012.

8H. **AGREEMENT RE MACHADO LAKE STORMWATER QUALITY MONITORING AND REPORTING**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$364,063 from the Sewer Enterprise Fund balance to the Machado Lake Watershed Best Management Practices for Nutrient and Toxics TMDLs, which includes \$75,000 for project management;
- 2) Approve a contract services agreement with Northgate Environmental Management, Inc. for an amount not to exceed \$282,559, for Machado stormwater quality monitoring and reporting for a three year term from September 27, 2011 through October 31, 2014; and
- 3) Authorize a \$6,504 contingency for up to 6 additional samples and analysis.

**8I. WATER COMMISSION 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Water Commission and the Public Works Director that City Council accept and file the Water Commission 2010-2011 Annual Report.

**8J. AGREEMENT AMENDMENT RE LEGAL SERVICES**

**Recommendation**

Recommendation of the City Attorney that City Council approve a second amendment to the fee agreement with Liebert Cassidy Whitmore (C2011-005) to provide legal services in the case of Nazir v. County of Los Angeles, et al., for an additional \$20,000 for a total amount not to exceed \$205,000.

**8K. AGREEMENT AMENDMENT RE YOGA CLASSES**

**Recommendation**

Recommendation of the Community Services Director that City Council approve an amendment to the contract with Dorene Coles (C2011-111) in the amount of \$51,175 for a new not to exceed total of \$70,396 to instruct yoga classes at the Cultural Arts Center.

**8L. AGREEMENT AMENDMENT RE YOUTH GYMNASTICS, MARTIAL ARTS AND DANCE CLASSES**

**Recommendation**

Recommendation of the Community Services Director that City Council approve an amendment to the contract with SuperKids (C2011-117) in the amount of \$34,761 for a new not to exceed total of \$48,166 to provide youth gymnastics, martial arts, and dance classes at the Cultural Arts Center.

**8M. AGREEMENT AMENDMENT RE ADULT EXERCISE, YOUTH DANCE CLASSES AND KID'S SHOWCASE PERFORMANCES**

**Recommendation**

Recommendation of the Community Services Director that City Council approve an amendment to the contract with Regina Klenjoski Dance Company (C2011-118) in the amount of \$91,224 for a new not to exceed total of \$121,824 to provide adult exercise, youth dance classes, and Kid's Showcase performances.

**MOTION:** Councilmember Rhilinger moved for the approval of Consent Calendar Items 8A through 8D and 8F through 8M. The motion was seconded by Councilmember Furey and passed by unanimous vote.

Consent Calendar Item 8E was considered separately at this time.

**8E. YOUTH COUNCIL 2010-2011 ANNUAL REPORT**

**Recommendation**

Recommendation of the Youth Council and the Community Services Director that City Council accept and file the 2010-2011 Youth Council Annual Report.

Councilmember Brewer commended the Youth Council for the many activities and services they perform throughout the year.

**MOTION:** Councilmember Brewer moved to accept and file the report. The motion was seconded by Councilmember Furey and passed by unanimous vote.

**11. PUBLIC SAFETY**

**11A. AGREEMENT RE AMBULANCE AND PATIENT BILLING SERVICES**

**Recommendation**

Recommendation of the Fire Chief that City Council award an agreement to provide ambulance and patient billing services for the Torrance Fire Department to Westmed Ambulance Inc., d.b.a. McCormick Ambulance, Hawthorne, CA (RFP# B2011-11). This will be a three-year agreement, from November 1, 2011 through October 31, 2014, with an option for the City to extend the agreement for two additional two-year terms with the same terms and conditions.

Councilmember Sutherland disclosed that he has served on a service club with Robert Gerber, owner of Gerber Ambulance, for the last 25 years, but this will not affect his vote this evening.

Councilmember Rhilinger disclosed that she has served on the board of the Torrance Symphony with Michael Wade, contracts manager for Gerber Ambulance, for several years, but this will not affect her decision.

With the aid of slides, Battalion Chief Hansen, EMS Program Director, provided an overview of the RFP (request for proposal) process and the method used to evaluate the five proposals received from McCormick Ambulance, AmbuServe, Inc., Gentle Care Transport, AmeriCare Ambulance, and Gerber Ambulance, the company that has provided ambulance services for the City since 1994. He noted that an independent review team formed by the City Manager reviewed the ambulance RFP evaluation process and determined that the evaluation team had fairly evaluated and scored the proposals. He advised that based on this process, the proposal submitted by McCormick Ambulance was determined to be the most compatible with the needs and goals of the Torrance Fire Department.

In response to Mayor Scotto's inquiry, Chief Hansen reported that AmbuServe, Gerber, and Gentle Care Transport had points deducted from their totals during the evaluation process because these companies failed to submit audited financial statements as required, but this did not change the rankings of the proposals.

With the aid of slides, Kay Kearney, vice president of AmeriCare Ambulance, provided background information about the company. She stated that Torrance would benefit from contracting with AmeriCare due to the company's 12,000 gallon reserve fuel tanks, portable generators, well equipped disaster trailer, on-site fleet maintenance, and multi-redundancy communications system.

Councilmember Brewer noted that the evaluation team was concerned that AmeriCare has minimal 911 provider experience and that the company keeps ambulances for an extended length of time.

Ms. Kearney reported that AmeriCare was awarded the 911 contract for Santa Monica in June and provides back-up service for several other agencies, including the cities of Downey and Compton, so it does have the necessary experience. She stated that the age of the fleet reflects the fact that the company's maintenance team does a phenomenal job and keeping the vehicles for an extended period of time makes the company more cost efficient.

Responding to questions from the Council, Ms. Kearney provided clarification regarding the company's billing process and collection rate. She offered her assurance that there are no plans to sell the company.

With the aid of slides, Richard Harper, vice president of operations for Gentle Care Transport Inc. (GCTI) provided background information about the company. He reported that the company will move its operations to Torrance if granted the contract; that supervisors would be present 24 hours a day; and that the company will provide six dedicated 2011 ambulances with state-of-the art equipment.

Councilmember Brewer noted that the evaluation team expressed concerns that GCTI is a new company with no 911 experience and questioned the company's ability to move its operations from Los Angeles to Torrance by November 1 should it be granted the contract.

Mr. Harper reported that the company has already made preliminary arrangements to relocate in Torrance. He related his belief that the lack of 911 experience is a positive because the company is not set in its way and can adapt to Torrance's needs. He noted that the company's management team has a combined 80 years of experience in emergency services.

In response to Councilmember Barnett's inquiry, Mr. Harper confirmed that there are no plans to sell the company.

With the aid of slides, Joe Chidley, CEO of McCormick Ambulance, provided background information about the company, noting that it is currently the 911 transport provider for Redondo Beach, Hawthorne, Carson, the entire Palos Verdes Peninsula and several other cities in L.A. County. He reported that the company has a state-of-the-art communications system with integrated billing, which allows for a more efficient billing process, and it also has a state-of-the-art tracking system, which shows the location of every ambulance at all times. He stated that the company intends to move its corporate headquarters to Torrance if granted the contract and they have already purchased five new ambulances to service the contract. He noted that the company has an accredited EMT school at their facility and it also houses the only disaster support vehicle in the South Bay area, which can treat up to 100 patients at one time. He briefly reviewed the company's community involvement, which includes providing stand-by services for local parades, marathons, and high school football games and sponsoring golf tournaments for Torrance Memorial and Little Company of Mary hospitals.

Rick Roesch, CFO for McCormick Ambulance, stated that if selected, the company will commit to providing \$350,000 over the term of the contract to various causes in the

City of Torrance. He maintained that the City would receive \$1.2 million more over the life of the contract as compared to the current provider due to the medical supply fee; related his experience that audited financial statements are commonly required during the RFP process; and pointed out that according to the staff report, the City's current provider does not meet response time requirements, while McCormick has always exceeded response time expectations and has a compliance rate of 96%. He stated that any displaced employees from the current provider will be given priority consideration for open positions. He offered to provide quarterly reports to the City Council on response times and community activities.

In response to Councilmember Brewer's inquiry, Mr. Chidley provided clarification regarding the proposed 48-hour shifts and potential locations in Torrance. He noted that the company currently has stations at 182<sup>nd</sup> Street/Hawthorne Blvd, Pacific Coast Highway/Prospect and Del Amo/Western Avenue.

Mayor Scotto noted that the City is currently receiving the \$23 per patient medical supply fee from Gerber. Mr. Roesch clarified that McCormick has agreed to pay the supply fee to the City whether or not it is collected from the patient/insurance company, relating his understanding that Gerber did not agree to this in its current proposal.

Councilmember Rhilinger questioned how the company intends to meet response time requirements since its existing stations are at Torrance's borders and the current provider is unable to meet response times even with ambulances stationed throughout the City.

Mr. Chidley explained that like the current provider, the company will have ambulances posted throughout the City in order to comply with the 8-minute response time. He noted that while the company would like to have a station more centrally located, the City only allows them in ambulance zones to protect residents from excessive noise.

In response to Councilmember Numark's inquiry, Mr. Chidley reported that the company's response times are calculated on Code 3 (lights and siren) responses, not Code 2 responses.

Chief Hansen advised that Torrance does not distinguish between Code 3 and Code 2 responses so the current 911 transport provider's response time is based on a combination of the two.

In response to Councilmember Numark's inquiry, Chief Hansen discussed the methodology used to judge the potential response time of the companies that submitted proposals.

Mr. Roesch offered his assurance that the company would do whatever it takes to meet the required response time as evidenced by the company's track record.

In response to Councilmember Sutherland's inquiry, Mr. Chidley reported that should the contract be awarded to McCormick, the company's EMT school along with its headquarters will be moved to Torrance and potentially its vehicle maintenance facility if a suitable building can be found.

Councilmember Rhilinger asked about the company's response times in Redondo Beach. Mr. Chidley reported that Redondo Beach requires that a unit be rolling within 2

minutes of being dispatched; that if the situation warrants, the call will be upgraded to Code 3; and that the company is 100% compliant with response-time requirements.

Councilmember Rhilinger reiterated her concerns about McCormick's ability to meet the City's response time requirement, noting that unlike Redondo Beach, Torrance does not allow an extra 2 minutes and response times are recorded from the time of dispatch to the time the ambulance arrives at the scene.

Mr. Chidley expressed confidence that the company would be able to meet response-time requirements through the strategic positioning of ambulances.

Mr. Roesch stated that the company is greatly overstaffed as compared to other ambulance companies and strives to be 100% compliant. He reported that the company has had to call for back up only twice in the last 6 months, while averaging 6800 calls/5000 transports per month, and during that same period it provided backup 147 times for various cities. He noted that most of the company's management team are part-owners of the business and many are paramedics or EMTs so they can fill in on ambulances if needed.

In response to Councilmember Barnett's inquiry, Mr. Roesch confirmed that there are no plans to sell the company.

In response to Mayor Scotto's inquiry, Mr. Chidley reported that the company has a fleet of 60 ambulances, that approximately 47-50 are in service each day, and that the company currently has 911 transport contracts with 27 cities.

The City Council took a brief recess from 9:11 p.m. to 9:26 p.m.

Robert Gerber, president of Gerber Ambulance, provided background information about the Torrance-based company. He reported that the company has been the City's 911 transport provider for 16 years and has never missed a call or used a backup ambulance service, however it has provided backup for McCormick Ambulance in Redondo, Hermosa and Manhattan Beach. He offered a slide presentation showing the company in action and highlighting the company's community involvement and charitable contributions, including the donation of ambulances to countries around the world.

Councilmember Sutherland noted that the Fire Department has expressed concerns that Gerber does not have an AVL (Automatic Vehicle Locator) system; that it does not have computer-aided dispatch; and that it has elected to pay the \$23 supply fee only if reimbursement is received from patients/insurance companies.

Mr. Gerber stated that the company's ambulances have been equipped with AVL since 1998 and offered maps showing the real-time location of all units from earlier in the day as evidence. He explained that the company's dispatchers use the AVL system along traffic data that is updated every five seconds when dispatching calls. With regard to the supply fee, he clarified that the company proposed three options for the supply fee as detailed in the RFP: 1) Leave the \$23.00 supply fee as a line item on Gerber's invoice, with TFD to receive the actual amount collected; 2) Move the supply fee to TFD's invoice, with TFD to receive the actual amount collected; or 3) Reduce the unpaid patient's supply fee paid by Gerber from \$23.00 to \$11.50 for the first year of the contract and fully implement Option 1 or Option 2 by the second year.

Councilmember Brewer noted that the Fire Department expressed concerns that the company does not operate on 24-hour shifts and does not have sleeping quarters at its facility.

Mr. Gerber explained that the company operates 12-hour shifts because he believes it's safer than 24 or 48-hour shifts due to fatigue issues, since many of his employees are students with a lot of demands on their time outside of work. He shared a photo of an accident that occurred earlier this year involving another ambulance company, which resulted in a death after the ambulance driver fell asleep at the wheel.

Councilmember Brewer noted that the Fire Department also was concerned that the company needs to contract with another ambulance company to provide additional ambulances to meet the contract requirement. Mr. Gerber reported that the company has had an agreement with Schaefer Ambulance to provide backup in the event additional ambulances are needed, which works well because they can bring in ambulances from outside the area.

Asked about response times, Mr. Gerber reported that the company meets the required 8-minute response time approximately 90% of the time and this figure would be closer to 96% if the response time was increased to 9 minutes. He explained that there have been changes in the way the company is notified of potential calls by the Fire Department and response time has suffered since the company is required to use one of the five dedicated ambulances even when there is another ambulance that is closer.

Chief Hansen clarified that while Gerber does have an AVL system, it does not show up on the Fire Department's system therefore dispatchers cannot see where ambulance units are located. He explained that other ambulance companies have computer-aided dispatch systems with advanced technology, such as automatic time stamping and integrated billing. He reported that the Fire Department used to call Gerber on a dedicated phone line to notify them of a possible call, but this has been eliminated because each ambulance is now equipped with a Fire Department radio so they know immediately when the Fire Department has been dispatched. He noted that according to the Fire Department's figures, Gerber meets the 8-minute response time approximately 84-86% of the time. He stated that he never told Mr. Gerber that he must use one of the five dedicated ambulances rather than one that is closer.

Councilmember Brewer expressed concerns that the 8-minute response time may be unrealistic. Chief Hansen related his belief that companies would be able to achieve the required response time if a sufficient number of ambulances are posted around the City.

In response to Councilmember Numark's inquiry, Chief Hansen clarified that operating 24-hours shifts was not a requirement of the RFP, but he believes it is advantageous because it allows firefighters to develop a rapport with ambulance personnel who are on the same shift, which leads to better care for patients.

Councilmember Numark asked why Mr. Gerber had proposed changing the way the \$23 supply fee is handled, and Mr. Gerber explained that Gerber is unable to collect this fee from approximately 56% of patients because Medicare, Medicaid and some HMOs do not pay it and he does not feel it is reasonable to expect Gerber to pay for the City's supplies. He indicated that he was open to suggestions from the Fire Department as to other ways this might be handled.

Deputy City Attorney Sullivan advised that all of the ambulance companies that submitted proposals except Gerber agreed to pay the \$23 per patient supply fee whether or not it is collected from the patient/insurance company, and this is common in ambulance contracts in other cities although the fee varies.

Mayor Scotto asked about the possibility that the Fire Department could charge a higher base rate to cover this expense and eliminate the supply fee.

City Manager Jackson explained that the City would have to go through a public hearing process in order to raise fees and a study would have to be done showing justification for the increase.

Councilmember Rhilinger questioned whether Gerber's current dispatch/billing system has caused any problems for the City. Chief Hansen stated that he was not aware of any problems with the billing, however, he believes the recording of response times is inaccurate because time stamping must be done manually.

Mayor Scotto related his belief that discussion of Gerber's response times was irrelevant because the 8-minute response time was simply a target and not a requirement of the previous contract.

Councilmember Rhilinger asked about concerns related to the size of Gerber's ambulances, and Chief Hansen explained that the interior "box" of ambulances purchased by Gerber in 2009 is smaller than those of other ambulance companies and this limits the paramedic's ability to move around when treating a patient.

In response to Councilmember Numark's inquiry, Chief Hansen reported that points were deducted when evaluating Gerber's proposal because Mr. Gerber proposed repositioning the remaining ambulances when one is called into service rather than replacing it with another ambulance or "backfilling," the strategy proposed by other ambulance companies.

Mr. Gerber clarified that he adopted the repositioning strategy at the Fire Department's direction and expressed his willingness to backfill instead.

Mayor Scotto invited public comment.

A speaker (name inaudible/no speaker card) stated that he once collapsed at a luncheon and Gerber Ambulance responded within two minutes. Noting that he is a single father raising three daughters, he reported that Mr. Gerber has generously helped him with his daughters' expenses, including paying for braces, summer gymnastics camp and various sporting equipment.

Courtney Hance, manager of the South Bay Tennis Center, disclosed that she is a personal friend of Mr. and Mrs. Gerber and noted their outstanding reputation in the community. She reported that she has had experience with Gerber Ambulance at the tennis center and they have always responded within a few short minutes and attendants have been very helpful and professional. She stated that she sees Gerber ambulances stationed throughout the City and feels very secure knowing that they're available.

Noting his background as an EMT, paramedic, and emergency services educator, Stefan Lemmon, Torrance, related his experience that ambulance companies often make

promises when competing for a contract that they cannot fulfill and this has resulted in the displacement of smaller companies that have been providing service to local communities for decades. Urging the Council to retain Gerber Ambulance, he noted Mr. Gerber has received a commendation from the U.S. House of Representatives for his philanthropic activities and charitable donations.

Nick Arico, owner of two Hallmark stores in Torrance, disclosed that his family has known Mr. Gerber since he was a child. He voiced his opinion that Gerber Ambulance should be awarded the contract because the company has a history of providing good service for many years while competitors are only offering promises.

Diane Davis, Torrance resident and tennis coach at South High, urged the Council to award the contract to Gerber, noting that the company's record is impeccable. She reported that she had to wait for over two hours for a competitor's ambulance when she was moving her mother from the hospital to hospice care. She stated that she knows Mr. and Mrs. Gerber through tennis and they have great personal integrity.

Leo Grizzafi, Torrance, reported that he is a retired attorney who has worked with Mr. Gerber on several projects over the past 10 years that have directly benefited the local community. He noted that Mr. Gerber has donated equipment and training aids for the emergency medical services program at Southern California Regional Occupational Center and Harbor Regional Occupational Center and he also donated 200-300 uniforms for on-the-job use by participants in the Alcohol and Drug Rehabilitation Program at Beacon House. He voiced his opinion that local companies with ties to the community do the best job.

Sally Hobert, Torrance, submitted a two-page document listing Mr. and Mrs. Gerber's community service and charitable donations.

Maureen O'Donnell, Torrance, noted that she was on the City Council when Gerber Ambulance was first awarded the 911 transport contract in 1994 and since that time the company has never had any complaints or violations. She reported that in addition to the many charitable activities, Mr. Gerber has been responsible for several innovative medical programs, including the Rapid Stroke Transport Program, the Heart Express Program, the Sexual Abuse Response Team, and the first Critical Care Transport Program in Los Angeles County. She urged the Council to award the contract to Gerber Ambulance, which is a Torrance-based company, rather than McCormick Ambulance, which is owned by Westmed, a corporation based in San Francisco.

Renee Roberts, Torrance, reported that she had occasion to use the services of Gerber Ambulance when her daughter was injured in a traffic accident and found their personnel to be exceptionally helpful and compassionate.

Stephen Bothwell, Torrance, expressed concerns about the impact on other Torrance businesses should Gerber Ambulance lose the contract, including his business, Bothwell Automotive, which services their ambulances. He noted that Gerber Ambulances are exceptionally well maintained and CHP officers often comment on this at the annual inspection. He suggested that awarding the contract to a company other than Gerber would be contrary to the goals of the City's "Shop Torrance" campaign.

The City Council briefly recessed from 11:03 p.m. to 11:12 p.m.

Bill Beverly, Torrance attorney, urged the Council to consider Mr. Gerber's long history of community involvement when awarding this contract.

Joe Fredericks, Torrance real estate broker, stated that Mr. Gerber serves as an ambassador for Torrance both nationally and internationally and he believes Gerber Ambulance is an exceptional company that deserves the Council's support.

Glenn DeMar, Torrance CPA, reported that he has worked with Mr. Gerber on philanthropic projects and has observed that he often serves as a mentor and has strong leadership skills. He expressed concerns that some of the figures discussed this evening don't seem to add up.

Sheila Walters, Torrance, stated that she has worked for Gerber Ambulance for 17 years and has found Robert and Rebecca Gerber to be compassionate and caring people who have demonstrated their strong commitment to the community. She related her belief that Gerber Ambulance has proven that it is the best company to provide 911 transport for Torrance and expressed concerns that several employees would lose their jobs if the company loses this contract.

Luis Manjarrez, Torrance resident and Gerber Ambulance employee, reported that he started his career at Gerber as an EMT and now serves as a paramedic coordinator and he enjoys being able to live and work in the same city.

Mayor Scotto noted that each ambulance company would be allowed three minutes for rebuttal.

Kay Kearney, AmeriCare Ambulance, reported that the company was proposing to have 8 dedicated ambulances in Torrance; that it has an additional 30 ambulances within a mile of the city; and that it has committed to purchasing a building in Torrance if awarded the contract. She stressed the importance of having computer-aided dispatch because it provides accountability. She offered her assurance that the company and its employees would become involved in the community if granted the contract, noting that she personally is involved in charitable and civic organizations in Orange County.

Eddie Avakian, co-owner of Gentle Care Transport, Inc., stated that the company will move its corporate headquarters to Torrance if granted the contract; that it will dedicate 6 ambulances to Torrance, which should easily be able to meet the 8-minute response time; and that he believes the company can do the best job for the Torrance Fire Department. He noted that the company started as a free transport for veterans at the City of Hope.

Joe Chidley, McCormick Ambulance, indicated that he did not doubt the great things that have been said about Mr. Gerber, but related his belief that his company can provide better service. He noted that Gerber Ambulance did not supply the required audited financial statements; it did not agree to pay the \$23 supply fee whether or not it's collected from the patient/insurance company; and it does not have 36 ambulances available within 20 minutes as required. He disputed the claim that McCormick is based in San Francisco, explaining that his grandmother founded the company in the 1960's and he is currently the CEO and lives in Torrance.

Rick Roesch, McCormick Ambulance, expressed concerns about the patient's outcome when Gerber Ambulance failed to meet the 8-minute response time since every

minute counts in life-threatening situations. He stated that McCormick has a history of living up to its promises and offered to pay a \$20,000 fine in any month the company does not achieve the 8-minute response time at least 92% of the time as specified in the contract.

Mike Henderson, McCormick Ambulance, provided information about the company's AVL system, noting that it uses cutting-edge technology, which will enable the Fire Department to see the location of the company's entire fleet.

Councilmember Brewer asked about Mr. Gerber's claim that Gerber Ambulance was called to provide backup for McCormick Ambulance in Redondo, Hermosa and Manhattan Beach. Mr. Chidley noted that McCormick does not contract with Hermosa and Manhattan Beach fire departments. He explained that the Redondo Beach Fire Department was overwhelmed when a major fish kill occurred and requested a paramedic unit from Torrance to provide backup and the Torrance paramedic unit requested that Gerber Ambulance also respond even though McCormick ambulances were available.

Robert Gerber, Gerber Ambulance, reported that he investigated McCormick Ambulance's record and learned that it met the 9-minute response time in Rancho Palos Verdes only 85.98% of the time. Additionally, he noted that the RPV response time is for Code 3 response, while Torrance includes Code 2 responses where ambulances must stop at every traffic light. He noted the challenges of providing ambulance service in a Code 2 environment.

Mayor Scotto invited comments from the Council.

Councilmember Sutherland stated that he believed history was the best indicator of performance and Gerber Ambulance has served Torrance since 1994 without receiving any complaints. He noted that while other companies have pledged to become involved in the community, Gerber's history of community service started before the original contract was awarded. He stated that he thought all the ambulance companies represented this evening would do a fine job, however, all things being equal, he felt it was important to support Torrance businesses as part of the "Shop Torrance" campaign. He suggested that discussion of prior response times was irrelevant since the company that is awarded the contract will be required to meet the response time requirements specified in the contract.

Councilmember Brewer expressed concerns that Gentle Care Transport and AmbuServe have no experience with 911 transport service and indicated that he felt the proposals of McCormick and Gerber were the strongest because of their track records.

Councilmember Furey noted that he met with each of the ambulance companies present at the meeting and thought all of them were well-run companies. He voiced his opinion that the City Council should have been involved in the vetting process for the RFP prior to this meeting, pointing out that some of the items on which companies were scored were highly subjective.

Councilmember Rhilinger noted her concurrence with her colleagues' remarks, particularly with regard to the "Shop Torrance" campaign. She related her belief that Gerber's community service should have been given some weight during the evaluation process and indicated that she had a negative view of McCormick's offer this evening to donate \$350,000 to the community and the proposed \$20,000 per month fine.

Councilmember Barnett agreed that experience should be valued, noting that he was not aware of any complaints about Gerber's service. He voiced his opinion that a company that has contracted with the City for 16 years should be given an opportunity to make changes if it's not meeting expectations. He stated that he thought all of the ambulance companies were well qualified and thanked them for their interest.

Councilmember Numark stated that while he thought McCormick has some advantages, he was reluctant to change providers when a company has provided steady service for many years, however, there are areas where Gerber can improve, such as implementing a computer-aided dispatch system. He expressed concerns about whether an 8-minute response time was achievable with only five dedicated ambulances and about the legality of requiring payment of the \$23 supply fee to the City whether or not it is collected from the patient/insurance company. He recommended requiring regular reports, either quarterly or bi-annually, to better monitor the ambulance company's performance.

Mayor Scotto disclosed that he had met with all of the companies present at the meeting, some of them more than once, and he also had discussions with the Fire Department. He thanked the ambulance companies for their participation and members of the public for their comments. He related his belief that the selection process has been very thorough and transparent.

Councilmember Brewer stated that he had no doubt that both McCormick and Gerber would provide quality service, however, he was moved by the outpouring of support for Gerber.

**MOTION:** Councilmember Brewer moved to award the agreement to Gerber Ambulance, requiring the payment of the \$23 supply fee only if Gerber is reimbursed by the patient/insurance company. The motion died for lack of a second.

City Manager Jackson advised that the supply fee has already been factored into the budget and this change would result in a shortfall of approximately \$90,000 a year.

Councilmember Sutherland indicated that he favored requiring the payment of the \$23 supply fee whether or not Gerber is reimbursed due to the impact on the budget and recommended that staff return at a later date with a report on supply fee options.

**MOTION:** Councilmember Sutherland moved to award the agreement to Gerber Ambulance, with the requirement that the \$23 supply fee shall be paid to the City whether or not it is collected from the patient/insurance company. The motion was seconded by Councilmember Furey, and discussion briefly continued.

Returning to the podium, Mr. Gerber agreed to pay the \$23 supply fee whether or not the company receives reimbursement. He also agreed to install the required computer-aided dispatch/AVL system by the November 1, 2011 deadline with the caveat that he shall not be held responsible for any delay caused by the City since it must be integrated with the Fire Department's system.

Mayor Scotto called for the vote, and the motion passed by unanimous vote.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Barnett announced that the Torrance Theatre Company will be presenting *Escanaba in da Moonlight* beginning this Friday, September 30, at 8:00 p.m. in their new venue in downtown Torrance located at 1316 Cabrillo Avenue.

**17B.** Councilmember Brewer, with the concurrence of Council, requested that the Parks and Recreation Commission consider the naming of the Centennial Plaza to be constructed in El Prado Park and forward a recommendation to the City Council.

**18. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**19. ADJOURNMENT**

At 12:07 a.m., Wednesday, September 28, the meeting was adjourned to Tuesday, October 4, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on November 1, 2011