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TORRANCE CITY COUNCIL – OCTOBER 25, 2011

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At 8:34 p.m., the meeting was adjourned to Tuesday, November 1, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

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

1. CALL TO ORDER

The Torrance City Council convened in joint session with the Torrance Library Commission at 5:30 p.m. on Tuesday, October 25, 2011 in the Katy Geissert Civic Center Library meeting room.

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.

The joint meeting included a discussion of library operations, facilities and programs and a review of Library Commission goals.

The Library Commission meeting was adjourned at 6:22 p.m. and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened at 7:02 p.m. with all members present.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Youth Council member Anthony Xion.

The non-sectarian invocation was given by Councilmember Rhilinger.

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, October 20, 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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Furey provided an update from the Los Angeles West Vector Control District on West Nile virus detected in Torrance. He cautioned residents to use insect repellent containing DEET especially during dawn and dusk hours, drain all standing water, and repair window and door screens.

City Clerk Herbers reminded voters that the next election will be held on Tuesday, November 8. She noted that registration has closed and sample ballots have been mailed out and the last day to apply for vote-by-mail ballot is November 1, with additional information available at www.lavote.net.

City Clerk Herbers announced reservations are being accepted for the final Commissioner Certification class for 2011 to be held on Wednesday, November 9. She noted that this free two-hour class is required prior to applying for a seat on any of the Torrance commissions; that reservation forms are available in the City Clerk's office or at www.torranceca.gov/CommissionerCert.htm and are due by Wednesday, November 2; and that appointments will be made by the City Council on January 24, 2012 for terms beginning on February 1, 2012.

6. COMMUNITY MATTERS

6A. PROCLAMATION HONORING E. LENORE JOHNSON

Mayor Scotto presented a proclamation to **E. Lenore Johnson** commending and expressing sincere appreciation for her commitment to the community and extending best wishes on the occasion of her 90th birthday on Wednesday, October 26, 2011.

6B. PRESENTATION BY SOUTHERN CALIFORNIA EDISON

Scott Gobble, SCE Region Manager, presented a resolution of appreciation acknowledging 125 years of service by Southern California Edison.

7. ORAL COMMUNICATIONS #1

7A. Debbie Hays, Torrance Historical Society, invited staff and public to attend a Photo Preservation workshop, hosted by Archivist Tom Philo, on Sunday, October 29, at 2:00 p.m. at the museum located at 1345 Post Avenue, with additional information available by calling 310.328.5392.

8. CONSENT CALENDAR

8A. LICENSE AGREEMENT FOR USE OF TORRANCE MUNICIPAL AIRPORT PROPERTY

Recommendation

Recommendation of the City Manager that City Council approve a license agreement by and between the City of Torrance, a Municipal Corporation ("City"), and California Wing, Civil Air Patrol, a Federally Chartered Corporation, ("Licensee") for use of the following City-owned property located at Torrance Municipal Airport – Zamperini Field:

- 1) Hangar Number 2735-A: CAP meetings and storage of office equipment and supplies required for CAP use;
- 2) Tie Downs: To locate CAP owned and operated aircraft subject to the rules and regulations of the City of Torrance and Torrance Municipal Airport-Zamperini Field; and
- 3) Area as described in Exhibit A as Lease Parcel 2 and depicted in Exhibit B as Lease Parcel 2: Storage of CAP equipment and aircraft subject to the rules and regulations of the City of Torrance and Torrance Municipal Airport-Zamperini Field.

8B. LICENSE AGREEMENT FOR EXISTING PRIVATE UNDERGROUND COMMUNICATION CONDUITS

Recommendation

Recommendation of the Community Development Director that City Council approve renewal of a license agreement with Phenomenex, Inc., previously held under two (2) license agreements, for existing underground communication conduits for a period of ten (10) years.

8C. AGREEMENTS RE GYMNASTICS AND TENNIS CLASSES

Recommendation

Recommendation of the Community Services Director that City Council:

- 1) Approve instructional agreement with Chris Olsen of Fit Kids Gymnastics to provide gymnastics classes for an amount of \$33,750; and
- 2) Approve instructional agreement with Scot Crofut to provide tennis classes for a not to exceed amount of \$56,397.

MOTION: Councilmember Brewer moved for the approval of Consent Calendar Items 8A through 8C. The motion was seconded by Councilmember Furey and passed by unanimous vote, with Councilmember Rhilinger abstaining from sub-item 2 of Item 8C.

11. PUBLIC SAFETY

11A. AGREEMENT AMENDMENT FOR AMBULANCE SERVICES

Recommendation

Recommendation of the Fire Chief that City Council:

- 1) Approve a seventh amendment to the agreement for ambulance services (C2001-132) with Gerber Ambulance Service, Inc. extending the term of the agreement through November 21, 2011 to work out Gerber's installation of Computer Aided Dispatch system; and
- 2) Direct staff to bring back the new agreement to award to Gerber Ambulance on November 15, 2011, if the issues can be resolved. Otherwise, direct staff to bring back to the City Council on November 15, 2011, the proposals received in response to the RFP to Provide Ambulance and Patient Billing Services for the Torrance Fire Department (RFP 2011-11) for award.

Assistant City Attorney Sullivan advised that there has been some dispute as to the Council's direction at the September 27, 2011 City Council meeting at which Gerber Ambulance was awarded the contract to provide ambulance services/patient billing

services for the Torrance Fire Department from November 1, 2011 through October 31, 2014 with certain stipulations. Therefore, staff was recommending that the Council approve an seventh amendment to extend the existing agreement for ambulance services until November 21, 2011 to see if these issues can be resolved and if not, staff was recommending that all of the proposals received in response to the RFP be brought back on November 15, 2011 for award of contract.

Responding to questions from the Council, Fire Chief Racowski and Assistant City Attorney Sullivan provided clarification regarding the issues under contention.

Fred Krebsbach, representing McCormick Ambulance, noted that Gerber Ambulance had indicated that the company planned to contract with Schaefer Ambulance to provide additional ambulances to meet surge capacity requirements, however, he has a letter from Schaefer indicating that it has no such agreement with Gerber (submitted for the record). He voiced objections to allowing Gerber Ambulance to change the terms of its proposal after the deadline for submission, pointing out that Gerber's proposal did not include the payment of the \$23 per patient supply fee whether or not it was collected from the patient/insurance company and Mr. Gerber subsequently agreed to pay the fee at the September 27, 2011 City Council meeting. He contended that Gerber should not be allowed additional time to install the computer-aided dispatch system because the RFP released in March 2011 made it clear that providers would have to have the system in place by November 1, 2011. He urged the Council to reject the proposed contract extension and to award the contract to McCormick Ambulance as was recommended by the City's evaluation team.

Jeff Turek and Sharon Anderson, Remax real estate agents, reported that they have been working with the company to find a suitable location in Torrance for its new corporate headquarters should the company be awarded the contract. They urged the Council to reject the proposed extension and award the contract to McCormick.

Councilmember Brewer asked how quickly the move could be accomplished, and Mr. Turek indicated that it could be done within 30-60 days.

Councilmember Sutherland noted that Mr. Turek and Ms. Anderson will benefit from a real estate commission if McCormick Ambulance was awarded contract. Ms. Anderson responded that she is a long-time personal friend of Joe Chidley and believes McCormick Ambulance would provide superior service.

Joe Chidley, McCormick Ambulance, urged the Council to reject the seventh amendment extending Gerber Ambulance's contract and to instead award the contract to McCormick Ambulance, stating that the company was ready, willing and able to begin servicing Torrance on November 1, 2011. He reported that of the companies that submitted proposals, McCormick is the only one that has the required 36 ambulances; that the company also agreed to pay the \$23 per patient supply fee; that it can meet the 8-minute response time requirement; and that it already has a computer-aided dispatch system with AVL (automatic vehicle locator) in place. He suggested the possibility of splitting the contract for a 12-month probationary period, with Gerber to service half of Torrance and McCormick to service the other half, in order to determine which company provides better service. He noted that many McCormick employees live in Torrance.

Councilmember Numark asked about Gerber's compliance with the 36 ambulance surge capacity requirement. Assistant City Attorney Sullivan reported that Gerber Ambulance's legal counsel, Bill Beverly, recently submitted a signed agreement with AmbuServe in Gardena to provide the required back-up ambulances.

Carol Meyer, representing McCormick Ambulance, urged the Council to reject the seventh amendment extending the existing contract. She reported that she was formerly the Director of Emergency Medical Services for the County of Los Angeles and related her experience that McCormick Ambulance provides superior service with state of the art equipment.

Loren Levy, Torrance business owner, reported that Joe Chidley and McCormick Ambulance have been very supportive of local charities. She also reported that the company responded in a timely manner when her father was experiencing heart problems and had to be transported to the hospital.

Robert Gerber, president of Gerber Ambulance, explained that Schaefer Ambulance was no longer able to provide additional ambulances to meet the surge capacity requirement so an agreement was reached with AmbuServe, which was signed on October 6, 2011. He reviewed the timeline for the installation of the Zoll software system, noting that it is expected to be ready to "go live" by December 2, 2011. He explained that his attorney had requested the removal of the termination for convenience provision in the contract, but no longer objects to it based on discussions with Assistant City Attorney Sullivan.

Councilmember Numark noted that Mr. Gerber's attorney had inquired about having calls upgraded to Code 3 (lights and siren) during times of peak traffic, inclement weather, holiday shopping periods and other conditions that would prevent a timely arrival due to traffic constraints in a Code 2 response.

Mr. Gerber stated that the Fire Department intends to continue with the current policy of dispatching ambulances Code 2 and upgrading to Code 3 if Fire Department personnel at the scene determine that it is necessary based on the condition of the patient and the severity of the injuries.

In response to Councilmember Rhilinger's inquiry, Mr. Gerber confirmed that he no longer had any objections to the terms of the contract and was only requesting an extension to complete the installation of the Zoll software system.

Assistant City Attorney Sullivan recommended that the following conditions be incorporated into the seventh amendment and the proposed agreement with Gerber Ambulance: 1) The agreement shall be modified to include the date of the installation of the Zoll software system as well as the date that the system will go live; 2) That the City of Torrance shall be given administrative privileges to the Zoll software system for quality assurance and response time verification; and 3) That Gerber Ambulance shall provide a signed agreement with another ambulance company that shows it has the ability to provide 36 ambulances for the City of Torrance in order to comply with the surge capacity requirement of the RFP.

MOTION: Councilmember Rhilinger moved to concur with staff recommendation to approve the seventh amendment to ambulance service agreement C2001-132 as amended, including the three conditions and extending the agreement to December 2, 2011, with said amendments to be included in the new agreement. The motion was seconded by Councilmember Numark and passed by unanimous vote.

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3752

ORDINANCE NO. 3752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING TO CONCOPHILLIPS COMPANY, A DELAWARE CORPORATION, A FRANCHISE, TO CONSTRUCT, LAY, OPERATE, TEST, MAINTAIN, USE, RENEW, REPAIR, REPLACE, MOVE, CHANGE THE SIZE AND NUMBER OF, AND REMOVE OR ABANDON IN PLACE PIPELINES AND APPURTENANCES, FOR THE PURPOSE OF CONDUCTING, TRANSPORTING, CONVEYING, AND CARRYING GAS, OIL, PETROLEUM PRODUCTS AND WATER, ON, ALONG, IN, UNDER AND ACROSS PUBLIC STREETS, WAYS, ALLEYS, AND PLACES WITHIN THE CITY OF TORRANCE

MOTION: Councilmember Sutherland moved for the adoption of Ordinance No. 3752. The motion was seconded by Councilmember Numark and passed by unanimous vote.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett commented on the USC football game.

17B. Councilmember Brewer announced that it was the last weekend for Torrance Theatre Company's presentation of "Escanaba in da Moonlight" at their new location in downtown Torrance at 1316 Cabrillo Avenue, with additional information available at 424.243.6882.

17C. Councilmember Brewer announced that a Skechers Friendship Walk will be hosted by the Torrance Education Foundation on Sunday, October 30, at 8:00 a.m., with registration online at www.skechersfriendshipwalk.com.

17D. Councilmember Furey announced that the annual Halloween Carnival at Wilson Park will be held on October 31 from 4:00 - 8:00 p.m., with additional information available by contacting the Recreation Services Division at 310.618.2930.

17E. Councilmember Furey announced that free flu shots will be available on Monday, November 7, from 9:00 a.m. to 12:00 p.m. at the Ken Miller Recreation Center located at 3341 Torrance Boulevard.

17F. Councilmember Furey announced that a Tip a Cop fundraising event will be held on November 16 at the Elephant Bar, located at 21227 Hawthorne Boulevard, from 5:00 to 9:00 p.m. to benefit the South Bay Special Olympics.

17G. Councilmember Numark extended birthday wishes to Lenore Johnson.

17H. Councilmember Sutherland reminded viewers to be cautious of children crossing streets Halloween evening and wished everyone a safe and happy Halloween

17I. Mayor Scotto echoed comments regarding having a safe and happy Halloween.

17J. Mayor Scotto with the concurrence of Council, asked that Torrance Firefighters be recognized at an upcoming City Council meeting for their outstanding performance in the Firefighters Olympics held in July of 2011.

17K. Mayor Scotto announced that the listing of Torrance businesses on the City's website has been enhanced and new features include location mapping, social media links, mobile-friendly displays, and search engine optimization. He noted that Torrance-based businesses may list their profile at no cost if they have a current business license by visiting www.torranceca.gov/business.

17L. Mayor Scotto announced that in honor of National Breast Cancer Awareness Month, South Bay Yellow Cab will be holding a "pink ride" fundraiser on Thursday, October 27, beginning at 8:00 a.m. in front of City Hall, with \$1 from every ride to be donated to the cause.

18. **EXECUTIVE SESSION**

At 8:20 p.m., the City Council recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54956.8.

The City Council reconvened at 8:33 p.m. No formal action was taken on any matter considered in closed session.

19. **ADJOURNMENT**

At 8:34 p.m. the meeting was adjourned to Tuesday, November 1, 2011 at 5:30 p.m. for an executive session, with regular business 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 15, 2011